

SENATE BILL No. 441

By Committee on Education

2-2

1 AN ACT concerning education; relating to school districts; enacting the
2 applied behavior analysis services in school act; authorizing medically
3 necessary behavioral health services in schools to students with autism
4 and third-party payment for such services; requiring private providers
5 of such services to submit to a criminal history record check; requiring
6 school districts to adopt policies for the provision of such services;
7 amending K.S.A. 2025 Supp. 22-4714 and repealing the existing
8 section.
9

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

11 New Section 1. (a) Sections 1 through 4, and amendments thereto,
12 shall be known and may be cited as the applied behavior analysis services
13 in school act.

14 (b) (1) The Kansas legislature finds and declares that applied
15 behavior analysis treatment is one critical example of medically necessary
16 services that, when prescribed by a physician or other qualified healthcare
17 provider, may need to be delivered in a school setting for children with an
18 autism spectrum disorder diagnosis. Autism spectrum disorder is a global
19 developmental disorder typically involving difficulty in acquiring and
20 generalizing functional skills across environments. Generally accepted
21 standards of care for the autism population require that applied behavior
22 analysis therapy be provided across settings, including schools, in
23 accordance with a child's clinical needs.

24 (2) The legislature finds that it is in the interest of the child, the
25 child's family and the state that a child who is diagnosed with autism
26 spectrum disorder receive proper care and treatment in order to have the
27 opportunity to be a fully functioning individual in society. The lack of
28 access to medically necessary services in schools has detrimental effects
29 on children who are thereby unable to achieve maximum long-term
30 functioning, as well as significant social costs, including lost productivity
31 and increased costs of lifetime care. No family should have to choose
32 between having their child attend public school without access to
33 medically necessary care, which could risk the child's health and
34 functioning, or forgo public school so that such child can access medically
35 necessary behavior health services. Ensuring that children have access to
36 these services in school settings and allowing for third-party payment for

1 such services will improve the efficacy of the child's treatment and
2 integration into the community, as well as reduce long-term costs to the
3 state.

4 (c) As used in this act:

5 (1) "Act" means the applied behavior analysis services in school act.

6 (2) "Federal law" includes the Americans with disabilities act of
7 1990, 42 U.S.C. § 12101 et seq., the individuals with disabilities education
8 act, 20 U.S.C. § 1400 et seq., and the rehabilitation act of 1973, 29 U.S.C.
9 § 701 et seq.

10 (3) "Individualized education program" or "IEP" means the same as
11 defined in K.S.A. 72-3404, and amendments thereto.

12 (4) "Medically necessary behavioral health service" means applied
13 behavior analysis therapy services that are:

14 (A) Ordered by a healthcare provider within the scope of the
15 healthcare provider's licensure for the treatment, remediation or
16 amelioration of functional impairments associated with a diagnosis of
17 autism spectrum disorder, including treatment to maintain functioning or
18 prevent deterioration;

19 (B) not for experimental or investigative purposes;

20 (C) within the generally accepted standards of medical care for
21 treatment of autism spectrum disorder;

22 (D) not solely for the convenience or personal preference of the
23 insured, the insured's family or the provider; and

24 (E) medically necessary during school hours in the school setting.

25 (5) "Parent" means natural parents, adoptive parents, stepparents,
26 foster parents and a person acting as parent, as defined in K.S.A. 72-3127,
27 and amendments thereto.

28 (6) "Private provider" means a person who:

29 (A) Renders applied behavior analysis as defined in K.S.A. 65-7502,
30 and amendments thereto;

31 (B) is licensed pursuant to K.S.A. 65-7503, and amendments thereto;
32 and

33 (C) is not an employee of a school district or the state department of
34 education.

35 (7) "School district" means any school district organized and
36 operating under the laws of this state.

37 (8) "Third-party payor" includes, but is not limited to, self-funded
38 health plans, commercial insurance and similar payors, plans or groups.

39 (9) (A) "Undue hardship" means an action requiring significant
40 difficulty or expense. In determining whether an accommodation would
41 impose an undue hardship on a covered entity, factors to be considered
42 include:

43 (i) The nature and cost of the accommodation to the school district;

1 (ii) the overall financial resources of the school district involved in
2 the provision of the reasonable accommodation, the number of persons
3 that a school district is responsible for, including students and employees,
4 the effect on expenses and resources or the impact otherwise of such
5 accommodation upon the operation of the school district;

6 (iii) the overall financial resources of the covered school district, the
7 overall size of the school district with respect to the number of its students
8 and employees the number, type and location of its facilities; and

9 (iv) the type of operation or operations of the covered school district,
10 including the composition, structure and functions of the students and
11 employees of such district and the geographic separateness, administrative
12 or fiscal relationship of the school district or facilities in question to the
13 facility where services will be provided.

14 (B) Pursuant to section 2, and amendments thereto, a determination of
15 undue hardship shall be subject to legal precedent established with regard
16 to interpretation and understanding of the term "undue hardship" in any
17 legal proceedings on the Americans with disabilities act of 1990.

18 New Sec. 2. (a) No school district may prohibit a private provider
19 from providing medically necessary behavioral health services during
20 school hours to a student enrolled in and attending a school of the school
21 district if such services constitute a reasonable accommodation and were
22 requested by the student's parent. As part of such request, the parent shall
23 provide the school district with a behavior health evaluation performed by
24 an evaluator and an assessment and authorized treatment plan from a
25 private provider chosen by the parent that indicates that such services are
26 necessary during school hours to assist the student with behavioral health
27 conditions and functional impairments associated with a medical diagnosis
28 of autism spectrum disorder. The parent shall consent to release
29 information on a form and in a manner determined by the school district
30 that authorizes the release of information between the private provider and
31 the school district.

32 (b) (1) Upon the request for medically necessary behavioral health
33 services by a parent, the school district shall evaluate such medically
34 necessary behavioral health services to determine how such services can
35 be integrated with the student's schooling, if such services do not impose
36 an undue hardship or fundamental alteration to school operations as
37 provided in federal law. Any such services would be in addition to services
38 provided by the school district pursuant to the student's individualized
39 education program (IEP) and are not intended to supplant or replace the
40 obligations or responsibilities of a school district under the individuals
41 with disabilities education act. No school district may apply or use the
42 obligations of a student's IEP to deny or limit a student's access to
43 medically necessary behavioral health services from a private provider.

1 (2) A school district may utilize a review process to evaluate a
2 parent's request for medically necessary behavioral health services
3 pursuant to the Americans with disabilities act. Services required under
4 the Americans with disabilities act are not limited to or determined by
5 what is necessary for a free and appropriate public education and the
6 individuals with disabilities education act does not apply to a review for
7 medically necessary behavior health services. Participants in the review
8 may include members of the student's IEP team or 504 committee.

9 (c) If medically necessary behavioral health services are requested for
10 a student who does not currently have an IEP or 504 plan, the school
11 district may initiate an appropriate evaluation to determine if the child is
12 entitled to services under the individuals with disabilities education act or
13 section 504 of the rehabilitation act of 1973 in addition to the review
14 required by this section.

15 (d) No behavioral health evaluation, assessment or treatment plan
16 administered by a school district shall supplant or supersede the behavioral
17 health evaluation, assessment or treatment plan provided by an
18 independent behavioral health provider chosen by the student's parent.

19 (e) If the school district refuses to agree to a treatment protocol or
20 schedule because such protocol or treatment would impose an undue
21 hardship or fundamental alteration to school operations, the school district
22 and the parent shall engage in a dispute resolution process determined by
23 the Kansas state board of education in consultation with the Kansas
24 disability rights center and approved by the Kansas commission on
25 disability concerns.

26 (f) The medically necessary behavioral health services provided to a
27 student by a private provider shall be incorporated into a written treatment
28 plan.

29 (g) (1) The cost of all medically necessary behavioral health services
30 provided to a student by a private provider pursuant to this act shall be the
31 sole responsibility of the student's parent or other third-party payor.

32 (2) No school district may require a student to receive applied
33 behavioral analysis services or other medically necessary behavioral health
34 services from a school district employee or school district contractor if the
35 student or the student's parent chooses to use a private provider for such
36 services.

37 (3) Nothing in this act shall prohibit a school district from otherwise
38 providing applied behavior analysis services to a student at the school
39 district's expense.

40 (h) A school district shall be immune from liability in any civil action
41 that is based upon or arises from any actions taken by a private provider
42 while such provider is providing applied behavior analysis to a student on
43 school district property.

1 New Sec. 3. (a) No person who has been convicted of, pleaded no
2 contest to or entered into a criminal diversion agreement after having been
3 charged with a crime listed in K.S.A. 72-2165, and amendments thereto,
4 shall be allowed to provide medically necessary behavioral health services
5 to a student at a school during school hours. Prior to providing medically
6 necessary behavioral health services as provided in this section, school
7 districts shall require a private provider to be fingerprinted and submit to a
8 state and national criminal history record check in accordance with K.S.A.
9 2025 Supp. 22-4714, and amendments thereto.

10 (b) While on school district property, a private provider shall comply
11 with and abide by the requirements of any IEP, accommodation plan,
12 section 504 plan, behavioral management plan or individualized health
13 plan of a student who is a patient of such provider.

14 (c) A private provider who provides services pursuant to this act shall
15 maintain general liability insurance coverage in a reasonable amount, as
16 determined by the board of education of the school district. Such coverage
17 shall not be more than \$1,000,000 per occurrence and \$1,000,000 per
18 aggregate. The private provider shall provide a certificate of insurance
19 that names the school district as the certificate holder.

20 (d) To comply with the federal family educational rights and privacy
21 act, the private provider shall agree in writing that any education record is
22 under the school district's direct control and the private provider's use and
23 maintenance of an education record is subject to such act.

24 (e) The school district may require the private provider to sign a
25 confidentiality or nondisclosure agreement if the school district deems
26 such agreement necessary.

27 New Sec. 4. (a) Each board of education of a school district shall
28 adopt and make publicly available a policy to implement and administer
29 this act. Such policy shall not create or impose onerous requirements for
30 private providers delivering medically necessary behavior health services
31 in a school setting that would result in a delay or barrier to such services.
32 Such policy shall include, but not be limited to, the following
33 requirements:

34 (1) A private provider shall be allowed to provide medically
35 necessary behavioral health services during school hours to a student
36 enrolled in and attending a school of the school district if such services
37 were requested by the student's parent pursuant to section 2, and
38 amendments thereto, unless such services impose an undue hardship or
39 fundamental alteration to school operations as provided in subsection (b).

40 (2) No behavioral health evaluation, assessment or treatment plan
41 presented by a parent shall be construed as an IEP for determining if a
42 student qualifies to receive special education and related services.

43 (3) A behavioral health evaluation, assessment or treatment plan may

1 be performed on school district property for the purpose of establishing a
2 medical necessity or delivering medically necessary behavioral health
3 services.

4 (4) Medically necessary behavioral health services may be provided
5 during any part of the school day, including instructional time.

6 (5) The school district, the parent and the private provider shall work
7 collaboratively to create a schedule that meets the medical needs of the
8 student as determined by the provider and complies with the provider's
9 ethical code of conduct and considers the impacts on school operations and
10 the student's testing schedule.

11 (6) The school district shall establish reasonable reporting
12 requirements for a private provider related to the student's progress.

13 (b) The school district may establish penalties against a private
14 provider for failure to comply with this act or any policies adopted by the
15 school district pursuant to this act. Such penalties may include termination
16 of a private provider's authorization to provide services on any school
17 campus.

18 (c) The failure of a school district to adopt the policy required by this
19 section shall not be cause to prohibit the provision of medically necessary
20 behavioral health services to a student as provided in this act.

21 Sec. 5. K.S.A. 2025 Supp. 22-4714 is hereby amended to read as
22 follows: 22-4714. (a) A governmental agency other than a criminal justice
23 agency as defined in K.S.A. 22-4701, and amendments thereto, identified
24 in subsection (b) may require a person to be fingerprinted and shall submit
25 such fingerprints to the Kansas bureau of investigation and the federal
26 bureau of investigation for a search of the state and federal database.
27 Fingerprints provided pursuant to this section may be used to identify a
28 person and to determine whether such person has a record of criminal
29 history in this state or in another jurisdiction. An agency identified in
30 subsection (b) may use the information obtained from the criminal history
31 record check for the purposes of verifying the identification of a person
32 and in the official determination of the qualifications and fitness of such
33 person to be issued or maintain employment, licensure, registration,
34 certification or a permit, act as an agent of a licensee, hold ownership of a
35 licensee or serve as a director or officer of a licensee.

36 (b) (1) The Kansas bureau of investigation shall release criminal
37 history record information related to adult convictions, adult non-
38 convictions, adult diversions, adult expunged records, juvenile
39 adjudications, juvenile non-adjudications, juvenile diversions and juvenile
40 expunged records to:

41 (A) The Kansas department for children and families or the Kansas
42 department for aging and disability services for initial or continuing
43 employment or participation in any program administered for the

1 placement, safety, protection or treatment of vulnerable children or adults
2 as described in K.S.A. 75-53,105, and amendments thereto;

3 (B) the attorney general for applicants as defined in K.S.A. 75-7b01,
4 and amendments thereto, in connection with such application as described
5 in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

6 (C) the attorney general for applicants as defined in K.S.A. 75-7c02,
7 and amendments thereto, in connection with such application as described
8 in K.S.A. 75-7c05, and amendments thereto;

9 (D) the attorney general for applicants as defined in K.S.A. 75-7b01,
10 and amendments thereto, in connection with such application for
11 certification as described in K.S.A. 75-7b21, and amendments thereto; and

12 (E) the attorney general for applicants as defined in K.S.A. 7e01, and
13 amendments thereto, in connection with such application as described in
14 K.S.A. 75-7e03, and amendments thereto.

15 (2) The Kansas bureau of investigation shall release criminal history
16 record information related to adult convictions, adult non-convictions,
17 adult diversions, adult expunged records and juvenile expunged records to:

18 (A) The state lottery for candidates for employees as defined in
19 K.S.A. 74-8702, and amendments thereto, in connection with such
20 employment as described in K.S.A. 74-8704, and amendments thereto; and

21 (B) the Kansas racing and gaming commission for candidates for
22 employees or licensees as defined in K.S.A. 74-8802, and amendments
23 thereto, in connection with such employment or license as described in
24 K.S.A. 74-8804, and amendments thereto, including an applicant for a
25 simulcasting license.

26 (3) The Kansas bureau of investigation shall release criminal history
27 record information related to adult convictions, adult non-convictions,
28 adult diversions, adult expunged records, juvenile adjudications, juvenile
29 non-adjudications and juvenile diversions to:

30 (A) The emergency medical services board for applicants as defined
31 in K.S.A. 65-6129, and amendments thereto, in connection with such
32 application as described in K.S.A. 65-6129, and amendments thereto;

33 (B) the department of administration for candidates for sensitive
34 employees as defined in K.S.A. 75-3707e, and amendments thereto, in
35 connection with such employment as described in K.S.A. 75-3707e, and
36 amendments thereto; and

37 (C) the state gaming agency for candidates for employees and
38 licensees as defined in K.S.A. 74-9802, and amendments thereto, in
39 connection with such employment or license as described in K.S.A. 74-
40 9805, and amendments thereto.

41 (4) The Kansas bureau of investigation shall release criminal history
42 record information related to adult convictions, adult non-convictions,
43 adult diversions and adult expunged records to:

1 (A) The supreme court and state board of law examiners for
2 applicants as defined in K.S.A. 7-127, and amendments thereto, in
3 connection with such application as described in K.S.A. 7-127, and
4 amendments thereto;~~and~~

5 (B) the commission on peace officers' standards and training for
6 applicants for certification under the Kansas law enforcement training act
7 as described in K.S.A. 74-5607, and amendments thereto; *and*

8 (C) *a school district for private providers, as defined in section 1,*
9 *and amendments thereto, in connection with being approved by such*
10 *school district to provide medically necessary behavioral health services*
11 *on school district property as described in section 2, and amendments*
12 *thereto.*

13 (5) The Kansas bureau of investigation shall release criminal history
14 record information related to adult convictions, adult non-convictions,
15 adult diversions and juvenile adjudications to:

16 (A) The athletic commission within the Kansas department of
17 commerce for a candidate for boxing commission as defined in K.S.A. 74-
18 50,182, and amendments thereto, in connection with such appointment as
19 described in K.S.A. 74-50,184, and amendments thereto;

20 (B) the secretary of health and environment for employees at a child
21 care facility as defined in K.S.A. 65-503, and amendments thereto, in
22 connection with such employment as described in K.S.A. 65-516, and
23 amendments thereto;

24 (C) the secretary of commerce for final applicants for a sensitive
25 position or employees in a sensitive position as defined in K.S.A. 2025
26 Supp. 74-5005a, and amendments thereto, in connection with such
27 employment as described in K.S.A. 2025 Supp. 74-5005a, and
28 amendments thereto;

29 (D) the secretary of labor for employees as defined in K.S.A. 75-
30 5702, and amendments thereto, in connection with such employment as
31 described in K.S.A. 75-5702, and amendments thereto; and

32 (E) the state bank commissioner for any officer, partner, member,
33 owner, principal or director of an applicant or registrant in connection with
34 such application or registration as described in K.S.A. 2025 Supp. 9-2411,
35 and amendments thereto.

36 (6) The Kansas bureau of investigation shall release criminal history
37 record information related to adult convictions and juvenile adjudications
38 to:

39 (A) The secretary for aging and disability services for applicants as
40 defined in K.S.A. 39-970, and amendments thereto, in connection with
41 such application as described in K.S.A. 39-970, and amendments thereto;

42 (B) the Kansas department for aging and disability services for
43 applicants as defined in K.S.A. 39-2009, and amendments thereto, in

1 connection with such application as described in K.S.A. 39-2009, and
2 amendments thereto; and

3 (C) the secretary for aging and disability services for applicants as
4 defined in K.S.A. 65-5117, and amendments thereto, in connection with
5 such application as described in K.S.A. 65-5117, and amendments thereto.

6 (7) The Kansas bureau of investigation shall release criminal history
7 record information related to adult convictions and adult non-convictions
8 to:

9 (A) The division of motor vehicles within the department of revenue
10 for applicants for reinstatement of a license to drive a commercial motor
11 vehicle as described in K.S.A. 8-2,142, and amendments thereto;

12 (B) the board of examiners in optometry for applicants or licensees as
13 defined in K.S.A. 65-1501, and amendments thereto, in connection with
14 such application or an investigation as described in K.S.A. 65-1505, and
15 amendments thereto;

16 (C) the board of pharmacy for fingerprint candidates as defined in
17 K.S.A. 65-1626, and amendments thereto, in connection with such
18 application or license as described in K.S.A. 65-1696, and amendments
19 thereto;

20 (D) the state board of healing arts for applicants or licensees as
21 defined in K.S.A. 65-2802, and amendments thereto, in connection with
22 such application or an investigation as described in K.S.A. 65-28,129, and
23 amendments thereto;

24 (E) the state board of healing arts for applicants or licensees as
25 defined in K.S.A. 65-2901, and amendments thereto, in connection with
26 such application or an investigation as described in K.S.A. 65-2924, and
27 amendments thereto;

28 (F) the board of nursing for applicants as defined in K.S.A. 74-1112,
29 and amendments thereto, in connection with such application as described
30 in K.S.A. 74-1112, and amendments thereto;

31 (G) the behavioral sciences regulatory board for licensees as defined
32 in K.S.A. 74-7511, and amendments thereto, in connection with such
33 application or license as described in K.S.A. 74-7511, and amendments
34 thereto;

35 (H) the state lottery for a vendor to whom a major procurement
36 contract is to be awarded in connection with an investigation as described
37 in K.S.A. 74-8705, and amendments thereto;

38 (I) the attorney general for appointees of the governor to positions
39 subject to confirmation by the senate and judicial appointees as described
40 in K.S.A. 75-712, and amendments thereto;

41 (J) appointing authorities as defined in K.S.A. 75-4315d, and
42 amendments thereto, for nongubernatorial appointees as described in
43 K.S.A. 75-4315d, and amendments thereto;

1 (K) the Kansas real estate commission for applicants as defined in
2 K.S.A. 58-3035, and amendments thereto, or for licensees as defined in
3 K.S.A. 58-3035, and amendments thereto, in connection with an
4 investigation as described in K.S.A. 58-3039, and amendments thereto;

5 (L) the insurance commissioner for applicants for licensure as an
6 insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in
7 connection with such application as described in K.S.A. 40-4905, and
8 amendments thereto;

9 (M) the insurance commissioner for applicants as defined in K.S.A.
10 40-5501, and amendments thereto, in connection with such application as
11 described in K.S.A. 40-5505, and amendments thereto; and

12 (N) the state bank commissioner for applicants in control of a
13 licensee, licensees or key individuals as defined in K.S.A. 2025 Supp. 9-
14 555, and amendments thereto, in connection with such application as
15 described in K.S.A. 2025 Supp. 9-565, and amendments thereto.

16 (8) The Kansas bureau of investigation shall release criminal history
17 record information related to adult convictions to:

18 (A) The department of agriculture for hemp employees as defined in
19 K.S.A. 2-3901, and amendments thereto, in connection with such
20 employment as described in K.S.A. 2-3902, and amendments thereto;

21 (B) the department of agriculture for applicants for licensure as a
22 hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in
23 connection with such application as described in K.S.A. 2-3906, and
24 amendments thereto;

25 (C) the office of state fire marshal for applicants for registration as a
26 hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in
27 connection with such application as described in K.S.A. 2-3907, and
28 amendments thereto;

29 (D) the department of agriculture for hemp destruction employees as
30 defined in K.S.A. 2-3901, and amendments thereto, in connection with
31 such employment as described in K.S.A. 2-3911, and amendments thereto;

32 (E) the bank commissioner for any applicant as defined in K.S.A. 9-
33 508, and amendments thereto, in connection with such application as
34 described in K.S.A. 9-509, and amendments thereto;

35 (F) the bank commissioner for an applicant for employment as a new
36 executive officer or director with a money transmitter company as
37 described in K.S.A. 9-513e, and amendments thereto;

38 (G) the bank commissioner for any applicant as defined in K.S.A. 9-
39 1719, and amendments thereto, in connection with such application as
40 described in K.S.A. 9-1722, and amendments thereto;

41 (H) the bank commissioner for an applicant, registrant or licensee as
42 defined in K.S.A. 9-2201, and amendments thereto, in connection with
43 such application, registration or license as described in K.S.A. 9-2209, and

1 amendments thereto;

2 (I) the state banking board for any officer, director or organizer of a
3 proposed fiduciary financial institution as defined in K.S.A. 9-2301, and
4 amendments thereto, in connection with such role as described in K.S.A.
5 9-2302, and amendments thereto;

6 (J) municipalities for applicants for merchant or security police as
7 described in K.S.A. 12-1679, and amendments thereto;

8 (K) the bank commissioner for applicants as defined in K.S.A. 16a-6-
9 104, and amendments thereto, in connection with such application as
10 described in K.S.A. 16a-6-104, and amendments thereto;

11 (L) the state department of credit unions for every candidate as
12 defined in K.S.A. 17-2234, and amendments thereto, in connection with
13 such employment as described in K.S.A. 17-2234, and amendments
14 thereto;

15 (M) the division of alcoholic beverage control within the department
16 of revenue for applicants as defined in K.S.A. 41-102, and amendments
17 thereto, in connection with such application as described in K.S.A. 41-
18 311b, and amendments thereto;

19 (N) the division of post audit for employees as defined in K.S.A. 46-
20 1103, and amendments thereto, in connection with such employment as
21 described in K.S.A. 46-1103, and amendments thereto;

22 (O) the bank commissioner for licensees as defined in K.S.A. 50-
23 1126, and amendments thereto, in connection with such license as
24 described in K.S.A. 50-1128, and amendments thereto;

25 (P) the real estate appraisal board for licensees as defined in K.S.A.
26 58-4102, and amendments thereto, in connection with an application or
27 investigation as described in K.S.A. 58-4127, and amendments thereto;

28 (Q) the real estate appraisal board for applicants as defined in K.S.A.
29 58-4703, and amendments thereto, in connection with such application as
30 described in K.S.A. 58-4709, and amendments thereto;

31 (R) the department of health and environment for an employee as
32 defined in K.S.A. 65-2401, and amendments thereto, in connection with
33 such employment as described in K.S.A. 65-2402, and amendments
34 thereto;

35 (S) the Kansas office of veterans services for candidates as defined in
36 K.S.A. 73-1210a, and amendments thereto, in connection with an
37 application as described in K.S.A. 73-1210a, and amendments thereto;

38 (T) a senate standing committee for a member named, appointed or
39 elected to the public employee retirement systems board of trustee
40 membership as described in K.S.A. 74-4905, and amendments thereto;

41 (U) the department of revenue for employees as defined in K.S.A. 75-
42 5133c, and amendments thereto, in connection with such employment as
43 described in K.S.A. 75-5133c, and amendments thereto;

1 (V) the division of motor vehicles within the department of revenue
2 for employees as defined in K.S.A. 75-5156, and amendments thereto, in
3 connection with such employment as described in K.S.A. 75-5156, and
4 amendments thereto;

5 (W) the Kansas commission for the deaf and hard of hearing for
6 applicants as defined in K.S.A. 75-5397f, and amendments thereto, in
7 connection with such application as described in K.S.A. 75-5393a, and
8 amendments thereto;

9 (X) the Kansas commission for the deaf and hard of hearing for
10 employees as defined in K.S.A. 75-5397f, and amendments thereto, in
11 connection with such employment as described in K.S.A. 75-5393c, and
12 amendments thereto;

13 (Y) the department of health and environment for employees as
14 defined in K.S.A. 75-5609a, and amendments thereto, in connection with
15 such employment as described in K.S.A. 75-5609a, and amendments
16 thereto; and

17 (Z) an executive branch agency head for employees as defined in
18 K.S.A. 75-7241, and amendments thereto, in connection with such
19 employment as described in K.S.A. 75-7241, and amendments thereto.

20 (c) State and local law enforcement agencies shall assist with taking
21 fingerprints of individuals as authorized by this section.

22 (d) Any board, commission, committee or other public body shall
23 recess into a closed executive session pursuant to K.S.A. 75-4319, and
24 amendments thereto, to receive and discuss criminal history record
25 information obtained pursuant to this section.

26 (e) The Kansas bureau of investigation may charge a reasonable fee
27 for conducting a criminal history record check.

28 (f) (1) Fingerprints and criminal history record information received
29 pursuant to this section shall be confidential and shall not be subject to the
30 provisions of the Kansas open records act, K.S.A. 45-215 et seq., and
31 amendments thereto. The provisions of this paragraph shall expire on July
32 1, 2029, unless the legislature reviews and reenacts this provision pursuant
33 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

34 (2) Disclosure or use of any information received pursuant to this
35 section for any purpose other than the purpose described in this section
36 shall be a class A nonperson misdemeanor and shall constitute grounds for
37 removal from office.

38 Sec. 6. K.S.A. 2025 Supp. 22-4714 is hereby repealed.

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