

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 470**

As Agreed to April 2, 2008

Brief*

SB 470 would amend current law regarding school safety violations. If a pupil who is 13 years of age or older is found in possession of a weapon or illegal drugs at school or a school supervised activity, or has engaged in conduct that could result in serious bodily harm, the chief administrator of the school would be required to make a report to the appropriate law enforcement agency. The report must be given to a law enforcement agency as soon as practicable, but not more than ten days from the date of the pupil's act, excluding holidays and weekends. Upon receipt of the report, the law enforcement agency would investigate the incident and give written notice to the Division of Vehicles as soon as practicable, but not more than ten days after receipt of the report. If notice is provided as required by law, the Division of Vehicles would immediately suspend the pupil's driver's license or privilege to operate a motor vehicle in Kansas for up to one year.

Upon suspension of the pupil's driving privileges, the Division of Vehicles would notify the pupil in writing. If the pupil makes a written request for a hearing within 30 days, the Division would afford the pupil an opportunity for a hearing to determine whether the ten-day notice was given to the appropriate law enforcement agency and the Division of Vehicles regarding the incident. The bill would expand the scope of the hearing to determine whether or not there are reasonable grounds to believe the pupil was in possession of a

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weapon or illegal drugs, or if the conduct could have resulted in serious bodily harm, as outlined in the incident report.

The bill also would repeal current law that makes any person who has been convicted of driving under the influence of alcohol or drugs when the violation is punishable as a misdemeanor ineligible to acquire a teaching license in Kansas.

The bill also would amend current law to make a conviction of (or entering into a criminal diversion agreement for) the crime of endangering a child result in a five-year ban from the teaching profession, a conviction of the crime of aggravated endangering a child result in a lifetime ban from teaching profession, and a conviction of the crime of sexual battery when the victim was under 18 or a student of the person committing the crime result in a lifetime ban from the teaching profession.

The bill also would repeal KSA 72-5411 which requires local boards of education to notify teachers of non-continuation of contracts by May 1, and teachers not wishing to continue contracts must notify local boards of education by May 15. Because these requirements are covered in other statutes, specifically KSA 72-5436 *et seq.* and KSA 72-5451 *et seq.*, the bill would delete sections of law already covered in other sections of law.

The bill also would amend KSA 72-5437, which establishes requirements for continuation of teachers' contracts to include retired teachers who are part of the Kansas Public Employees Retirement System under the provisions of KSA 72-5436 *et seq.*

Conference Committee Action

The Conference Committee agreed to amend SB 470, as passed by the House, to make technical changes to the bill. The Conference Committee also agreed to amend SB 470 to include all provisions of SB 492, as passed by the Senate Committee on Education which repeals current law that makes

any person who has been convicted of driving under the influence of alcohol or drugs when the violation is punishable as a misdemeanor ineligible to acquire a teaching license in Kansas and amends current law regarding five-year and lifetime bans from the teaching profession.

The Conference Committee also agreed to amend into SB 470 all provisions of SB 420, as passed by the Senate, repealing KSA 72-5411 which requires local boards of education to notify teachers of non-continuation of contracts by May 1, and teachers not wishing to continue contracts must notify local boards of education by May 15. The Conference Committee further amended the provisions of SB 420 to amend KSA 72-5437 to include a definition of teacher that includes both current teachers as defined by KSA 72-5436 and retired teachers who are part of the Kansas Public Employees Retirement System.

Background

At the Senate Committee on Education hearing on SB 470, Senator Vratil, Senator Vicki Schmidt, and Cindy Kelly of the Kansas Association of School Boards spoke in favor of the bill. There were no opponents to the bill at the Committee hearing.

During the 2007 Legislative Session, SB 129 was passed which included many of the provisions of SB 470 and was intended to prevent extreme delays when a student's driver's license was revoked because the student was expelled or suspended. SB 129 required a school's chief administrative officer to report a student's expulsion or suspension within ten days to the appropriate law enforcement agency. The law enforcement agency would then notify the Division of Motor Vehicles. The provisions of SB 129 overlooked the protections granted to student records by the federal Family Educational Rights and Privacy Act (FERPA). SB 470 would correct this oversight by requiring the reporting of observed misconduct

instead of disclosure of information from a student's school records.

The House Education Committee amended the bill by deleting all the bill's language and inserting the contents of HB 2816.

The Conference Committee amended SB 492, as passed by the Senate Committee on Education into SB 470. At the Senate Committee on Education hearing on SB 492, Senator Vratil spoke in favor of the bill. No conferees testified in opposition to the bill. At the time the Conference Committee took action on SB 470, SB 492 was in the House Committee on Education.

The Conference Committee amended SB 420, as passed by the Senate, into SB 470, and further amended the provisions of SB 420. At the time the Conference Committee took action on SB 470, SB 420 was in the House Committee on Education.

The Department of Education indicated it would not be affected by SB 470. The Department of Revenue indicated the provisions of SB 470 would be handled within existing resources.

The fiscal note for HB 2816 indicated the provisions of the bill would be handled within existing resources.

The fiscal note for SB 492 indicates the bill would have no fiscal impact on the Department of Education. The fiscal note for SB 420 indicates the bill would have no fiscal effect.

school safety