

SENATE BILL No. 318

By Joint Committee on Corrections and Juvenile Justice Oversight

12-28

9 AN ACT concerning juvenile offenders; relating to school safety and se-
10 curity; amending K.S.A. 72-89b03 and repealing the existing section.

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

13 Section 1. K.S.A. 72-89b03 is hereby amended to read as follows: 72-
14 89b03. (a) If a school employee has information that a pupil is a pupil to
15 whom the provisions of this subsection apply, the school employee shall
16 report such information and identify the pupil to the superintendent of
17 schools. The superintendent of schools shall investigate the matter and,
18 upon determining that the identified pupil is a pupil to whom the pro-
19 visions of this subsection apply, shall provide the reported information
20 and identify the pupil to all school employees who are directly involved
21 or likely to be directly involved in teaching or providing other school
22 related services to the pupil. The provisions of this subsection apply to:

23 (1) Any pupil who has been expelled for the reason provided by sub-
24 section (c) of K.S.A. 72-8901, and amendments thereto, for conduct
25 which endangers the safety of others;

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

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

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

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

38 ~~A school employee and the superintendent of schools shall not be re-~~
39 ~~quired to report information concerning a pupil specified in this subsec-~~
40 ~~tion if the expulsion, adjudication as a juvenile offender or conviction of~~
41 ~~a felony occurred more than 365 days prior to the school employee's~~
42 ~~report to the superintendent of schools.~~

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

1 (1) A requirement that an immediate report be made to the appro-
2 priate state or local law enforcement agency by or on behalf of any school
3 employee who knows or has reason to believe that an act has been com-
4 mitted at school, on school property, or at a school supervised activity and
5 that the act involved conduct which constitutes the commission of a felony
6 or misdemeanor or which involves the possession, use or disposal of ex-
7 plosives, firearms or other weapons; and

8 (2) the procedures for making such a report.

9 (c) School employees shall not be subject to the provisions of sub-
10 section (b) of K.S.A. 72-89b04 and amendments thereto if:

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

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

14 (d) Each board of education shall annually compile and report to the
15 state board of education at least the following information relating to
16 school safety and security: The types and frequency of criminal acts that
17 are required to be reported pursuant to the provisions of subsection (b),
18 disaggregated by occurrences at school, on school property and at school
19 supervised activities. The report shall be incorporated into and become
20 part of the current report required under the quality performance ac-
21 creditation system.

22 (e) Each board of education shall make available to pupils and their
23 parents, to school employees and, upon request, to others, district policies
24 and reports concerning school safety and security, except that the provi-
25 sions of this subsection shall not apply to reports made by a superinten-
26 dent of schools and school employees pursuant to subsection (a).

27 (f) Nothing in this section shall be construed or operate in any man-
28 ner so as to prevent any school employee from reporting criminal acts to
29 school officials and to appropriate state and local law enforcement
30 agencies.

31 (g) The state board of education shall extract the information relating
32 to school safety and security from the quality performance accreditation
33 report and transmit the information to the governor, the legislature, the
34 attorney general, the secretary of health and environment, the secretary
35 of social and rehabilitation services and the commissioner of juvenile
36 justice.

37 (h) No board of education, member of any such board, superinten-
38 dent of schools or school employee shall be liable for damages in a civil
39 action resulting from a person's good faith acts or omissions in complying
40 with the requirements or provisions of the Kansas school safety and se-
41 curity act.

42 Sec. 2. K.S.A. 72-89b03 is hereby repealed.

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1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.