

REVISED
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SUPPLEMENTAL NOTE ON SENATE BILL NO. 335

As Amended by Senate Committee on
Education

Brief*

SB 335 relates to drug screening, drug and alcohol treatment, fingerprinting, and background checks for various school district employees.

School District Drug Screening Programs

The bill would require the board of education of each public school district to adopt policies and procedures for a drug screening program for employees of the district. The screening program would be based on reasonable suspicion of illegal drug use by any employee. Any employee who tests positive for the illegal use of drugs would be permitted to request that the specimen be tested in an additional facility, in which case the employee would be required to pay the cost of the additional screening. The bill would prohibit any action taken against an employee as a result of a positive drug test unless the employee has tested positive under two consecutive screenings of the same specimen. However, a school district would be permitted to take disciplinary action against an employee if the employee initially tests positive and does not request a second screening. The bill would state that nothing in the section could be construed as prohibiting disciplinary action taken in accordance with the Professional Negotiations Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

State Board of Education Impaired Teacher Program

The bill would require the State Board of Education (Board) to establish and implement an impaired teacher program for teachers dependent on drugs, alcohol, or both. The program would be required to assist those referred in undergoing evaluations and any programs recommended as a result of the evaluations, provide support to teachers returning to the profession upon successful completion of an education or treatment program, and provide guidance on establishment of similar programs at the school district level. The superintendent, or an official designated by the superintendent, could refer any impaired teacher to the program as disciplinary action following one or more failed drug tests administered according to the requirements in the first section of the bill. All referrals and other information must be confidential and not disclosed publicly. The Board also would be required to write rules and regulations for the review and approval of a district's program as well as the revocation or suspension of a teacher's license or certificate. For purposes of the section the term "impaired teacher" is defined.

Fingerprinting and Background Checks

The bill would require any person applying for an initial or renewed teaching license or certificate to submit fingerprints taken by a qualified law enforcement agency, unless the applicant has previously submitted a complete set taken by a qualified law enforcement agency. The fingerprints would then be submitted by the State Department of Education to the Kansas Bureau of Investigation for a criminal background check. The applicant would be required to pay the fee for the criminal history records check. The Board would be prohibited from issuing a new or renewed license to any person who does not comply with the fingerprinting requirement. The bill also would require a public innovative district to submit fingerprints of any new unlicensed teachers to the KBI for a criminal background check prior to being

hired. The innovative district would pay the fee for the background check.

Additionally, the Board would be required to revoke the license of any person convicted of any of the crimes which heretofore would have resulted only in requiring the Board not to issue or renew the license.

Background

The bill was introduced by Senator Smith, along with Senators Arpke, Denning, Olson, and Pilcher-Cook. Senator Smith provided testimony in support of the bill. An attorney from the Kansas National Education Association appeared in opposition to the bill. Representatives from the Kansas Association of School Boards and the Wichita Public Schools provided neutral testimony and suggested amendments to the bill, while the Information Service Division Director of the Kansas Bureau of Investigation submitted neutral written testimony.

The Senate Committee on Education amended the bill to create the impaired teacher program, to require fingerprints of only those teachers who have not already submitted fingerprints when applying for a new or renewed teaching license, and to make technical corrections.

The corrected fiscal note, provided by the Division of the Budget, indicates that the Department of Education would require an electronic information system to process and create reports for the drug testing program and criminal offenses by teachers, which would cost about \$25,000 from the State General Fund for FY 2015. The Kansas Bureau of Investigation would charge a \$50 fee for each background check, paid by the license applicants; the Department estimates that each year approximately 13,000 applications for a teaching license are made. The revenue from the KBI fees would equal approximately \$650,000 for FY 2015, and that amount would then be spent by the KBI to conduct the background checks.