

HOUSE BILL No. 2559

By Representatives Smith, Cassidy, Meigs, Mesa, Montgomery and Rubin

1-26

1 AN ACT concerning public school safety; amending K.S.A. 72-89b03 and
2 72-89b04 and repealing the existing sections.

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

5 Section 1. K.S.A. 72-89b03 is hereby amended to read as follows: 72-
6 89b03. (a) If a school employee has information that a pupil is a pupil to
7 whom the provisions of this subsection apply, the school employee shall
8 report such information and identify the pupil to the superintendent of
9 schools. The superintendent of schools shall investigate the matter and,
10 upon determining that the identified pupil is a pupil to whom the
11 provisions of this subsection apply, shall provide the reported information
12 and identify the pupil to all school employees who are directly involved or
13 likely to be directly involved in teaching or providing other school related
14 services to the pupil. The provisions of this subsection apply to:

15 (1) Any pupil who has been expelled for the reason provided by
16 subsection (c) of K.S.A. 72-8901, and amendments thereto, for conduct
17 which endangers the safety of others;

18 (2) any pupil who has been expelled for the reason provided by
19 subsection (d) of K.S.A. 72-8901, and amendments thereto;

20 (3) any pupil who has been expelled under a policy adopted pursuant
21 to K.S.A. 72-89a02, and amendments thereto;

22 (4) any pupil who has been adjudged to be a juvenile offender and
23 whose offense, if committed by an adult, would constitute a felony under
24 the laws of Kansas or the state where the offense was committed, except
25 any pupil adjudicated as a juvenile offender for a felony theft offense
26 involving no direct threat to human life; and

27 (5) any pupil who has been tried and convicted as an adult of any
28 felony, except any pupil convicted of a felony theft crime involving no
29 direct threat to human life.

30 A school employee and the superintendent of schools shall not be
31 required to report information concerning a pupil specified in this
32 subsection if the expulsion, adjudication as a juvenile offender or
33 conviction of a felony occurred more than 365 days prior to the school
34 employee's report to the superintendent of schools.

35 (b) Each board of education shall adopt a policy that includes:

36 (1) A requirement that an immediate report be made to the

1 appropriate state or local law enforcement agency by or on behalf of any
2 school employee who knows or has reason to believe that an act has been
3 committed at school, on school property, or at a school supervised activity
4 and that the act involved conduct which constitutes the commission of a
5 felony or misdemeanor ~~or~~, which involves the possession, use or disposal
6 of explosives, firearms or other weapons *or which involves the unlawful*
7 *possession or use of alcoholic liquor, drugs or other controlled substances;*
8 ~~and~~

9 (2) *a requirement for a timely report be made to the parents of all the*
10 *students enrolled at the school and to all school employees of any*
11 *incidents considered to be a threat to other students and employees as*
12 *described in paragraph (1) that are reported to the appropriate state or*
13 *local law enforcement agency so as to protect such other students and*
14 *employees and to aid in the prevention of similar incidents; and*

15 ~~(2)~~ (3) *the procedures for making such a report the reports described*
16 *in paragraphs (1) and (2).*

17 (c) School employees shall not be subject to the provisions of
18 subsection (b) of K.S.A. 72-89b04, and amendments thereto, if:

19 (1) They follow the procedures from a policy adopted pursuant to the
20 provisions of subsection (b); or

21 (2) their board of education fails to adopt such policy.

22 (d) Each board of education shall annually compile and report to the
23 state board of education at least the following information relating to
24 school safety and security: The types and frequency of criminal acts that
25 are required to be reported pursuant to the provisions of subsection (b),
26 disaggregated by occurrences at school, on school property and at school
27 supervised activities. The report shall be incorporated into and become
28 part of the current report required under the quality performance
29 accreditation system.

30 (e) *At the beginning of each school year, each board of education*
31 *shall make available to pupils and their parents, to school employees and,*
32 *upon request, to others, district policies and reports concerning school*
33 *safety and security, ~~except that~~, including a report compiling the*
34 *information reported to the state board of education pursuant to*
35 *subsection (d) for the immediately preceding three years.* The provisions
36 of this subsection shall not apply to reports made by a superintendent of
37 schools and school employees pursuant to subsection (a).

38 (f) (1) *Each school shall make, keep and maintain a daily log, written*
39 *in a form that can be easily understood, recording all incidents reported*
40 *pursuant to subsection (b)(1). Such log shall be maintained by a school*
41 *safety or security officer, or if there is no school safety or security officer,*
42 *then by the principal of such school, or the principal's designee. Such log*
43 *shall include:*

1 (A) *The nature, date, time and general location of each incident; and*

2 (B) *the disposition of the complaint, if known.*

3 (2) *Except where disclosure of such information is prohibited by law*
4 *or such disclosure would jeopardize the confidentiality of the victim, all*
5 *entries shall be open to public inspection within two business days of the*
6 *initial report being made.*

7 (3) *If new information about an entry becomes available to the*
8 *school, then the new information shall be recorded in the log not later*
9 *than two business days after the information becomes available to the*
10 *school.*

11 (4) *If there is clear and convincing evidence that the release of such*
12 *information would jeopardize an ongoing criminal investigation or the*
13 *safety of an individual, cause a suspect to flee or evade detection, or result*
14 *in the destruction of evidence, such information may be withheld until that*
15 *damage is no longer likely to occur from the release of such information.*

16 (5) *Entries shall be maintained in the log pursuant to this subsection*
17 *for a period of seven years from the date the incident occurred.*

18 ~~(g)~~ (g) Nothing in this section shall be construed or operate in any
19 manner so as to prevent any school employee from reporting criminal acts
20 to school officials and to appropriate state and local law enforcement
21 agencies.

22 ~~(g)~~ (h) The state board of education shall extract the information
23 relating to school safety and security from the quality performance
24 accreditation report and transmit the information to the governor, the
25 legislature, the attorney general, the secretary of health and environment,
26 the secretary of social and rehabilitation services and the commissioner of
27 juvenile justice.

28 ~~(h)~~ (i) No board of education, member of any such board,
29 superintendent of schools or school employee shall be liable for damages
30 in a civil action resulting from a person's good faith acts or omissions in
31 complying with the requirements or provisions of the Kansas school safety
32 and security act.

33 (j) *Nothing in this section shall be construed to require the reporting*
34 *or disclosure of privileged information.*

35 Sec. 2. K.S.A. 72-89b04 is hereby amended to read as follows: 72-
36 89b04. (a) Willful and knowing failure of a school employee to make a
37 report required by subsection (b)~~(g)~~ of K.S.A. 72-89b03, and amendments
38 thereto, is a class B nonperson misdemeanor. Preventing or interfering
39 with, with the intent to prevent, the making of a report required by
40 subsection (b)~~(g)~~ of K.S.A. 72-89b03, and amendments thereto, is a class
41 B nonperson misdemeanor.

42 (b) Willful and knowing failure of any employee designated by a
43 board of education to transmit reports made by school employees to the

1 appropriate state or local law enforcement agency as required by
2 subsection (b)(+) of K.S.A. 72-89b03, and amendments thereto, is a class
3 B nonperson misdemeanor. Preventing or interfering with, with the intent
4 to prevent, the transmission of reports required by subsection (b)(+) of
5 K.S.A. 72-89b03, and amendments thereto, is a class B nonperson
6 misdemeanor.

7 (c) No board of education shall terminate the employment of, or
8 prevent or impair the profession of, or impose any other sanction on any
9 school employee because the employee made an oral or written report to,
10 or cooperated with an investigation by, a law enforcement agency relating
11 to any criminal act that the employee knows has been committed or
12 reasonably believes will be committed at school, on school property, or at
13 a school supervised activity.

14 (d) Any board of education, and any member or employee thereof,
15 participating without malice in the making of an oral or written report to a
16 law enforcement agency relating to any criminal act that is known to have
17 been committed or reasonably is believed will be committed at school, on
18 school property, or at a school supervised activity shall have immunity
19 from any civil liability that might otherwise be incurred or imposed. Any
20 such participant shall have the same immunity with respect to participation
21 in any judicial proceedings resulting from the report.

22 Sec. 3. K.S.A. 72-89b03 and 72-89b04 are hereby repealed.

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