

**SENATE BILL No. 246**

By Committee on Judiciary

2-7

1 AN ACT concerning criminal history record information; relating to state  
2 and national criminal history record checks; requiring the state board of  
3 education to conduct state and national criminal history record checks  
4 on all school employees; creating the criminal history record check  
5 reimbursement fund for certain state and criminal history record checks  
6 conducted by the Kansas department for aging and disability services;  
7 amending K.S.A. 72-2165 and 72-4223 and K.S.A. 2024 Supp. 22-  
8 4714 and repealing the existing sections.  
9

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

11 New Section 1. (a) (1) The state board of education shall require  
12 every applicant to be fingerprinted and submit to a state and national  
13 criminal history record check in accordance with K.S.A. 2024 Supp. 22-  
14 4714, and amendments thereto.

15 (2) Each applicant shall pay a fee for the criminal history record  
16 check required by subsection (a) in an amount necessary to reimburse the  
17 state board of education for the cost of such criminal history record check.  
18 If an applicant is employed by a school district, such school district may  
19 pay the fee on behalf of such applicant.

20 (3) Any applicant who does not comply with the provisions of this  
21 section shall not be issued a license or certificate by the state board of  
22 education.

23 (4) The state board of education may adopt rules and regulations to  
24 implement and enforce the provisions of this subsection.

25 (b) (1) Any person not subject to the provisions of subsection (a), and  
26 amendments thereto, who is an employee of a school district shall be  
27 fingerprinted and submit to a state and national criminal history record  
28 check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments  
29 thereto, prior to commencing any work involving students.

30 (2) The criminal history record checks required by subsection (a)  
31 shall be conducted in the following manner:

32 (A) For employees hired before July 1, 2025, every five years from  
33 and after July 1, 2025; and

34 (B) for employees hired on and after July 1, 2025, every five years  
35 from the first day of such employee's employment.

36 (3) The school district may pay for the cost of the criminal history

1 record check or may require each employee subject to the provisions of  
2 this section to pay a fee in an amount necessary to reimburse the school  
3 district for the cost of the criminal history record check.

4 (c) (1) Each employee subject to the provisions of this section who  
5 has been convicted of any offense or act specified in K.S.A. 72-2165(a) or  
6 (b), and amendments thereto, or who has entered into a criminal diversion  
7 agreement after having been charged with any offense or act specified in  
8 K.S.A. 72-2165(b), and amendments thereto, shall file a report with the  
9 school district indicating the name, address and social security number of  
10 such employee. Such report shall be filed within 30 days of the date of  
11 such conviction or the date such person entered into any such diversion  
12 agreement.

13 (2) Failure to file a report as required by this subsection is a class B  
14 nonperson misdemeanor.

15 (d) As used in this section:

16 (1) "Applicant" means a person making an initial application for a  
17 Kansas teaching certificate or teaching license, an application for a  
18 renewal of such certificate or license or an application for renewal of an  
19 expired certificate or license; and

20 (2) "employee" means a person who is employed by a school district  
21 in a position with direct contact with students. "Employee" does not  
22 include a person making an initial application for a Kansas teaching  
23 certificate or teaching license, an application for a renewal of such  
24 certificate or license or an application for renewal of an expired certificate  
25 or license.

26 New Sec. 2. (a) There is hereby created in the state treasury the  
27 criminal history record check reimbursement fund. The fund shall be  
28 administered by the Kansas department for aging and disability services.  
29 All expenditures from the criminal history record check reimbursement  
30 fund shall be to reimburse the Kansas department for aging and disability  
31 services for criminal history record checks conducted pursuant to K.S.A.  
32 39-970, 39-2009 and 65-5117, and amendments thereto. All expenditures  
33 from the criminal history record check reimbursement fund shall be made  
34 in accordance with appropriation acts upon warrants of the director of  
35 accounts and reports issued pursuant to vouchers approved by the  
36 secretary for aging and disability services, or the secretary's designee.

37 (b) On July 1, 2025, and each July 1 thereafter, the secretary for aging  
38 and disability services, in consultation with the director of the budget, shall  
39 determine and certify to the director of accounts and reports the total  
40 amount paid by the department for aging and disability services for  
41 criminal history record checks conducted pursuant to K.S.A. 39-970, 39-  
42 2009 and 65-5117, and amendments thereto, minus the amount received  
43 from fees charged and collected for such criminal history record checks.

1 Upon receipt of each such certification, or as soon thereafter as moneys are  
2 available, the director of accounts and reports shall transfer such certified  
3 amount from the state general fund to the criminal history record check  
4 fund. When the secretary for aging and disability services transmits such  
5 certification to the director of accounts and reports, the secretary shall  
6 transmit a copy to the director of legislative research.

7 Sec. 3. K.S.A. 2024 Supp. 22-4714 is hereby amended to read as  
8 follows: 22-4714. (a) A governmental agency other than a criminal justice  
9 agency as defined in K.S.A. 22-4701, and amendments thereto, identified  
10 in subsection (b) may require a person to be fingerprinted and shall submit  
11 such fingerprints to the Kansas bureau of investigation and the federal  
12 bureau of investigation for a search of the state and federal database.  
13 Fingerprints provided pursuant to this section may be used to identify a  
14 person and to determine whether such person has a record of criminal  
15 history in this state or in another jurisdiction. An agency identified in  
16 subsection (b) may use the information obtained from the criminal history  
17 record check for the purposes of verifying the identification of a person  
18 and in the official determination of the qualifications and fitness of such  
19 person to be issued or maintain employment, licensure, registration,  
20 certification or a permit, act as an agent of a licensee, hold ownership of a  
21 licensee or serve as a director or officer of a licensee.

22 (b) (1) The Kansas bureau of investigation shall release criminal  
23 history record information related to adult convictions, adult non-  
24 convictions, adult diversions, adult expunged records, juvenile  
25 adjudications, juvenile non-adjudications, juvenile diversions and juvenile  
26 expunged records to the Kansas department for children and families or  
27 the Kansas department for aging and disability services for initial or  
28 continuing employment or participation in any program administered for  
29 the placement, safety, protection or treatment of vulnerable children or  
30 adults as described in K.S.A. 75-53,105, and amendments thereto.

31 (2) The Kansas bureau of investigation shall release criminal history  
32 record information related to adult convictions, adult non-convictions,  
33 adult diversions, adult expunged records and juvenile expunged records to:

34 (A) The state lottery for candidates for employees as defined in  
35 K.S.A. 74-8702, and amendments thereto, in connection with such  
36 employment as described in K.S.A. 74-8704, and amendments thereto; and

37 (B) the Kansas racing and gaming commission for candidates for  
38 employees or licensees as defined in K.S.A. 74-8802, and amendments  
39 thereto, in connection with such employment or license as described in  
40 K.S.A. 74-8804, and amendments thereto, including an applicant for a  
41 simulcasting license.

42 (3) The Kansas bureau of investigation shall release criminal history  
43 record information related to adult convictions, adult non-convictions,

1 adult diversions, adult expunged records, juvenile adjudications, juvenile  
2 non-adjudications and juvenile diversions to:

3 (A) The emergency medical services board for applicants as defined  
4 in K.S.A. 65-6129, and amendments thereto, in connection with such  
5 application as described in K.S.A. 65-6129, and amendments thereto;

6 (B) the attorney general for applicants as defined in K.S.A. 75-7c01,  
7 and amendments thereto, in connection with such application as described  
8 in K.S.A. 75-7c05, and amendments thereto; and

9 (C) the department of administration for candidates for sensitive  
10 employees as defined in K.S.A. 75-3707e, and amendments thereto, in  
11 connection with such employment as described in K.S.A. 75-3707e, and  
12 amendments thereto.

13 (4) The Kansas bureau of investigation shall release criminal history  
14 record information related to adult convictions, adult non-convictions,  
15 adult diversions and adult expunged records to:

16 (A) The supreme court and state board of law examiners for  
17 applicants as defined in K.S.A. 7-127, and amendments thereto, in  
18 connection with such application as described in K.S.A. 7-127, and  
19 amendments thereto;

20 (B) the state gaming agency for candidates for employees and  
21 licensees as defined in K.S.A. 74-9802, and amendments thereto, in  
22 connection with such employment or license as described in K.S.A. 74-  
23 9805, and amendments thereto;

24 (C) the attorney general for applicants as defined in K.S.A. 75-7b01,  
25 and amendments thereto, in connection with such application as described  
26 in K.S.A. 75-7b04, and amendments thereto;

27 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,  
28 and amendments thereto, in connection with such application for  
29 certification as described in K.S.A. 75-7b21, and amendments thereto; ~~and~~

30 (E) the commission on peace officers' standards and training for  
31 applicants for certification under the Kansas law enforcement training act  
32 as described in K.S.A. 74-5607, and amendments thereto;

33 (F) *the state board of education for applicants as defined in section*  
34 *1, and amendments thereto, in connection with such application as*  
35 *described in section 1, and amendments thereto;*

36 (G) *school districts for employees as defined in section 1, and*  
37 *amendments thereto, in connection with such employment with a school*  
38 *district as described in section 1, and amendments thereto; and*

39 (H) *public innovative districts for employees as defined in K.S.A. 72-*  
40 *4223, and amendments thereto, in connection with such employment with*  
41 *a public innovative district as described in K.S.A. 72-4223, and*  
42 *amendments thereto.*

43 (5) The Kansas bureau of investigation shall release criminal history

1 record information related to adult convictions, adult non-convictions,  
2 adult diversions and juvenile adjudications to:

3 (A) The athletic commission within the Kansas department of  
4 commerce for a candidate for boxing commission as defined in K.S.A. 74-  
5 50,182, and amendments thereto, in connection with such appointment as  
6 described in K.S.A. 74-50,184, and amendments thereto; and

7 (B) the secretary of health and environment for employees at a child  
8 care facility as defined in K.S.A. 65-503, and amendments thereto, in  
9 connection with such employment as described in K.S.A. 65-516, and  
10 amendments thereto.

11 (6) The Kansas bureau of investigation shall release criminal history  
12 record information related to adult convictions and juvenile adjudications  
13 to:

14 (A) The secretary for aging and disability services for applicants as  
15 defined in K.S.A. 39-970, and amendments thereto, in connection with  
16 such application as described in K.S.A. 39-970, and amendments thereto;

17 (B) the Kansas department for aging and disability services for  
18 applicants as defined in K.S.A. 39-2009, and amendments thereto, in  
19 connection with such application as described in K.S.A. 39-2009, and  
20 amendments thereto; and

21 (C) the secretary for aging and disability services for applicants as  
22 defined in K.S.A. 65-5117, and amendments thereto, in connection with  
23 such application as described in K.S.A. 65-5117, and amendments thereto.

24 (7) The Kansas bureau of investigation shall release criminal history  
25 record information related to adult convictions and adult non-convictions  
26 to:

27 (A) The division of motor vehicles within the department of revenue  
28 for applicants for reinstatement of a license to drive a commercial motor  
29 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

30 (B) the board of examiners in optometry for applicants or licensees as  
31 defined in K.S.A. 65-1501, and amendments thereto, in connection with  
32 such application or an investigation as described in K.S.A. 65-1505, and  
33 amendments thereto;

34 (C) the board of pharmacy for fingerprint candidates as defined in  
35 K.S.A. 65-1626, and amendments thereto, in connection with such  
36 application or license as described in K.S.A. 65-1696, and amendments  
37 thereto;

38 (D) the state board of healing arts for applicants or licensees as  
39 defined in K.S.A. 65-2802, and amendments thereto, in connection with  
40 such application or an investigation as described in K.S.A. 65-28,129, and  
41 amendments thereto;

42 (E) the state board of healing arts for applicants or licensees as  
43 defined in K.S.A. 65-2901, and amendments thereto, in connection with

1 such application or an investigation as described in K.S.A. 65-2924, and  
2 amendments thereto;

3 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,  
4 and amendments thereto, in connection with such application as described  
5 in K.S.A. 74-1112, and amendments thereto;

6 (G) the behavioral sciences regulatory board for licensees as defined  
7 in K.S.A. 74-7511, and amendments thereto, in connection with such  
8 application or license as described in K.S.A. 74-7511, and amendments  
9 thereto;

10 (H) the state lottery for a vendor to whom a major procurement  
11 contract is to be awarded in connection with an investigation as described  
12 in K.S.A. 74-8705, and amendments thereto;

13 (I) the attorney general for appointees of the governor to positions  
14 subject to confirmation by the senate and judicial appointees as described  
15 in K.S.A. 75-712, and amendments thereto;

16 (J) appointing authorities as defined in K.S.A. 75-4315d, and  
17 amendments thereto, for nongubernatorial appointees as described in  
18 K.S.A. 75-4315d, and amendments thereto;

19 (K) the Kansas real estate commission for applicants as defined in  
20 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in  
21 K.S.A. 58-3035, and amendments thereto, in connection with an  
22 investigation as described in K.S.A. 58-3039, and amendments thereto;

23 (L) the insurance commissioner for applicants for licensure as an  
24 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in  
25 connection with such application as described in K.S.A. 40-4905, and  
26 amendments thereto; and

27 (M) the insurance commissioner for applicants as defined in K.S.A.  
28 40-5501, and amendments thereto, in connection with such application as  
29 described in K.S.A. 40-5505, and amendments thereto.

30 (8) The Kansas bureau of investigation shall release criminal history  
31 record information related to adult convictions to:

32 (A) The department of agriculture for hemp employees as defined in  
33 K.S.A. 2-3901, and amendments thereto, in connection with such  
34 employment as described in K.S.A. 2-3902, and amendments thereto;

35 (B) the department of agriculture for applicants for licensure as a  
36 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in  
37 connection with such application as described in K.S.A. 2-3906, and  
38 amendments thereto;

39 (C) the office of state fire marshal for applicants for registration as a  
40 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in  
41 connection with such application as described in K.S.A. 2-3907, and  
42 amendments thereto;

43 (D) the department of agriculture for hemp destruction employees as

1 defined in K.S.A. 2-3901, and amendments thereto, in connection with  
2 such employment as described in K.S.A. 2-3911, and amendments thereto;

3 (E) the bank commissioner for any applicant as defined in K.S.A. 9-  
4 508, and amendments thereto, in connection with such application as  
5 described in K.S.A. 9-509, and amendments thereto;

6 (F) the bank commissioner for an applicant for employment as a new  
7 executive officer or director with a money transmitter company as  
8 described in K.S.A. 9-513e, and amendments thereto;

9 (G) the bank commissioner for any applicant as defined in K.S.A. 9-  
10 1719, and amendments thereto, in connection with such application as  
11 described in K.S.A. 9-1722, and amendments thereto;

12 (H) the bank commissioner for an applicant, registrant or licensee as  
13 defined in K.S.A. 9-2201, and amendments thereto, in connection with  
14 such application, registration or license as described in K.S.A. 9-2209, and  
15 amendments thereto;

16 (I) the state banking board for any officer, director or organizer of a  
17 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and  
18 amendments thereto, in connection with such role as described in K.S.A.  
19 9-2302, and amendments thereto;

20 (J) municipalities for applicants for merchant or security police as  
21 described in K.S.A. 12-1679, and amendments thereto;

22 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-  
23 104, and amendments thereto, in connection with such application as  
24 described in K.S.A. 16a-6-104, and amendments thereto;

25 (L) the state department of credit unions for every candidate as  
26 defined in K.S.A. 17-2234, and amendments thereto, in connection with  
27 such employment as described in K.S.A. 17-2234, and amendments  
28 thereto;

29 (M) the division of alcoholic beverage control within the department  
30 of revenue for applicants as defined in K.S.A. 41-102, and amendments  
31 thereto, in connection with such application as described in K.S.A. 41-  
32 311b, and amendments thereto;

33 (N) the division of post audit for employees as defined in K.S.A. 46-  
34 1103, and amendments thereto, in connection with such employment as  
35 described in K.S.A. 46-1103, and amendments thereto;

36 (O) the bank commissioner for licensees as defined in K.S.A. 50-  
37 1126, and amendments thereto, in connection with such license as  
38 described in K.S.A. 50-1128, and amendments thereto;

39 (P) the real estate appraisal board for licensees as defined in K.S.A.  
40 58-4102, and amendments thereto, in connection with an application or  
41 investigation as described in K.S.A. 58-4127, and amendments thereto;

42 (Q) the real estate appraisal board for applicants as defined in K.S.A.  
43 58-4703, and amendments thereto, in connection with such application as

1 described in K.S.A. 58-4709, and amendments thereto;

2 (R) the department of health and environment for an employee as  
3 defined in K.S.A. 65-2401, and amendments thereto, in connection with  
4 such employment as described in K.S.A. 65-2402, and amendments  
5 thereto;

6 (S) the ~~Kansas commission on veterans affairs~~ office of veterans  
7 services for candidates as defined in K.S.A. 73-1210a, and amendments  
8 thereto, in connection with an application as described in K.S.A. 73-1210a,  
9 and amendments thereto;

10 (T) a senate standing committee for a member named, appointed or  
11 elected to the public employee retirement systems board of trustee  
12 membership as described in K.S.A. 74-4905, and amendments thereto;

13 (U) the attorney general for applicants as defined in K.S.A. 75-7e01,  
14 and amendments thereto, in connection with such application as described  
15 in K.S.A. 75-7e03, and amendments thereto;

16 (V) the department of revenue for employees as defined in K.S.A. 75-  
17 5133c, and amendments thereto, in connection with such employment as  
18 described in K.S.A. 75-5133c, and amendments thereto;

19 (W) the ~~divison~~ division of motor vehicles within the department of  
20 revenue for employees as defined in K.S.A. 75-5156, and amendments  
21 thereto, in connection with such employment as described in K.S.A. 75-  
22 5156, and amendments thereto;

23 (X) the Kansas commission for the deaf and hard of hearing for  
24 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in  
25 connection with such application as described in K.S.A. 75-5393a, and  
26 amendments thereto;

27 (Y) the Kansas commission for the deaf and hard of hearing for  
28 employees as defined in K.S.A. 75-5397f, and amendments thereto, in  
29 connection with such employment as described in K.S.A. 75-5393c, and  
30 amendments thereto;

31 (Z) the department of health and environment for employees as  
32 defined in K.S.A. 75-5609a, and amendments thereto, in connection with  
33 such employment as described in K.S.A. 75-5609a, and amendments  
34 thereto; and

35 (AA) an executive branch agency head for employees as defined in  
36 K.S.A. 75-7241, and amendments thereto, in connection with such  
37 employment as described in K.S.A. 75-7241, and amendments thereto.

38 (c) State and local law enforcement agencies shall assist with taking  
39 fingerprints of individuals as authorized by this section.

40 (d) Any board, commission, committee or other public body shall  
41 recess into a closed executive session pursuant to K.S.A. 75-4319, and  
42 amendments thereto, to receive and discuss criminal history record  
43 information obtained pursuant to this section.



1 (e) The Kansas bureau of investigation may charge a reasonable fee  
2 for conducting a criminal history record check.

3 (f) (1) Fingerprints and criminal history record information received  
4 pursuant to this section shall be confidential and shall not be subject to the  
5 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and  
6 amendments thereto. The provisions of this paragraph shall expire on July  
7 1, 2029, unless the legislature reviews and reenacts this provision pursuant  
8 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

9 (2) Disclosure or use of any information received pursuant to this  
10 section for any purpose other than the purpose described in this section  
11 shall be a class A nonperson misdemeanor and shall constitute grounds for  
12 removal from office.

13 Sec. 4. K.S.A. 72-2165 is hereby amended to read as follows: 72-  
14 2165. (a) The state board of education shall not knowingly issue a license  
15 to or renew the license of any person who has been convicted of *any of the*  
16 *following, and shall revoke the license of any such person that has been*  
17 *issued or renewed:*

18 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
19 21-5503, and amendments thereto;

20 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
21 to its repeal, or K.S.A. 21-5506(a), and amendments thereto;

22 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
23 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments  
24 thereto;

25 (4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),  
26 prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments  
27 thereto;

28 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
29 to its repeal, or K.S.A. 21-5504(b), and amendments thereto;

30 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
31 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

32 (7) aggravated indecent solicitation of a child, as defined in K.S.A.  
33 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments  
34 thereto;

35 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
36 to its repeal, or K.S.A. 21-5510, and amendments thereto;

37 (9) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
38 repeal, or K.S.A. 21-5604(b), and amendments thereto;

39 (10) aggravated endangering a child, as defined in K.S.A. 21-3608a,  
40 prior to its repeal, or K.S.A. 21-5601(b), and amendments thereto;

41 (11) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
42 or K.S.A. 21-5602, and amendments thereto;

43 (12) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,

- 1 or K.S.A. 21-5401, and amendments thereto;
- 2 (13) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
3 its repeal, or K.S.A. 21-5402, and amendments thereto;
- 4 (14) murder in the second degree, as defined in K.S.A. 21-3402, prior  
5 to its repeal, or K.S.A. 21-5403, and amendments thereto;
- 6 (15) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
7 its repeal, or K.S.A. 21-5404, and amendments thereto;
- 8 (16) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
9 its repeal, or K.S.A. 21-5405, and amendments thereto;
- 10 (17) involuntary manslaughter while driving under the influence of  
11 alcohol or drugs, as defined in K.S.A. 21-3442, prior to its repeal;
- 12 (18) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
13 or K.S.A. 21-5505(a), and amendments thereto, when, at the time the  
14 crime was committed, the victim was less than 18 years of age or a student  
15 of the person committing such crime;
- 16 (19) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
17 its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- 18 (20) commercial sexual exploitation of a child, as defined in K.S.A.  
19 21-6422, and amendments thereto;
- 20 (21) human trafficking, as defined in K.S.A. 21-3446, prior to its  
21 repeal, or K.S.A. 21-5426(a), and amendments thereto;
- 22 (22) aggravated human trafficking, as defined in K.S.A. 21-3447,  
23 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto;
- 24 (23) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
25 5301, and amendments thereto, to commit any act specified in this  
26 subsection;
- 27 (24) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
28 21-5302, and amendments thereto, to commit any act specified in this  
29 subsection;
- 30 (25) an act in another state or by the federal government that is  
31 comparable to any act described in this subsection; or
- 32 (26) an offense in effect at any time prior to the effective date of this  
33 act that is comparable to an offense as provided in this subsection.
- 34 (b) Except as provided in subsection (c), the state board of education  
35 shall not knowingly issue a license to or renew the license of any person  
36 who has been convicted of, or has entered into a criminal diversion  
37 agreement after having been charged with *any of the following, and shall*  
38 *revoke the license of any such person that has been issued or renewed:*
- 39 (1) A felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17,  
40 prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes  
41 Annotated, and amendments thereto, or any felony violation of any  
42 provision of the uniform controlled substances act prior to July 1, 2009;
- 43 (2) a felony described in any section of article 34 of chapter 21 of the

1 Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21  
2 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or  
3 21-6418, and amendments thereto, other than an act specified in  
4 subsection (a), or a battery, as described in K.S.A. 21-3412, prior to its  
5 repeal, or K.S.A. 21-5413(a), and amendments thereto, or domestic  
6 battery, as described in K.S.A. 21-3412a, prior to its repeal, or K.S.A. 21-  
7 5414, and amendments thereto, if the victim is a minor or student;

8 (3) a felony described in any section of article 35 of chapter 21 of the  
9 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21  
10 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6421, and  
11 amendments thereto, other than an act specified in subsection (a);

12 (4) any act described in any section of article 36 of chapter 21 of the  
13 Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21  
14 of the Kansas Statutes Annotated, and amendments thereto, other than an  
15 act specified in subsection (a);

16 (5) a felony described in article 37 of chapter 21 of the Kansas  
17 Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the  
18 Kansas Statutes Annotated, or K.S.A. 21-6412(a)(6), and amendments  
19 thereto;

20 (6) promoting obscenity, as described in K.S.A. 21-4301, prior to its  
21 repeal, or K.S.A. 21-6401(a), and amendments thereto, promoting  
22 obscenity to minors, as described in K.S.A. 21-4301a, prior to its repeal, or  
23 K.S.A. 21-6401(b), and amendments thereto, or promoting to minors  
24 obscenity harmful to minors, as described in K.S.A. 21-4301c, prior to its  
25 repeal, or K.S.A. 21-6402, and amendments thereto;

26 (7) endangering a child, as defined in K.S.A. 21-3608, prior to its  
27 repeal, or K.S.A. 21-5601(a), and amendments thereto;

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

31 (9) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-  
32 5301, and amendments thereto, to commit any act specified in this  
33 subsection;

34 (10) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
35 21-5302, and amendments thereto, to commit any act specified in this  
36 subsection; or

37 (11) an act committed in violation of a federal law or in violation of  
38 another state's law that is comparable to any act described in this  
39 subsection.

40 (c) The state board of education may issue a license to ~~or renew the~~  
41 ~~license of~~ a person who has been convicted of committing an offense or  
42 act described in subsection (b) or who has entered into a criminal diversion  
43 agreement after having been charged with an offense or act described in

1 subsection (b) if the state board determines, following a hearing, that the  
2 person has been rehabilitated for a period of at least five years from the  
3 date of conviction of the offense or commission of the act or, in the case of  
4 a person who has entered into a criminal diversion agreement, that the  
5 person has satisfied the terms and conditions of the agreement. The state  
6 board of education may consider factors including, but not limited to, the  
7 following in determining whether to grant a license:

- 8 (1) The nature and seriousness of the offense or act;
- 9 (2) the conduct of the person subsequent to commission of the  
10 offense or act;
- 11 (3) the time elapsed since the commission of the offense or act;
- 12 (4) the age of the person at the time of the offense or act;
- 13 (5) whether the offense or act was an isolated or recurring incident;
- 14 and

15 (6) discharge from probation, pardon or expungement.

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

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

31 (2) *If any person who made a report required by paragraph (1) is a*  
32 *licensed employee of a unified school district, the state board of education*  
33 *shall notify such unified school district within 30 days that such report has*  
34 *been received, and upon request by such unified school district shall*  
35 *provide a copy of such report to the unified school district.*

36 (3) *Failure to file a report as required by this subsection is a class B*  
37 *nonperson misdemeanor.*

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

41 Sec. 5. K.S.A. 72-4223 is hereby amended to read as follows: 72-  
42 4223. (a) Except as provided in K.S.A. 72-4225, and amendments thereto,  
43 the board of education of any school district may apply to the state board

1 for a grant of authority to operate such school district as a public  
2 innovative district. The application shall be submitted in the form and  
3 manner prescribed by the state board, and shall be submitted not later than  
4 December 1 of the school year preceding the school year in which the  
5 school district intends to operate as a public innovative district.

6 (b) The application shall include the following:

7 (1) A description of the educational programs of the public innovative  
8 district;

9 (2) a description of the interest and support for partnerships between  
10 the public innovative district, parents and the community;

11 (3) the specific goals and the measurable pupil outcomes to be  
12 obtained by operating as a public innovative district; and

13 (4) an explanation of how pupil performance in achieving the  
14 specified outcomes will be measured, evaluated and reported.

15 (c) (1) Within 90 days from the date such application is submitted, the  
16 state board shall review the application to determine compliance with this  
17 section, and shall approve or deny such application on or before the  
18 conclusion of such 90-day period. If the application is determined to be in  
19 compliance with this section, the state board shall approve such  
20 application and grant the school district authority to operate as a public  
21 innovative district. Notification of such approval shall be sent to the board  
22 of education of such school district within 10 days after such decision.

23 (2) If the state board determines such application is not in compliance  
24 with either this section, or K.S.A. 72-4225, and amendments thereto, the  
25 state board shall deny such application. Notification of such denial shall be  
26 sent to the board of education of such school district within 10 days after  
27 such decision and shall specify the reasons therefor. Within 30 days from  
28 the date such notification is sent, the board of education of such school  
29 district may submit a request to the state board for reconsideration of the  
30 application and may submit an amended application with such request.  
31 The state board shall act on the request for reconsideration within 60 days  
32 of receipt of such request.

33 (d) A public innovative district shall:

34 (1) Not charge tuition for any of the pupils residing within the public  
35 innovative district;

36 (2) participate in all Kansas math and reading assessments applicable  
37 to such public innovative district, or an alternative assessment program for  
38 measuring student progress as determined by the board of education;

39 (3) abide by all financial and auditing requirements that are  
40 applicable to school districts, except that a public innovative district may  
41 use generally accepted accounting principles;

42 (4) comply with all applicable health, safety and access laws; and

43 (5) comply with all statements set forth in the application submitted

1 pursuant to subsection (a).

2 (e) (1) Except as otherwise provided in K.S.A. 72-4221 through 72-  
3 4230, and amendments thereto, or as required by the board of education of  
4 the public innovative district, a public innovative district shall be exempt  
5 from all laws and rules and regulations that are applicable to school  
6 districts.

7 (2) A public innovative district shall be subject to the special  
8 education for exceptional children act, the virtual school act, the Kansas  
9 school equity and enhancement act, K.S.A. 72-5131 et seq., and  
10 amendments thereto, the provisions of K.S.A. 72-53,113 et seq., and  
11 amendments thereto, all laws governing the issuance of general obligation  
12 bonds by school districts, the provisions of K.S.A. 74-4901 et seq., and  
13 amendments thereto, and all laws governing the election of members of  
14 the board of education, the open meetings act as provided in K.S.A. 75-  
15 4317 et seq., and amendments thereto, and the open records act as  
16 provided in K.S.A. 45-215 et seq., and amendments thereto.

17 (f) (1) *A public innovative district shall require any employee to be*  
18 *fingerprinted and submit to a state and national criminal history record*  
19 *check in accordance with K.S.A. 2024 Supp. 22-4714, and amendments*  
20 *thereto, prior to commencing any work involving students.*

21 (2) *The criminal history record checks required by paragraph (1)*  
22 *shall be conducted in the following manner:*

23 (A) *For employees hired prior to July 1, 2025, every five years from*  
24 *and after July 1, 2025; and*

25 (B) *for employees hired on and after July 1, 2025, every five years*  
26 *from the first day of such employee's employment.*

27 (3) *The public innovative district may pay for the cost of the criminal*  
28 *history record check or may require each employee subject to the*  
29 *provisions of this subsection to pay a fee in an amount necessary to*  
30 *reimburse the public innovative district for the cost of the criminal history*  
31 *record check.*

32 (g) (1) *Each employee subject to the provisions of subsection (f) who*  
33 *has been convicted of any offense or act specified in K.S.A. 72-2165(a) or*  
34 *(b), and amendments thereto, or who has entered into a criminal diversion*  
35 *agreement after having been charged with any offense or act specified in*  
36 *K.S.A. 72-2165(b), and amendments thereto, shall file a report with the*  
37 *public innovative district indicating the name, address and social security*  
38 *number of such employee. Such report shall be filed within 30 days of the*  
39 *date of such conviction or the date such employee entered in any such*  
40 *diversion agreement.*

41 (2) *Failure to file a report as required by this subsection is a class B*  
42 *nonperson misdemeanor.*

43 (h) *As used in this section, "employee" means any person employed*

1 *by a public innovative district in a position with direct contact with*  
2 *students.*

3 Sec. 6. K.S.A. 72-2165, 72-4223 and K.S.A. 2024 Supp. 22-4714 are  
4 hereby repealed.

5 Sec. 7. This act shall take effect and be in force from and after its  
6 publication in the statute book.