

HOUSE BILL No. 2673

By Committee on K-12 Education Budget

Requested by Representative Brantley

2-3

AN ACT concerning education; relating to school districts; establishing the positive learning environment act; establishing certain rights for teachers; requiring the board of education of each school district to adopt a school management plan for each school of the school district; requiring such plans to establish a tiered system of consequences and interventions for minor and major behavioral infractions.

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

Section 1. This act shall be known and may be cited as the positive learning environment act.

Sec. 2. As used in the positive learning environment act:

(a) "Administrator" means any person employed by the board of education of a school district who holds a valid school administrator's certificate issued by the state board of education.

(b) "Major behavioral infraction" means any serious, unsafe or repeated minor behavioral infraction by a student that requires involvement from a principal, including, but not limited to, violence, aggression, false alarm, threat, property damage, vandalism, substance abuse or a series of repeated minor behavioral infractions following documented interventions.

(c) "Minor behavioral infraction" means any low-level, classroom-managed behavior by a student that interferes with classroom instruction or impedes other students' ability to learn, including, but not limited to, disruption, noncompliance, off-task behavior or other conduct that does not endanger students or staff.

(d) "Parent" means the same as defined in K.S.A. 72-3127, and amendments thereto.

(e) "Person acting as parent" means the same as defined in K.S.A. 72-3127, and amendments thereto.

(f) "Principal" means any administrator who is employed as a principal, assistant principal, vice principal or administrative head of an attendance center of a school district.

(g) "Student" means any individual who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12.

1 (h) "Teacher" means any person employed by a school district who
2 holds a valid teaching license issued by the state board of education and is
3 primarily assigned to provide classroom instruction.

4 Sec. 3. (a) Respecting the authority of teachers is essential to creating
5 a positive learning environment that is conducive to learning and supports
6 effective classroom instruction. To maintain and protect such authority, it
7 is important that teachers, administrators, parents and students are fully
8 informed of the various rights conferred upon teachers pursuant to this
9 section.

10 (b) A teacher shall have the right to:

11 (1) Appropriately discipline students in accordance with the
12 disciplinary policies and procedures adopted by the school district and any
13 approved classroom management plan adopted by such teacher in
14 accordance with subsection (c);

15 (2) remove any persistently disruptive student from such teacher's
16 classroom when the student's behavior prevents the orderly instruction of
17 other students or the student displays impudent or defiant behavior and
18 place such student in the custody of the principal or the principal's
19 designee for further disciplinary action;

20 (3) have such teacher's professional judgment and discretion
21 respected by school and district administrators in any disciplinary action
22 taken by the teacher in accordance with school and district policy and such
23 teacher's approved classroom management plan;

24 (4) teach in a safe, secure and orderly environment that is conducive
25 to learning and free from recognized dangers or hazards that are causing or
26 likely to cause serious injury;

27 (5) be treated with civility and respect;

28 (6) communicate with and request the participation of parents in
29 appropriate student disciplinary decisions;

30 (7) receive appropriate leadership and support from school
31 administrators; and

32 (8) be afforded time during the school day or week to collaborate
33 with other teachers.

34 (c) No board of education of a school district or school administrator
35 shall:

36 (1) Establish policies and procedures that prevent teachers from
37 exercising the rights provided pursuant to this section; or

38 (2) retaliate or take adverse employment action against a teacher for
39 exercising the rights provided in this section.

40 (d) The provisions of this section shall not be construed to authorize a
41 teacher to violate the provisions of any disciplinary policies and
42 procedures adopted by the board of education of a school district or the
43 school district's school management plan adopted pursuant to section 4,

1 and amendments thereto.

2 (e) Each board of education of a school district shall:

3 (1) Provide a copy of this section to all teachers at the beginning of
4 each school year;

5 (2) post a copy of the rights provided pursuant to this section in a
6 prominent place in every school and administrative building of such
7 school district;

8 (3) provide a copy of the rights provided pursuant to this section to any
9 parent or person acting as parent of a student attending a school of the
10 school district; and

11 (4) post a copy of this section on the school district's website.

12 Sec. 4. (a) To promote a safe, structured and positive learning
13 environment in each school of a school district, the board of education of a
14 school district shall adopt a school management plan for each school of the
15 school district that outlines expected student behaviors and the procedures
16 for responding to student misconduct. Each school management plan shall
17 include:

18 (1) A clear definition for what constitutes a minor behavioral
19 infraction and a major behavioral infraction as may be appropriate for the
20 instructional setting;

21 (2) a tiered system of consequences and interventions that is aligned
22 to the level of behavioral infraction and distinguishes between the
23 consequences and interventions that will be imposed by a teacher for any
24 minor behavioral infraction or by a school administrator for any major
25 behavioral infraction;

26 (3) procedures for documenting and reporting repeated instances of
27 minor behavioral infractions by a student and each major behavioral
28 infraction of a student in the student's file;

29 (4) procedures for reporting a student's minor or major behavioral
30 infraction to the parent or person acting as parent of the student; and

31 (5) a process for communicating the school management plan and the
32 behavioral expectations to each student, parent or person acting as parent
33 of a student and school personnel.

34 (b) A school management plan adopted pursuant to this section shall
35 conform to the school district's code of conduct, policies and procedures
36 for discipline and any behavior intervention frameworks implemented by
37 the school district, including any multi-tiered system of supports or
38 positive behavioral interventions and supports.

39 (c) The school management plan adopted pursuant to this section
40 shall be presented at the beginning of each school year to each parent or
41 person acting as parent of a student who is attending a school of the school
42 district, to be included in any school or student handbook and published on
43 the school district's website. Such plan shall be communicated to students

1 during the first week of school and reinforced on a regular basis.

2 (d) Any school management plan adopted pursuant to this section
3 shall be reviewed annually and revised as may be necessary based on the
4 data regarding behavioral interventions in the school district or to conform
5 with revisions to other school district policies and procedures.

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