

Substitute for SENATE BILL No. 216

By Committee on Corrections and Juvenile Justice

2-26

1 AN ACT concerning school districts; creating the Kansas school security
2 act; also repealing K.S.A. 72-89b01, 72-89b02, 72-89b03, 72-89b04
3 and 72-89b05.
4

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

6 Section 1. The provisions of sections 1 through 7, and amendments
7 thereto, shall be known and may be cited as the Kansas school security act.

8 Sec. 2. As used in sections 1 through 7, and amendments thereto:

9 (a) "Accredited nonpublic school" means a nonpublic school
10 participating in the quality performance accreditation system.

11 (b) "Board of education" means the board of education of a unified
12 school district or the governing authority of an accredited nonpublic
13 school.

14 (c) "Property" means any building or other real property owned or
15 controlled by a unified school district or accredited nonpublic school that
16 is used by such district or school in direct support of, or in a manner
17 related to, the educational purposes of the school, including all public
18 property that is within the same reasonably contiguous geographic area of
19 such building or real property, such as a sidewalk, road, street or parking
20 facility, and is adjacent to such building or other real property.

21 (d) "Public school" means a school operated by a unified school
22 district organized under the laws of this state.

23 (e) "School" means a public school or an accredited nonpublic
24 school.

25 (f) "School district" means a public school district organized and
26 operating under the laws of this state.

27 Sec. 3. (a) On or before October 1 of each school year, the board of
28 education shall adopt and implement a policy and plan on school safety
29 and security to protect students, teachers and other school employees on
30 school property, in a school vehicle or at a school-sponsored activity or
31 event.

32 (b) Such policy and plan shall be made available to each student
33 enrolled in such school, the parents of each student enrolled in such school
34 and each person employed to work at such school. Schools may provide
35 hard copies of such policy and plan, or provide written notice that such
36 policy and plan is available electronically and provide specific directions

1 on how to access such policy and plan electronically. Regardless of the
2 standard method of distribution, each school shall provide a hard copy of
3 such policy and plan upon request.

4 (c) The policy and plan required by this section shall require the
5 school security officer designated as a school law enforcement officer
6 pursuant to K.S.A. 72-8222, and amendments thereto, or if there is no
7 school security officer, then the superintendent or the superintendent's
8 designee, to annually meet with emergency medical responders or first
9 responders and law enforcement agencies of the city or county in which
10 the unified school district is located, to discuss such policy and plan.

11 (d) The policy and plan required by this section shall include the
12 following:

13 (1) A statement of the current school policies and procedures for the
14 reporting of criminal activity and other emergencies that occur on school
15 property and the school's response to such reports;

16 (2) a statement of the current school policies and procedures
17 concerning the security of and access to school property;

18 (3) a statement of the current school policies and procedures
19 concerning school security officers and campus police officers, including:

20 (A) The law enforcement authority of such school personnel;

21 (B) any partnership agreements between such school personnel and
22 other state or local law enforcement agencies; and

23 (C) any policies and procedures that encourage the prompt reporting
24 of criminal activity to such school personnel;

25 (4) a description of any crime prevention programs conducted by the
26 school, including programs designed to educate students and employees on
27 school security policies and procedures and to encourage students and
28 employees to be responsible for their own security and the security of
29 others;

30 (5) a statement of current school policies and procedures regarding
31 immediate emergency response and evacuation procedures, including the
32 use of electronic and cellular communication, which shall include
33 procedures to:

34 (A) Immediately notify all students and staff upon the confirmation of
35 a significant emergency or dangerous situation involving an immediate
36 threat to the health or safety of students or staff occurring on school
37 property, unless issuing such notification will compromise efforts to
38 contain the emergency;

39 (B) publicize emergency response and evacuation procedures on an
40 annual basis in a manner designed to reach students and staff; and

41 (C) test emergency response and evacuation procedures on an annual
42 basis.

43 (6) a statement of the current school policies and procedures

1 concerning the prevention of sex offenses and the school's response to a
2 report that a sex offense has occurred; and

3 (7) a statement advising where individuals can obtain information
4 concerning local registered sex offenders.

5 Sec. 4. Each school shall provide a timely report to all enrolled
6 students, the parents of such enrolled students and school personnel of any
7 reported criminal activity that poses a threat to the safety of the students or
8 school personnel. Timely report shall mean immediate notification upon
9 the confirmation of such reported criminal activity. Schools shall only be
10 required to provide timely reports on those crimes for which the school is
11 required to record for statistical purposes under section 6, and amendments
12 thereto.

13 Sec. 5. (a) Each school shall maintain a log of all criminal activity
14 that is reported to the school by a student, parent, school employee, visitor
15 or law enforcement officer. Only those crimes for which the school is
16 required to record for statistical purposes under section 6, and amendments
17 thereto, shall be recorded in the log. Each entry in the log shall include the
18 date reported, the general location of the criminal activity being reported, a
19 description of the criminal activity, the date and time the criminal activity
20 occurred, if known, and the disposition of the report, if known.

21 (b) Except when disclosure of such information is prohibited by law
22 or would jeopardize the confidentiality of the victim, all entries in the log
23 shall be open to the public. The log shall contain all entries for the
24 immediately preceding 60 days and such information shall be made
25 available upon request for inspection. Entries that are older than 60 days
26 shall be made available within two business days after the request for
27 inspection.

28 (c) All entries shall be maintained by the school and shall not be
29 destroyed for a period of seven years from the date of the entry.

30 (d) If new information about an entry becomes available to the
31 school, then the new information shall be recorded in the log no later than
32 two business days after such information was provided to the school.

33 (e) If there is clear and convincing evidence that the release of such
34 information would jeopardize an ongoing criminal investigation or the
35 safety of an individual, cause a suspect to flee or evade detection or result
36 in the destruction of evidence, such information may be withheld and shall
37 not be made available upon request for inspection until that damage is no
38 longer likely to occur from the release of such information.

39 Sec. 6. (a) In fulfilling its duties and obligations under sections 1
40 through 7, and amendments thereto, each school shall record the following
41 criminal offenses that occur on school property:

- 42 (1) Murder;
43 (2) manslaughter;

- 1 (3) sex offenses, both forcible and nonforcible;
- 2 (4) robbery;
- 3 (5) aggravated assault;
- 4 (6) burglary;
- 5 (7) theft;
- 6 (8) arson;
- 7 (9) hit and run; and
- 8 (10) arrests or persons referred for school disciplinary action for
- 9 violations of liquor laws, drug laws and illegal weapon possession.

10 (b) The statistics required by this section shall not identify victims of

11 crimes or persons accused of crimes.

12 (c) A school shall categorize the crimes recorded pursuant to this

13 section by the location of the occurrence as follows:

- 14 (1) On school grounds;
- 15 (2) on school district property not directly associated with the school;
- 16 or

- 17 (3) on other public property used for the educational purposes of the
- 18 school.

19 (d) On or before October 1 of each school year, each school shall

20 prepare and publish a report on the occurrence on school property of

21 criminal activity that a school is required to record pursuant to this section.

22 Such report shall be made available to each student enrolled in such

23 school, the parents of each student enrolled in such school and each person

24 employed to work at such school. Schools may provide hard copies of

25 such report, or provide written notice that such report is available

26 electronically and provide specific directions on how to access such report

27 electronically. Regardless of the standard method of distribution, each

28 school shall provide a hard copy of such report upon request.

29 Sec. 7. (a) Nothing in sections 1 through 7, and amendments thereto,

30 shall be construed to:

- 31 (1) Require the reporting or disclosure of any privileged information;
- 32 (2) create a cause of action against any school, school district or any
- 33 employee thereof for any civil liability; or
- 34 (3) establish any standard of care owed by a school, school district or
- 35 any employee thereof.

36 (b) Notwithstanding any other provision of law, evidence regarding

37 compliance or noncompliance with sections 1 through 7, and amendments

38 thereto, shall not be admissible as evidence in any proceeding of any court,

39 agency, board or other entity, except with respect to an action to enforce

40 the provisions of sections 1 through 7, and amendments thereto.

41 (c) Nothing in sections 1 through 7, and amendments thereto, shall be

42 construed to permit a school, school district or any employee thereof to

43 retaliate, intimidate, threaten, coerce or otherwise discriminate against any

1 individual with respect to the implementation of any provision of sections
2 1 through 7, and amendments thereto.

3 Sec. 8. K.S.A. 72-89b01, 72-89b02, 72-89b03, 72-89b04 and 72-
4 89b05 are hereby repealed.

5 Sec. 9. This act shall take effect and be in force from and after its
6 publication in the statute book.