

Selected Senate & House

EDUCATION SUMMARIES

*Enrolled bills
passed into law during the
2016 Legislative Session*



Published July, 2016

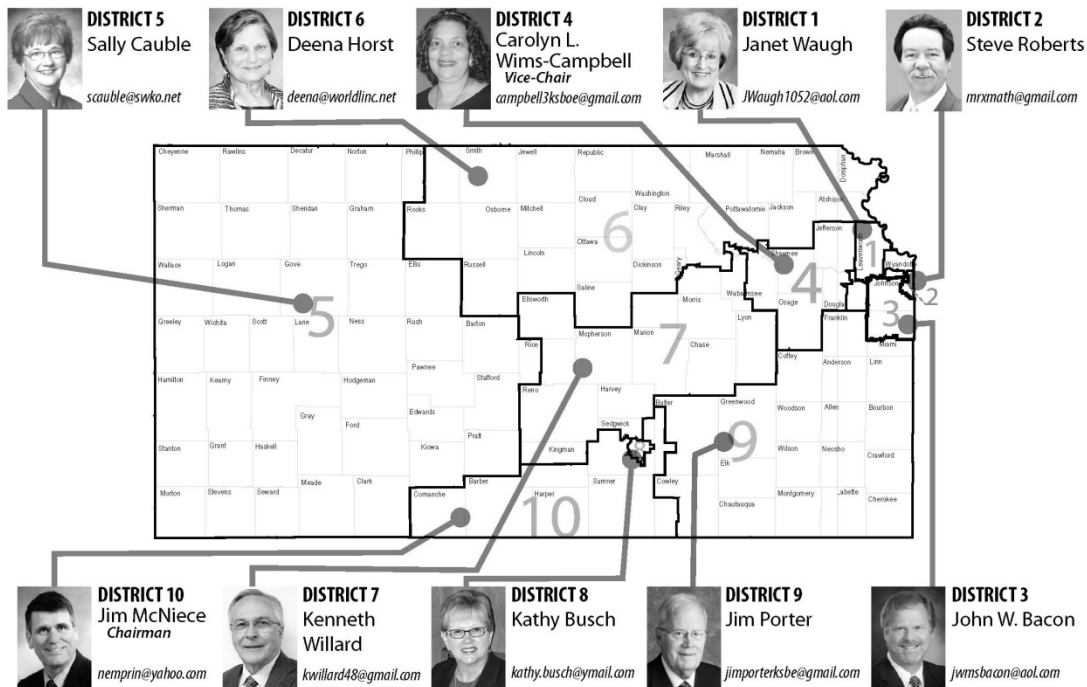


Compiled by the School Finance Section of the
Division of Fiscal and Administrative Services
Kansas State Department of Education
900 SW Jackson Street, Suite 356
Topeka KS 66612-1212

The mission of the Kansas State Board of Education is to prepare Kansas students for lifelong success through rigorous, quality academic instruction, career training and character development according to each student's gifts and talents. To accomplish this mission the State Board has identified five goals. They are as follows:

- Provide a flexible delivery system to meet our students' changing needs.
- Provide an effective educator in every classroom.
- Ensure effective, visionary leaders in every school.
- Promote and encourage best practices for early childhood programs.
- Develop active communication and partnerships with families, communities, business stakeholders, constituents and policy makers.

Adopted Mar. 2013



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JANUARY 2015

This booklet, **Selected Senate & House Education Summaries – 2016 Legislative Session**, is published annually to provide enrolled copies and summaries of selected education bills passed by the Kansas Legislature relating generally to Unified School Districts, Interlocal operatives, and private schools.

The summaries of the bills were prepared by the Kansas Legislative Research Department in cooperation with the Kansas Department of Education. Bills are summarized using the conference committee report briefs which are prepared by the Legislative Research Department. Conference committee report briefs may be accessed on the Kansas Legislature website: <http://www.kslegislature.org/kldr>

The bills chosen include important legislative information related to education and may be found and printed from the links below:

Senate: http://www.kslegislature.org/li/b2015_16/measures/bills/senate/

House: http://www.kslegislature.org/li/b2015_16/measures/bills/house/

To select a specific bill, type the bill number in the “Filter” search box on the right of the page, or scroll through the list of bills and resolutions in the center of the web page.

Dale M. Dennis, Deputy Commissioner
Division of Fiscal & Administrative Services

Program	FY 2015 Actual	FY 2016 Approved	FY 2017 Approved
General State Aid - SGF	1,886,700,212	0	0
State Highway Fund	96,600,000	0	0
General State Aid	1,983,300,212	0	0
	\$3,852 BSAPP	N/A	N/A
Supplemental General State Aid	452,257,384	0	466,990,748
Capital Outlay State Aid	28,927,119	0	50,780,296
KPERS-SGF (CCs, TCs & Interlocals - FY 16 & FY 17)	311,138,290	11,838,054	13,563,552
KPERS-ELARF (CCs, TCs & Interlocals - FY 16 & FY 17)	39,490,000	29,574,659	35,430,948
Block Grants to USDs - SGF	0	2,617,035,642	2,176,018,316
State Highway Fund	0	96,600,000	96,600,000
Mineral Production Fund	0	0	11,473,000
School District Finance Fund	45,544,703	45,673,934	45,673,934
SDDFF - School Mill Levy	590,081,876	596,565,838	616,917,395
Total Block Grant Program (All Funds)	0	3,355,875,414	2,946,682,645
Capital Improvement Fund	145,009,015	163,300,000	181,000,000
Juvenile Detention Facilities	4,632,405	4,771,500	4,771,500
School District Extraordinary Need Fund	0	9,363,599	13,000,000
School District Extraordinary Need Fund	779,567	0	0
Special Education Services-SGF	418,360,566	424,902,949	423,980,455
Special Education Services-SHF	10,000,000	10,000,000	10,000,000
Special Education Services	428,360,566	434,902,949	433,980,455
Mentor Teacher Program	0	0	0
Professional Development	0	0	0
School Food Service Match	2,510,429	2,510,486	2,510,486
Educable Deaf/Blind	110,000	110,000	110,000
Ag in the Classroom	0	0	0
Discretionary Grants			
After-School Enhancement Prgms.	187,500	187,500	187,500
After-School Prgms. Middle School Students	125,000	125,000	125,000
Environmental Education	0	0	0
Communities in Schools	250,000	0	0
Kansas Teacher of the Year	9,957	9,957	9,957
Discretionary Grants - Total	572,457	322,457	322,457
Parent Education	7,237,635	7,237,635	0
Pre-K Pilot	4,799,812	4,799,812	32,317
Parent Education TANF Federal Funds	0	0	7,237,635
Pre-K Pilot TANF Federal Funds	0	0	4,132,317
National Board Certification	242,894	327,500	327,500
State Assessment Fund (Transfer from State Safety)	1,100,000	0	0
School Safety Hotline	9,994	10,000	10,000
Agency Operating Expenses	11,997,336	12,707,162	12,733,740
Tech Ed Transportation - SHF	650,849	650,000	650,000
Fort Riley State Match	0	409,541	0
Kansas Reading Success	0	1,419,500	0
Information Tech Education Opportunities	0	500,000	500,000
Reading Success	0	0	2,100,000
Total	4,058,752,543	4,040,630,268	4,176,866,596
Funding Sources	FY 2015 Actual	FY 2016 Approved	FY 2017 Approved
State General Fund	3,117,459,086	3,084,808,890	3,167,719,050
Children's Initiatives Fund	12,037,447	13,456,947	32,317
School District Finance Fund	635,626,579	642,239,772	662,591,329
State Highway Fund	107,250,849	107,250,000	107,250,000
State Assessment Fund	1,100,000	0	0
Mineral Production Fund	0	0	11,473,000
ELARF	39,490,000	29,574,659	35,430,948
Capital Improvements	145,009,015	163,300,000	181,000,000
Extraordinary Need Fund (Spec. Rev. 2015)	779,567	0	0
Temporary Assistance For Needy Families (TANF)	0	0	11,369,952
Total	4,058,752,543	4,040,630,268	4,176,866,596

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8-10	<p>House Sub for Senate Bill 161 State Budget – includes funding for FY 2016, FY 2017, and FY 2018 supplemental expenditures for most state agencies and FY 2016 and FY 2017 capital improvements for selected state agencies.</p>
11-14	<p>House Substitute for Senate Bill 168 Revises statutes of the Kansas Public Employee Retirement System (KPERS) pertaining to working after retirement. The bill also makes technical and clarifying amendments to statutes. Page 14 is a flow chart from KPERS with changes for 2016.</p>
15-18	<p>House Sub for Senate Bill 193 This bill amends the Freedom from Unsafe Restraint and Seclusion Act (Act) to add and clarify definitions; revises the standards for the use of emergency safety intervention (ESI); and changes the sunset for provisions of the Act from June 30, 2018, to June 30, 2020.</p>
18-20	<p>House Sub. for Senate Bill 249 Bill includes omnibus funding for FY 2016, FY 2017, and FY 2018 expenditures for most state agencies.</p>
20-24	<p>Sub for Senate Bill 323 Sub for SB 323 enacts the Jason Flatt Act requiring at least one-hour of training each year on suicide awareness and prevention. It also establishes a language assessment program coordinated by the Kansas Commission for the Deaf and Hard of Hearing (KCDHH). This bill also amends the capital improvement state aid formula, and outlines a new process to approve districts to receive state aid.</p>
25	<p>Senate Bill 367 SB 367 creates and amends law related to the Kansas juvenile justice system. Effective July 1, 2017, the School Safety and Security Act is amended to require boards of education to include in annual school safety and security reports information regarding arrests and referrals to law enforcement or juvenile intake and assessment services made in connection to criminal acts the school is required to report under continuing law.</p>
25-27	<p>Sub. for HB 2001 (Special Session) Sub. for HB 2001, as amended, would amend statutes relating to school finance. Specifically, the bill would alter the statutory formula providing Supplemental General State Aid for FY 2017 and amend laws related to virtual school state aid, the Extraordinary Need Fund, hold harmless funding under 2015 Senate Sub. for HB 2655, and federal funding for certain pre-kindergarten programs.</p>
27-28	<p>Senate Sub. for HB 2008 This bill enacts the Student Online Personal Protection Act (SOPPA). Guidance on prohibiting disclosure of student information, such as selling or renting student information to a third party.</p>
29-31	<p>House Bill 2502 The bill amends the Weapons Free School Act to prohibit school districts from adopting policies preventing organizations from conducting activities on school property solely because the activities involve the possession and use of air guns. The bill also makes several amendments to concealed carry statutes and amendments to the Personal and Family Protection Act by allowing restricted access entrances.</p>

Substitute for Senate Bill 22

Open Records – Audio or video recordings from body cameras and vehicle cameras



Public Records; Open Records—Law Enforcement Recordings; Definitions; Exceptions; Charitable Gaming Information

Sub. for SB 22 creates and amends law relating to public records and the Kansas Open Records Act (KORA).

Law Enforcement Recordings From Body Cameras and Vehicle Cameras

The bill creates new law stating every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a “criminal investigation record,” as defined in KORA, thereby bringing such recordings within the exception from KORA for criminal investigation records, as well as under the public interest disclosure provision for such records. This new provision shall expire on July 1, 2021, unless reviewed and reenacted prior to that date.

In addition to the existing disclosures under KORA applicable to such recordings, the bill allows certain persons to request to listen to an audio recording or to view a video recording made by a body camera or vehicle camera, and the law enforcement agency shall be required to allow such listening or viewing subject to a reasonable fee. The persons who may make such a request include the subject of the recording; a parent or legal guardian of a person under 18 years of age who is a subject of the recording; an attorney for any of the previous persons listed; and an heir-at-law, an executor, or an administrator of a decedent who is a subject of the recording.

The bill defines “body camera” and “vehicle camera.” The bill amends the definition of “criminal investigation records” in KORA to accommodate the new law.

KORA Definitions

The bill amends the definition of “public record” to clarify the specified recorded information falls under the definition regardless of the location of the information. The bill also adds to this definition any recorded information that is made, maintained, kept by, or in the possession of any officer or employee of a public agency pursuant to the officer’s or employee’s official duties, and is related to the functions, activities, programs, or operations of any public agency.

The bill specifies the definition of “private person” used in defining records that are not public shall not include an officer or employee of a public agency who is acting pursuant to the officer’s or employee’s official duties.

The bill also removes “officer” from the definition of “public agency” and will no longer exempt from this definition officers or employees of the State or localities who have their offices open to the public fewer than 35 hours a week.

The bill makes additional technical and non-substantive structural changes.

Kansas Open Records Act Exceptions Review

The bill continues in existence until July 1, 2021, the following exceptions to KORA:

- KSA 2015 Supp. 40-955, concerning insurance rate filings;
- KSA 2015 Supp. 45-221(a)(10)(F), concerning victims of sexual offenses;
- KSA 2015 Supp. 45-221(a)(50), concerning information provided to the 911 Coordinating Council;
- KSA 2015 Supp. 65-4a05, concerning individual identification present in documents related to licensing of abortion clinics;
- KSA 2015 Supp. 65-445(g), concerning child sexual abuse reports;
- KSA 2015 Supp. 9-513c, concerning licensing persons engaged in money transmission;
- KSA 2015 Supp. 12-5374, concerning emergency communications services;
- KSA 2015 Supp. 16-335, concerning cemetery corporation's investigations;
- KSA 2015 Supp. 17-1312e, concerning investigations of cemetery corporations;
- KSA 2015 Supp. 25-2309, concerning voter registration documents;
- KSA 2015 Supp. 40-2,118, concerning fraudulent insurance acts;
- KSA 2015 Supp. 40-2,118a, concerning fraudulent insurance acts;
- KSA 2015 Supp. 40-4913, concerning termination of certain business relationships;
- KSA 2015 Supp. 75-5664, concerning the Advisory Committee on Trauma;
- KSA 2015 Supp. 75-5665, concerning the Regional Trauma Council;
- KSA 2015 Supp. 12-5611, concerning the Topeka/Shawnee County Riverfront Authority;
- KSA 2015 Supp. 22-4906, concerning criminal offender registration;
- KSA 2015 Supp. 22-4909, concerning criminal offender registration;
- KSA 2015 Supp. 38-2310, concerning records concerning certain juveniles;
- KSA 2015 Supp. 38-2311, concerning juvenile treatment records;
- KSA 2015 Supp. 38-2326, concerning juvenile offender information systems;
- KSA 2015 Supp. 44-1132, concerning discrimination in employment;
- KSA 2015 Supp. 60-3333, concerning environmental audit reports;
- KSA 2015 Supp. 65-6154, concerning emergency medical services reports;
- KSA 2015 Supp. 71-218, concerning community colleges and employee evaluation documents;
- KSA 2015 Supp. 75-457, concerning substitute mailing addresses;
- KSA 2015 Supp. 75-712c, concerning reports of missing persons;
- KSA 2015 Supp. 75-723, concerning the Abuse, Neglect, and Exploitation of Persons Unit in the Office of the Attorney General; and
- KSA 2015 Supp. 75-7c06, concerning concealed firearm records.

The bill removes an exception concerning audits of voice over internet protocol (VoIP) providers, as the underlying statute, KSA 12-5358, was repealed during the 2011 Session.

Release of Charitable Gaming Information

The bill also amends a statute allowing the Secretary of Revenue or the Secretary's designee to release or publish certain charitable gaming information obtained in bingo licensee and registration applications and renewals pursuant to the Bingo Act. The applications from which such information may be drawn are expanded to include any charitable gaming application, and the reference to the Bingo Act is updated to reference the Kansas Charitable Gaming Act.

###

House Sub for Senate Bill 161

State Budget

House Sub. for SB 161 includes funding for FY 2016, FY 2017, and FY 2018 supplemental expenditures for most state agencies and FY 2016 and FY 2017 capital improvements for selected state agencies.

FY 2016

The approved FY 2016 budget totals \$15.6 billion, including \$6.3 billion from the State General Fund. The approved budget increases the Governor's recommended expenditures by \$3.8 million, including \$3.2 million from the State General Fund in FY 2016. The increase is primarily due to a \$2.0 million State General Fund addition to the Osawatomie State Hospital to address recertification and understaffing and a \$1.0 million State General Fund increase to Larned State Hospital to address understaffing issues. Other adjustments to the Governor's recommendations include:

- Added language allowing the Governor to have enhanced allotment authority in FY 2016 if the State General Fund ending balance is projected to fall below \$100.0 million. The enhanced authority allows the Governor to reduce State General Fund expenditures in the Executive Branch in an amount necessary to bring the State General Fund ending balance to \$100.0 million;
- Added language allowing the reduction of employer contributions to KPERS in FY 2016 and requiring repayment by September 30, 2016, with 8.0 percent interest;
- Added language prohibiting the approval of STAR bonds in Wyandotte County for FY 2016. If legislation is enacted during the 2016 Session which provides for STAR bond reform including the nine criteria listed in the Legislative Post Audit review, then this *proviso* will be null and void (This provision was vetoed by the Governor. The veto was sustained on March 23, 2016.);
- Deleted language prohibiting the Department of Revenue from expending any funds to mail motor vehicle registration applications for FY 2016; and
- Added language prohibiting privatization of Osawatomie State Hospital and Larned State Hospital in FY 2016 without specific authorization by the Legislature.

FY 2017

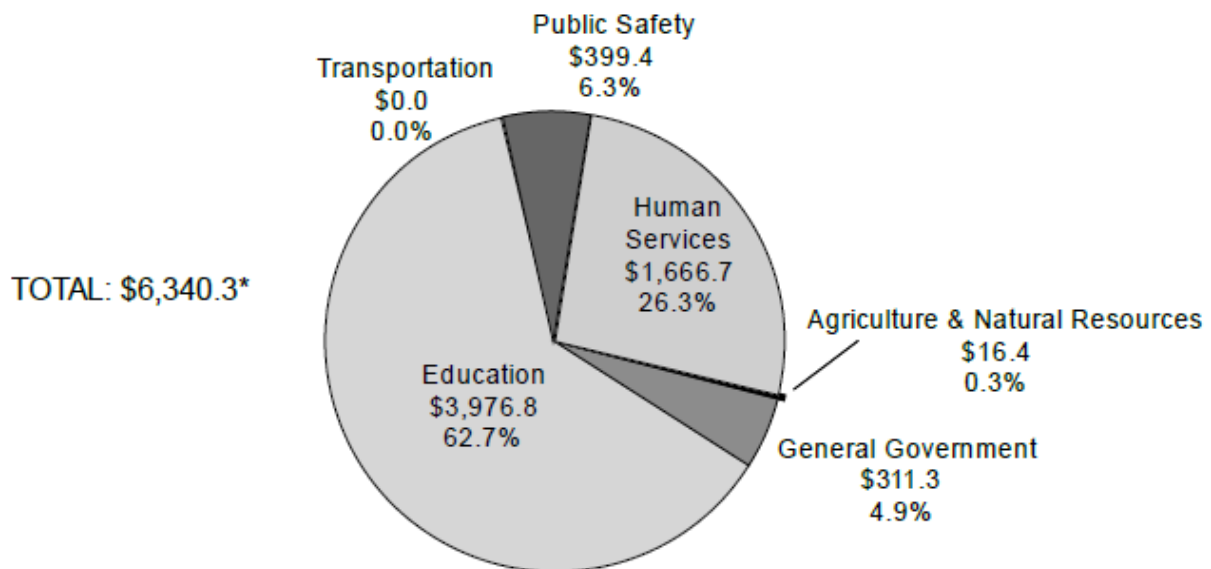
The approved FY 2017 budget totals \$16.1 billion, including \$6.3 billion from the State General Fund. The approved budget decreases the Governor's recommended expenditures by \$35.8 million, including \$69.4 million from the State General Fund in FY 2017. The all funds decrease is primarily due to the elimination of the KPERS death and disability employer contributions which results in a decrease of \$39.5 million, including \$30.4 million from the State General Fund. The remainder of the State General Fund reduction is mainly in the restoration of Children's Initiatives Fund expenditures that the Governor had recommended to be funded instead from the State General Fund. The Governor also recommended transferring funding from the Children's Initiative Fund to the State General Fund that the Conference Committee reversed. The net effect of these recommended changes reduces both State General Fund expenditures and State General Fund revenues and increases special revenue fund expenditures and revenue by the same amount. Other adjustments to the Governor's recommendations include:

- Added \$2.5 million from the State General Fund to fund a 2.5 percent salary increase in Corrections for adult and juvenile corrections officers;
- Added language allowing the Governor to have enhanced allotment authority in FY 2017 if the State General Fund ending balance is projected to fall below \$100.0 million. The enhanced authority allows the Governor to reduce State General Fund expenditures or transfer money from special revenue funds into the State General Fund in the Executive Branch in an amount necessary to bring the State General ending balance to \$100.0 million;
- Added language prohibiting the approval of STAR bonds in Wyandotte County for FY 2017. If legislation is enacted that will provide for STAR bond reform, including the nine criteria listed in the Legislative Post Audit review, then this *proviso* will be null and void (This provision was vetoed by the Governor. The veto was sustained on March 23, 2016.);
- Deleted \$562,000 from special revenue funds and language prohibiting the Department of Revenue from expending any funds to mail motor vehicle registration applications for FY 2017;
- Added \$378,000 from the State General Fund for Safety Net Clinics in the Department of Health and Environment for FY 2017;
- Deleted \$292,251 from special revenue funds in the Department of Agriculture to reestablish the Board of Veterinary Examiners as a separate agency;
- Added language preventing the Governor from making reductions to KPERS employer contributions for FY 2017;

FY 2017 (continued)

- Added language limiting State General Fund debt service to no more than 4.0 percent of the average State General Fund Revenue for the previous three years. Language also was added to bar any debt obligations in excess of \$5.0 million if issued using any entity other than the Kansas Development Finance Authority for FY 2017;
- Added language to set a 19.0 percent debt service limitation on the State Highway Fund for FY 2017; and
- Added language prohibiting privatization of Osawatomie State Hospital and Larned State Hospital in FY 2017 without specific authorization by the Legislature.

**FY 2017 Approved State General Fund Budget
by Function of Government
(Dollars in Millions)**



* NOTE: Total state expenditures do not include \$30.4 million in statewide KPERS Death and Disability payment savings.

###



Working After Retirement; Technical and Clarifying Revisions

House Sub. for SB 168 revises statutes of the Kansas Public Employee Retirement System (KPERS) pertaining to working after retirement. The bill also makes technical and clarifying amendments to statutes pertaining to death and disability contributions, Tier 3 members, the tax status of 457 Roth accounts, optional 401(a) plans for local public employers, retirement income planning, and the Deferred Retirement Option Program (DROP).

Working After Retirement

When filing an application for retirement, an employee will certify to KPERS that the individual will not be employed by a participating employer within 60 days of ending employment and there is no prearranged agreement for employment with any participating employer. The bill defines the term “prearranged agreement for employment” to mean one where the fact and circumstances of the situation indicate that the employer and employee reasonably anticipated further services would be performed after the employee’s retirement. When hiring a retiree, the appointing authority of a participating employer will certify to KPERS there was no prearranged agreement for employment. If KPERS determines a retiree entered into a prearranged employment agreement with a participating employer, the retiree’s monthly benefit shall be suspended for the duration of the reemployment period plus six months after the termination of the employment. That retiree must pay to KPERS all monthly retirement benefits paid since the prearranged employment began. A participating employer that prearranged an employment agreement must indemnify KPERS for legal costs and any costs imposed by the Internal Revenue Service.

The bill extends the current exceptions to the earnings cap by three years, from July 1, 2017, to July 1, 2020, for licensed school professionals who retired prior to May 1, 2015.

The bill repeals the authority of the Joint Committee on Pensions, Investments and Benefits to approve certain working-after-retirement appeals. Instead, the participating employer files an assurance protocol with KPERS to extend the exception by one year. For hardship positions, the exception could be extended in one-year increments for a total extension not to exceed three years. The filing of an assurance protocol will be required for each one-year extension. The protocol must state the position was advertised on multiple platforms for a minimum of 30 days and that one or more of the following conditions occurred:

- No applications were submitted for the position;
- If applications were submitted, none of the applicants met the employer’s reference screening criteria; or

If applications were submitted, none of the applicants possessed the appropriate licensure, certification, or other necessary credentials for the position. If submitted by a school district, the superintendent and board president will sign the protocol. If submitted by a municipality, which is defined broadly using a statutory reference, the governing body or its designee will sign the protocol. The Joint Committee continues to have the authority to review extensions.

Under current law, an individual who retired on or after May 1, 2015, may earn no more than \$25,000 from a participating employer before deciding to either terminate employment or forgo monthly KPERS benefits until the end of the calendar year. Previously, for an exception period of three school years or 36 months, whichever is less, the earnings cap did not apply to certain hardship, special education, or hard-to-fill positions in school districts. The bill extends the exception period to four school years or 48 months, whichever would be less. The extended exception period applies to the individual's total term of employment with all employers under one or more of the hardship, special education, or hard-to-fill exceptions. The cap then applies regardless of the employer or position filled. Participating employers pay a 30 percent employer contribution to KPERS.

By July 1, 2019, and at least every three years thereafter, the KPERS Board of Trustees will evaluate the Retirement System's experience with employed retirants and certify a new rate, which could not be less than 30 percent.

The bill increases the earnings cap for retirants under the Kansas Police and Firemen's Retirement System from \$15,000 to \$25,000.

The bill extends the deadline placed on the Joint Committee on Pensions, Investment and Benefits, from July 1, 2016, to July 1, 2021, to study the compensation limitations place on retirants who work after retirement.

Technical and Clarifying Amendments

The bill places a moratorium on contribution amounts made for death and disability benefits, commencing on April 1, 2016, and ending on June 30, 2017.

The accidental service-connected death benefit applies to KPERS Tier 3 members. This allows surviving spouses or dependents to receive a lump sum payment of \$50,000 and a monthly, lifetime benefit equal to 50 percent of the deceased member's final average salary, which will be based on an average of the member's final three years of compensation. The annuity interest rate for Tier 3 members who take early retirement is adjusted from 6 percent to the actuarially assumed investment rate of return, which will be established by the KPERS Board of Trustees, minus 2 percent. This provision makes the annuity rates consistent across all retirement options for Tier 3 members.

The bill clarifies the tax status of contributions and distributions associated with Roth accounts within KPERS' deferred compensation 457 plan. Under federal tax law, Roth 457 contributions are taxable in the year in which they are contributed, and qualified distributions are not taxed. The State taxes the contributions and distributions in the same manner as the federal government.

KPERS may establish an optional 401(a) plan for local participating employers who adopt the KPERS 457 plan. In 2002, the Legislature granted KPERS the authority to establish a 401(a) defined contribution plan for state employees, but KPERS has not created that plan.

Under a 401(a) plan, an employer is not required to pay Social Security taxes on employer contributions.

KPERS may share pension data for 457 plan participants with the plan's record keeper for the purpose of retirement income planning.

Members of the Kansas Highway Patrol who participate in the DROP Plan, which is a voluntary pilot deferral program that was authorized in 2015, may have their retirement benefits recalculated, taking into account any payments of the member's accumulated sick and annual leave compensation made at retirement. If the member's recalculated final average salary is higher than the final average salary used in the calculating the member's monthly DROP accrual, then after DROP participation has been completed, which under current law may be for three to five years, the member's retirement benefit is based on the recalculated amount. The difference between a member's monthly DROP accrual and recalculated monthly retirement benefit is credited as a non-interest bearing lump sum to the member's account prior to ending participation in the DROP Plan.

The bill exempts retirants who work as election poll workers from having KPERS contributions deducted from their compensation.

###

KPERS provides guidance online for school employers on **Working after Retirement**.

Rules For School Employers: <http://www.kpers.org/pdf/WARschools.pdf>

Highlights of What's New – Working After Retirement (July 1, 2016 and After)

- Members certify “no prearrangement” on the retirement application
- Employers certify “no prearrangement” if they hire a retiree
- Employers and retirees have penalties for not following the rules
- Employers enroll all KPERS retirees
 - Even non-covered employees like seasonal and part-time
 - Includes retirees hired through a 3rd party like a temp agency and contract employees
- Employers and retirees have penalties for not following the rules
- Increased earnings limit of \$25,000
- New earnings limit exemptions
- New approval process for exemption extensions
- Grandfathering for some retirees under the old rules
- Most rules sunset July 2020

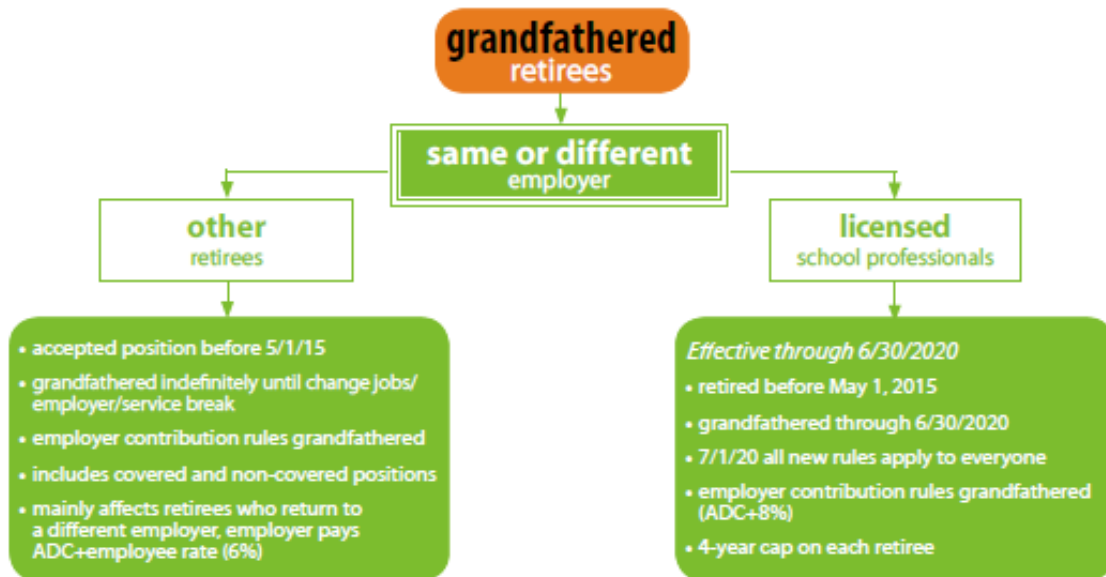
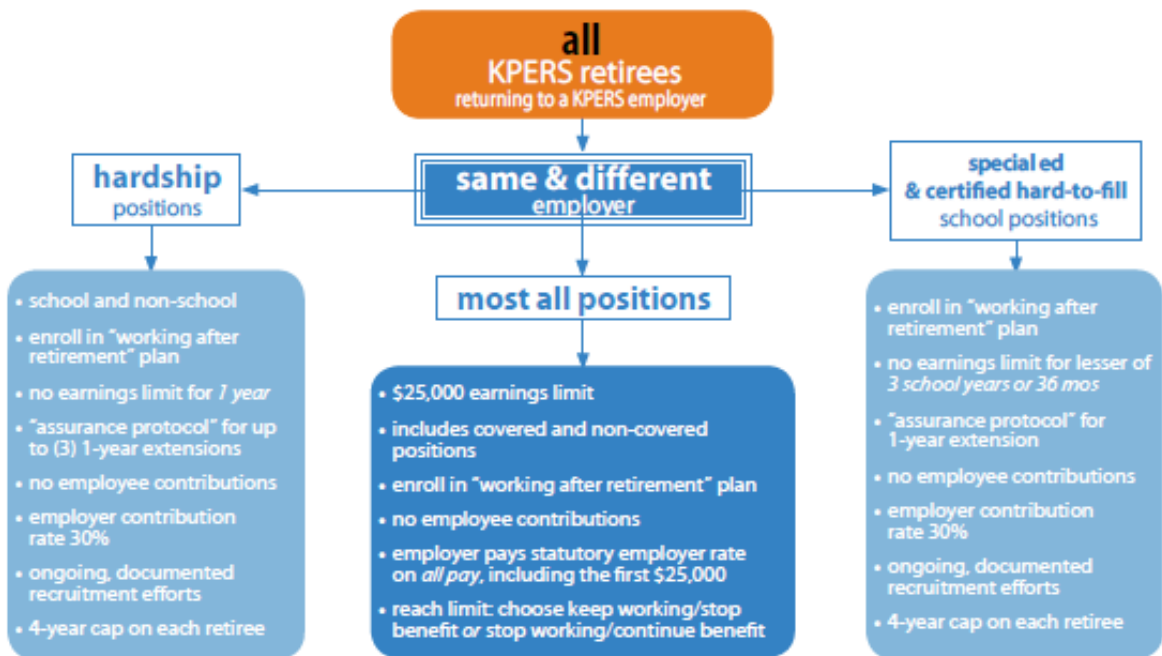
If you have questions, contact a representative at **KPERS** or visit their website:

Toll Free: 1-888-275-5737 - In Topeka: 785-296-6166

KPERS main website: www.kpers.org/employers email: employers@kpers.org

Working After Retirement Flowchart

Starts 7/1/2016



Good to Know

1. Most new rules sunset June 30, 2020.
2. Licensed school professionals retiring after 4/1/15 are not grandfathered.
3. No earnings limit for state hospital nurses, local elected officials, legislative staff, poll workers and emergency substitute teachers.
4. No earnings limit for law enforcement officers employed by the Law Enforcement Training Center.
5. Does not affect KP&F and Judges.
6. ADC = actuarially determined contribution



###

House Sub for Senate Bill 193

Freedom from Unsafe Restraint and Seclusion Act; add and clarify definitions



House Sub. for SB 193 amends the Freedom from Unsafe Restraint and Seclusion Act (Act) to add and clarify definitions; revises the standards for the use of emergency safety intervention (ESI); requires each local board to develop and implement policies governing the use of ESI; clarifies parent notification requirements after the use of ESI; expands the data to be compiled by the Kansas Department of Education (KSDE); clarifies the process for a parent to request a meeting with the school to discuss each incident involving the use of ESI; and changes the sunset for provisions of the Act from June 30, 2018, to June 30, 2020.

Definitions

The bill adds and revises definitions of key terms. The amended definition of ESI, formerly “the use of seclusion or physical restraint,” clarifies it would not include the use of timeout.

Further, the bill, by definition, distinguishes among the following types of officers: campus police officer, law enforcement officer and police officer, school resource officer, and school security officer.

Restrictions on the Use of ESI

The bill prohibits use of an ESI on a student when he or she is known to have a medical condition that could place the student in mental or physical danger if used. Prior law prohibited seclusion where a student was known to have such a medical condition, so the change from “seclusion” to “ESIs” further prohibits the use of physical restraint under these circumstances. The bill adds an exception to the use of seclusion and physical restraint if not subjecting the student to an ESI would result in significant physical harm to the student or others. The bill requires the written statement from the student’s licensed health care provider to include an explanation of the student’s diagnosis, a list of any reasons why an ESI would put the student in mental or physical danger, and any suggested alternatives to the use of ESIs.

The bill also prohibits the following types of restraints:

- Physical restraints that are prone (face-down), are supine (face-up), obstruct the student’s airway, or impact a student’s primary mode of communication;
- Chemical restraints, except as prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Mechanical restraints, except:
 - Protective or stabilizing devices ordered by a person appropriately licensed to issue an order for the device or required by law;
 - Any device used by a certified law enforcement officer in carrying out law enforcement duties; and
 - Seat belts or any other safety equipment used to secure students during transportation.

Restrictions on the Use of ESI (continued)

Campus police officers and school resource officers are exempt from the requirements of the Act when engaged in an activity with a legitimate law enforcement purpose. However, school security officers are not exempt.

Local Board Written Policies on Use of ESI

The bill requires each local board to develop and implement written policies to govern the use of ESI in schools. At a minimum, the written policies must conform to the standards, definitions, and requirements of the Act. Written policies are required for:

- School personnel training;
- A local dispute resolution process;
- A system for the collection and maintenance of documentation for each use of ESI;
- A procedure for the periodic review of the use of ESI at each school, to be compiled and submitted at least biannually to the superintendent or the superintendent's designee; and
- A schedule for when and how parents are provided notice of the local board's policies on the use of ESI.

Written policies developed pursuant to the Act must be accessible on each school's website and included in each school's code of conduct, safety plan, or student handbook.

Parent Notification of Use of ESI

The bill amends requirements regarding the school's notification of a parent when ESI is used. If the school is unable to contact the parent, the school must attempt to contact the parent using at least two methods of contact. If the school attempts at least two methods of contact, the same-day notification requirement will be satisfied. A parent can designate a preferred method of contact to receive the required same-day notification and can agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

The bill amends the required documentation of the use of an ESI to require the documentation be in writing and include the following:

- Events leading up to the incident;
- Student behaviors necessitating the ESI;
- Steps taken to transition the student back into the educational setting;
- The date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI;
- Space or an additional form for parents to provide feedback or comments to the school regarding the incident;
- A statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs; and

Parent Notification of Use of ESI (continued)

- Email and phone information for the parent to contact the school to schedule the ESI meeting.

If the triggering issue necessitating the ESIs is the same, the school can group incidents together when documenting the events leading up to the incident, student behaviors that necessitated the ESI, and steps taken to transition the student back into the educational setting.

A parent can request the information required to be provided after the first incident of use of ESI during the school year be provided to the parent by e-mail, instead of in printed form. The bill requires the full and direct website address containing such information be provided to a parent on the occurrence of a second or subsequent incident.

If a school is aware a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school must notify the parent the same day using the parent's preferred method of contact. However, the school need not complete and provide written documentation of ESI use by law enforcement to a parent or to report the same to the KSDE. As it pertains to use by a law enforcement officer, mechanical restraint includes, but is not limited to, the use of handcuffs.

KSDE Aggregate Data Reports on Use of ESI

All statewide aggregate data required to be included in the KSDE's annual report to the Governor and House and Senate Education Committees on the use of ESI must be aggregated by gender and eligibility for free and reduced lunch. The law already requires statewide aggregate data to be reported by age and ethnicity. Further, the bill requires the KSDE Data Governance Board to use the actual data value when providing statewide aggregate data.

Meetings After Use of ESI

The bill amends when and how a parent can request a meeting following the use of ESI to allow for a discussion and debriefing after each incident, instead of after the third incident within a school year, as the law had provided. The parent can request such a meeting verbally, in writing, or by electronic means. The school must hold such a meeting within ten school days of the parent's request, and the focus of the meeting is to discuss proactive ways to prevent the need for ESI and to reduce future incidents. The parent determines whether the student will be invited to the meeting. If a parent is unable to attend the meeting within the ten-school-day limit, the time for calling the meeting can be extended.

For any student with a Section 504 Plan, the bill requires the student's Section 504 team to discuss and consider the need for an evaluation under the Special Education for Exceptional Children Act at the meeting following the use of ESI.

For any student with an individual education plan (IEP) placed in a private school by a parent, the bill requires a meeting after the use of ESI to include the parent and the private school, who would consider whether the parent should request an IEP team meeting. If a parent requests an IEP team meeting, the bill requires the private school to help facilitate the meeting.

Meetings After Use of ESI (continued)

For a student who does not have an IEP or a Section 504 Plan, the bill requires the parent and school to discuss the incident and consider the appropriateness of a referral for an evaluation under the Special Education for Exceptional Children Act, the need for a functional behavior analysis, or the need for a behavior intervention plan.

Such meetings must include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident, and other school employees designated by the school administrator as appropriate for such meeting.

###

House Sub for Senate Bill 249**Omnibus Funding for FY 2016, FY 2107, and FY 2018**

House Sub. SB 249 includes omnibus funding for FY 2016, FY 2017, and FY 2018 expenditures for most state agencies.

FY 2016

For FY 2016, the bill increases the Governor's recommended expenditures by \$124,362, including \$61,418 from the State General Fund. The increase is primarily due to funds to reimburse McPherson and Butler Counties for legal cost incurred for sexually violent predator proceedings. Other adjustments to the Governor's recommendation include:

- Adding \$61,418 from the State General Fund to reimburse McPherson and Butler Counties for legal cost incurred for sexually violent predator proceedings;
- Adding \$40,000 from special revenue funds for the Interstate Compact for Recognition of Emergency Medical Personnel Licensure;
- Adding language directing no state agency to expend any monies to demolish the Docking State Office Building or reconstruct, relocate, or renovate the power plant for FY 2016;
- Adding language that exempts from the Governor's special allotment authority any item of appropriation for any state agency or school district educating students in K-12 for FY 2016 and FY 2017; and
- Adding language directing no expenditures can be made during FY 2016 and FY 2017 to proceed with integration of the Medicaid Home and Community Based Services waivers if the proposed integration is planned to occur prior to FY 2019. In addition, including language requiring reports to the Legislature during FY 2017.

FY 2017

For FY 2017, the bill increases the Governor's recommended expenditures by \$595,965, including \$348,833 from the State General Fund. The increase is primarily due to a \$319,000 State General Fund addition to keep caseload savings within the Department of Corrections for evidence based juvenile justice programs for FY 2017. Other adjustments to the Governor's recommendation include:

- Adding \$127,832 and 2.0 FTE positions for increased expenditures resulting from Sub. for HB 2289;
- Adding \$319,000 from the State General Fund to keep caseload savings within the Department of Corrections for evidence based juvenile justice programs for FY 2017;
- Adding \$89,300 from special revenue funds for memorial signage program in the Department of Transportation;
- Adding language directing no state agency to expend any monies to demolish the Docking State Office Building or reconstruct, relocate or renovate the power plant for FY 2017;
- Adding language removing the restrictions on tuition increases for Regents Institutions imposed by the 2015 Legislature for FY 2017;
- Adding language requiring the Director of the Budget to calculate State General Fund allotments for any state university as a uniform percentage from the total of all operating budget accounts of the State General Fund and special revenue funds of each state educational institution for FY 2017;
- Adding language directing State General Fund revenues in excess of the April 2017 consensus revenue estimate on June 30, 2017, to be deposited in the Kansas Public Employee Retirement Trust Fund for FY 2017; and
- Adding language directing that an amount of State General Fund monies equivalent to the amount received in Tobacco Settlement Funds in excess of all expenditures and transfers made from the Kansas Endowment for Youth Fund be deposited in the Kansas Public Employee Retirement Trust Fund for the purposes of repaying the lapsed amount of KPERS employer contributions plus 8.0 percent per annum for FY 2017.

FY 2018

Adjustments to the Governor's recommendation include:

- Adding language directing State General Fund revenues in excess of the April 2018 consensus revenue estimate on June 30, 2018, to be deposited in the Kansas Public Employee Retirement Trust Fund for FY 2018;

FY 2018

- Transferring the amount received in Tobacco Settlement Funds in excess of all expenditures and transfers made from the Kansas Endowment for Youth Fund to the Kansas Public Employee Retirement Trust Fund for the purposes of repaying the lapsed amount of KPERS employer contributions plus 8.0 percent per annum for FY 2018; and
- Adding language directing that if on June 30, 2018, the KPERS Trust Fund has not been fully repaid for the amount of the delayed contribution plus interest the Director of Account and Reports certify a transfer from the State General Fund to the KPERS Trust Fund in this amount on June 30, 2018, for FY 2018.

###

Sub. for Senate Bill 323**Jason Flatt Act (Suicide Awareness), Language Assessment Program, and Capital Improvement State Aid**

Sub. for SB 323 enacts the Jason Flatt Act, establishes a language assessment program coordinated by the Kansas Commission for the Deaf and Hard of Hearing (KCDHH), and amends the capital improvement state aid formula.

Jason Flatt Act (Suicide Awareness)

The Jason Flatt Act requires the board of education of each school district to provide suicide awareness and prevention programming to all school staff. The bill requires such programming to include at least one hour of training each calendar year based on programs approved by the Kansas State Board of Education (Board), which could be satisfied through independent self-review of suicide prevention training materials and a building crisis plan developed for each school building, including steps for recognizing suicide ideation, appropriate methods of interventions, and a crisis recovery plan. The bill also requires each school district to notify parents or legal guardians of students enrolled in such district that the training materials provided under such programming are available.

The bill prohibits a cause of action from being brought for any loss or damage caused by an act or omission resulting from the implementation of the provisions of the bill, or resulting from any training, or lack of training, required by the bill. Further, the bill states nothing in this section shall be construed to impose any specific duty of care.

The bill requires the Board to adopt rules and regulations necessary to implement the Jason Flatt Act by January 1, 2017.

Language Assessment Program

The bill establishes a language assessment program coordinated by the KCDHH with the purpose of assessing, monitoring, and tracking the language developmental milestones of children who are deaf or hard of hearing from birth to age eight. In addition to defining other key terms, the bill defines “language” as a complex and dynamic system of conventional symbols

used in various modes for thought and communication. The recognized languages used in the education of children who are deaf and hard of hearing will be English and American Sign Language (ASL). The scope of the program includes children who may use one or more communication modes in ASL, English literacy, and, if applicable, spoken English and visual supplements.

On and after July 1, 2018, the bill requires an annual language assessment to be given in accordance with the bill's provisions and any rules and regulations adopted pursuant to the bill to each child who is deaf or hard of hearing and who is younger than age nine. The assessment will be provided either through early intervention services administered by the Kansas Department of Health and Environment (KDHE) or, if the child is age three or older, through the school district in which the child is enrolled.

The bill also establishes a 16-member advisory committee on the language assessment program (Advisory Committee) within the KCDHH. The Governor will appoint nine members with the following qualifications:

- A credentialed teacher of the deaf who uses both ASL and English during instruction;
- A credentialed teacher of the deaf who uses spoken English with or without visual supplements during instruction;
- A credentialed teacher of the deaf who has expertise in curriculum development and instruction of ASL and English;
- A credentialed teacher of the deaf who has expertise in assessing language development in both ASL and English;
- A speech language pathologist who has experience working with children from birth to age eight;
- A professional with a linguistic background who conducts research on language outcomes of children who are deaf or hard of hearing and use ASL and English;
- A parent of a child who is deaf and uses both ASL and English;
- A parent of a child who is deaf or hard of hearing and who uses spoken English with or without visual supplements; and
- A member who is knowledgeable about teaching and using both ASL and English in the education of children who are deaf and hard of hearing.

The remaining seven members, or their designees, will be *ex officio* members:

- The executive director of KCDHH;
- The coordinator of the Sound Start Program;
- The KCDHH member representing the State School for the Deaf;
- The KCDHH member representing KDHE;
- The KCDHH member representing the Board;

- The coordinator of the KDHE Early Intervention Program; and
- The coordinator of the Kansas State Department of Education (KSDE) Early Education Program.

The executive director of KCDHH will call an organizational meeting of the Advisory Committee on or before August 1, 2016, where the members will elect a Chairperson and Vice chairperson.

The bill authorizes the Advisory Committee to meet at any time and at any place within the state on the call of the Chairperson. The bill specifies a quorum as nine members and all actions of the Advisory Committee will be by motion adopted by a majority of members present when there is a quorum.

The Advisory Committee is charged with developing specific action plans and proposed rules and regulations necessary to fully implement the language assessment program by January 31, 2018, and will cease to exist after July 1, 2018. To carry out its charge, the bill requires the Advisory Committee to:

- Collaborate with the Coordinating Council on Early Childhood Developmental Services and the Kansas State Special Education Advisory Council;
- Solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;
- Review, recommend, and monitor the use of existing and available language assessments for children who are deaf or hard of hearing;
- Identify and recommend qualifications of language professionals with knowledge of the use of evidence-based, best practices in English and ASL who can be available to advocate at individualized family service plan (IFSP) and individualized education program (IEP) team meetings;
- Identify qualifications of language assessment evaluators with knowledge on the use of evidence-based, best practices with children who are deaf or hard of hearing and resources for locating such evaluators; and
- Identify procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used, and progress of the child to the parent or legal guardian of such child, teachers, and other professionals involved in the early intervention and education of such child.

The bill requires the specific action plans and proposed rules and regulations developed by the Advisory Committee to include the following:

- Language assessments that include data collections and timely tracking of the child's development so as to provide information about the child's receptive and expressive language compared to such child's linguistically age-appropriate peers who are not deaf or hard of hearing;

- Language assessments conducted in accordance with standardized norms and time lines in order to monitor and track language developmental milestones in receptive, expressive, social, and pragmatic language acquisition and developmental stages to show progress in ASL literacy, English literacy, or both for all children who are deaf or hard of hearing from birth to age eight;
- Language assessments delivered in the child's mode of communication and that have been validated for the specific purposes for which each assessment is used, and appropriately normed;
- Language assessments administered by individuals who are proficient in ASL for ASL assessments and English for English assessments;
- Use of assessment results, in addition to the assessment required by federal law, for guidance on the language developmental discussions by IFSP and IEP teams when assessing the child's progress in language development;
- Reporting of assessment results to the parents or legal guardian of the child and the applicable agency;
- Reporting of assessment results on an aggregated basis to the House and Senate Committees on Education; and
- Reporting of assessment results to the members of the child's IFSP or IEP team, which may be used, in addition to the assessment required by federal law, by the child's IFSP or IEP team, as applicable, to track the child's progress and to establish or modify the IFSP or IEP.

The bill requires KSDE, KDHE, and the State School for the Deaf to enter into interagency agreements with KCDHH to share statewide aggregate data. Further, on or before January 31, 2019, and annually thereafter, the bill requires KCDHH to publish a report specific to language and literacy development of children who are deaf or hard of hearing for each age from birth to age eight, including those who are deaf or hard of hearing and have other disabilities, relative to such children's peers who are not deaf or hard of hearing. The report will be based on existing data reported in compliance with the federally required state performance plan on pupils with disabilities. KCDHH also is required to publish the report on its website.

Capital Improvement State Aid for School Districts

The bill amends the capital improvement state aid formula (bond and interest state aid) for school districts' general obligation bonds approved at an election held on or after July 1, 2016. For such bonds, the bill places a cap on the total amount of capital improvement state aid available. This cap could not exceed the six-year average amount of capital improvement state aid as determined by the Board. The bill uses the same formula for calculating capital improvement state aid as exists under the block grant to school districts.

Capital Improvement State Aid for School Districts (continued)

The bill requires the Board to determine this six-year average by calculating the average of the total amount of capital improvement state aid spent per year in the immediately preceding six fiscal years, but not including the current fiscal year.

The bill instructs the Board to use the following priorities (from highest to lowest priority) when allocating capital improvement state aid:

- Safety of the current facility and disability access to such facility as demonstrated by a State Fire Marshal Report, an inspection under the federal Americans with Disabilities Act, or other similar evaluation;
- Enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;
- Impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and
- Energy usage and other operational inefficiencies as demonstrated by a districtwide energy usage analysis, district-wide architectural analysis, or other similar evaluation.

The bill further instructs the Board, when allocating capital improvement state aid, to give a higher priority to school districts with a lower assessed valuation per pupil compared to other districts who are to receive capital improvement state aid. Further, the Board is required to provide approval of the amount of capital improvement state aid a district could expect to receive before the district holds a bond election.

At the beginning of the 2017 Legislative Session, and each year thereafter, the Board is required to submit a report to the Legislature including information on school district elections held on or after July 1, 2016, and the amount of capital improvement state aid approved.

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SB 367 creates and amends law related to the Kansas juvenile justice system. Below is an excerpt of the legislative summary which affects school districts.

Schools

Effective July 1, 2017, the School Safety and Security Act is amended to require boards of education to include in their annual school safety and security reports information regarding arrests and referrals to law enforcement or juvenile intake and assessment services made in connection to criminal acts the school is required to report under continuing law. The bill also adds a requirement that the data in the report include an analysis according to race, gender, and any other relevant information.

The bill further amends the Act to direct the State Board of Education (SBOE) to require that the superintendent of schools (or designee) in each school district develop, approve, and submit to the SBOE a memorandum of understanding developed in collaboration with relevant stakeholders (including law enforcement agencies, the courts, and the county and district attorneys), establishing clear guidelines for referral of school-based behaviors to law enforcement or the juvenile justice system, with the goal of reducing such referrals and protecting public safety. The SBOE must provide an annual report to KDOC and OJA compiling school district compliance and summarizing the content of each memorandum of understanding.

Statutory provisions governing reporting of certain student behavior to law enforcement, reporting of certain criminal behavior on school property or at a school-supervised activity, powers of campus police officers, and reporting of inexcusable absences from school are amended to make such provisions subject to the terms of the memorandum of understanding.

###



**REVISED
SPECIAL SESSION OF 2016**

SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE BILL NO. 2001

As Amended by House on Final Action

Brief*

Sub. for HB 2001, as amended, would amend statutes relating to school finance. Specifically, the bill would alter the statutory formula for providing Supplemental General State Aid for FY 2017 and amend laws related to virtual school state aid, the Extraordinary Need Fund, hold harmless funding under 2016 Senate Sub. for HB 2655, and federal funding for certain pre-kindergarten programs. The bill also would amend law related to the sale of the Kansas Bioscience Authority (KBA).

Appropriations

The bill would appropriate \$99,408,027 for Supplemental General State Aid. The bill also would change the appropriation from the State General Fund to the School District Extraordinary Need Fund to \$8.0 million and transfer \$5.0 million from the State Highway Fund to the Extraordinary Need Fund. The bill would lapse \$61,792,947 of School District Equalization State Aid and would lapse \$2.8 million from the block grant to school districts.

The bill would lapse \$4.1 million of the appropriation for the Children's Initiative Fund and transfer \$4.1 million from the Children's Initiative Fund to the State General Fund. It also would direct the Department for Children and Families to expend \$4.1 million from the Temporary Assistance for Needy Families Fund for the purpose of providing additional funding

Supplemental General State Aid

The bill would reinstate the Supplemental General State Aid formula that was in effect prior to the enactment of 2015 House Sub. for SB 7.

Virtual School State Aid

The bill would change the amount school districts would receive for each full-time virtual school student for FY 2017 from \$5,600 to \$5,000.

Extraordinary Need Fund

The bill would allow the Kansas State Department of Education to approve applications to the Extraordinary Need Fund that would be contingent upon the receipt of at least \$38.0 million from the sale of the KBA. If the proceeds of the sale of the KBA are less than \$38.0 million, then the amount of money appropriated to the Extraordinary Need Fund would be reduced by the amount of the shortfall.

Sale of the KBA

The bill would provide that any proceeds of the sale of the KBA in excess of \$25.0 million, but less than \$38.0 million would be deposited in the State General Fund.

Other Provisions

The bill would eliminate the School District Equalization State Aid created in 2016 Senate Sub. for HB 2655. The bill also would include a severability clause.

Background

The bill was introduced by the House Committee on Appropriations.

At the hearing on the bill, testimony was provided by representatives of Game On for Kansas Schools, Kansas Action for Children, Kansas Association of School Boards, Kansas Policy Institute, Kansas PTA, and several school districts, and by a private citizen. Written testimony was provided by the Kansas Chamber of Commerce, the Kansas School Superintendents Association and United School Administrators of Kansas, the League of Women Voters of Kansas, Schools for Fair Funding, and several school districts. The hearing was held jointly with the Senate Committee on Ways and Means.

The Committee recommended HB 2001 be passed on June 23. On June 24, the bill was referred back to the Committee which met twice, adopted amendments to the bill and recommended those amendments be incorporated into the substitute bill.

The substitute bill would eliminate the reduction in General State Aid contained in the original bill (\$13.0 million) and would instead utilize designated proceeds from the sale of the KBA. If the proceeds of the sale of the KBA are less than \$38.0 million, then the amount of money appropriated to the Extraordinary Need Fund would be reduced by the amount of the shortfall. The substitute bill also includes the transfer of \$5.0 million from the State Highway Fund to the Extraordinary Need Fund.

The House of Representatives made a technical amendment on final action.

###

Senate Sub for House Bill 2008

Student Online Protection Act



Senate Sub. for HB 2008 enacts the Student Online Personal Protection Act (SOPPA).

The bill prohibits an operator (defined as the operator of an educational online product with actual knowledge the product is used primarily for educational purposes and was designed and marketed for educational purposes) from knowingly:

- Engaging in targeted advertising on the operator's educational online product or targeting advertising on any other educational online product using information, including student information and persistent unique identifiers, the operator has acquired because of the use of such operator's educational online product for educational purposes;
- Using information, including student information and persistent unique identifiers, created or gathered through the operation of the operator's educational online product, to amass a profile about a student, except in furtherance of educational purposes;
- Selling or renting student information to a third party, except as part of the assets being transferred during the purchase, merger, or other acquisition of an operator by another entity, provided the successor entity complies with the provisions of this subsection as though it were an operator with respect to the acquired information; or
- Disclosing student information, except as provided.

For the purposes of the bill, the term "operator" is not be construed to include any school district or school district employee acting on behalf of a school district employer.

Operators are required to:

- Implement and maintain reasonable security procedures and practices appropriate to the nature of the student information and designed to protect such information from unauthorized access, destruction, use, modification, or disclosure; and
- Delete student information within a reasonable period of time at the school district's request, unless the student or student's parent or legal guardian requests that information be maintained.

The bill also outlines several instances when an operator may disclose information, including the following:

- For legitimate research purposes subject to and as allowed by federal and state law, and under the direction of a school district or the Kansas State Department of Education, provided the information is not used for advertising or to amass a profile on the student for any purpose other than educational purposes;
- A student's first and last name and test results upon request by a school district or state agency for educational purposes;
- To law enforcement agencies or to a court of competent jurisdiction to protect the safety or integrity of users of the operator's educational online product or other individuals, or the security of such educational online product;
- For educational or employment purposes upon request by the student or the student's parent or legal guardian, provided the student information is not used or further disclosed for any other purpose;
- To a service provider, so long as the service provider is contractually prohibited from using student information for any purpose other than providing the contracted service, prohibited from disclosing student information to subsequent third parties, and required to implement and maintain reasonable security procedures and practices to ensure confidentiality; and
- In the course of transferring assets as part of a business purchase, merger, or other acquisition, as described above.

The bill clarifies other instances where the bill's provisions are not intended to apply and defines key terms.

Finally, the bill allows the Attorney General or any district attorney to enforce SOPPA by bringing an action in a court of competent jurisdiction and to seek injunctive relief to enjoin an operator in possession of student information from disclosing any student information in violation of SOPPA.

###



HB 2502 makes changes to several laws concerning firearms.

Air Guns

The bill amends the Weapons Free School Act to prohibit school districts from adopting policies preventing organizations from conducting activities on school property solely because the activities involve the possession and use of air guns.

School districts may prohibit the possession of air guns at a school, on school property, or at a school-supervised activity except when a pupil is participating in activities conducted by an organization or is in transit to or from such activities. School districts cannot implement policies that prohibit the possession of an air gun by a pupil on school property if the pupil is a participant in the activities of an organization.

Individuals, or parents of individuals, participating in activities conducted by an organization can be required to sign a liability waiver as prescribed by the chief administrative officer of the school. The waiver is required to contain appropriate language to relieve the school district, the school, and all school personnel from liability for claims arising from the acts or omissions of individuals or school personnel relating to activities conducted by an organization.

The definition of “weapon” is amended to specifically exclude air guns. The bill defines “air gun” to mean any device that will or is designed to or may be readily converted to expel a projectile by the release of compressed air or gas, and that is of .18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second. The bill defines “organization” to mean any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 19 in activities designed to promote and encourage self-confidence, teamwork, and a sense of community.

Active Duty Military Personnel

The bill makes several amendments to concealed carry statutes to allow active duty military personnel to apply for and receive a concealed carry license while stationed outside of Kansas. First, the bill adds evidence of completion of a course offered in another jurisdiction which is determined by the Attorney General to have training requirements that are equal to or greater than those required by the Personal and Family Protection Act to the definition of what constitutes evidence of satisfactory completion of an approved handgun safety course.

The bill also specifies that a person presenting proof that such person is on active duty with any branch of the U.S. armed forces and is stationed at a military installation outside the state can submit a concealed carry application and supporting materials by mail. Fingerprints taken at a U.S. military installation also can be submitted by mail with such application.

The bill requires a sheriff receiving such items to forward the application and the Attorney General’s portion of the application fee to the Attorney General.

Public Employers and Employees

The bill prohibits public employers from restricting or prohibiting through personnel policies any employee legally qualified to conceal carry from carrying a concealed handgun while engaged in employment duties outside the employer's place of business, including while in a means of conveyance. School districts are specifically exempted from the definition of public employer.

Public Buildings

Under previous law, the concealed carrying of firearms could be prohibited throughout the entirety of state and municipal buildings by the governing body or chief administrative officer of the building. The bill makes the requirements for prohibiting concealed carry in public areas the same as those found in existing law for prohibiting concealed carry in public buildings: the building or public area must have adequate security at all public access entrances to ensure no weapons are permitted to be carried in the area or building and must conspicuously post the prohibition. The bill specifies that such public areas could be posted with either permanent or temporary signage approved by the governing body or the chief administrative officer if no governing body exists.

"Public area" is defined as any portion of a state or municipal building that is open to and accessible by the public or is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such a building. The bill defines "public employer" as the State and any municipality as defined in KSA 2015 Supp. 75-6102 (under this statute, a "municipality" means any county, township, city, school district, or other political or taxing subdivision of the state, or any agency, authority, institution, or other instrumentality thereof).

The bill specifies that the chief judge of each judicial district can prohibit the carrying of concealed firearms into courtrooms or ancillary courtrooms within the district provided the public area has adequate security measures to ensure that no weapons are permitted to be carried into the area and the area is conspicuously posted in accordance with the law.

The bill also states that exemptions from the Personal and Family Protection Act for state and municipal buildings found in previous law expire July 1, 2017. No specific expiration date was included in law previously.

Restricted Access Entrances

The bill amends the Personal and Family Protection Act to allow entry through restricted access entrances for persons who are not state or municipal employees or otherwise authorized to enter a state or municipal building through a restricted access entrance.

To qualify for restricted access entry, such persons are being required to:

- Obtain authorization from the chief law enforcement officer, governing body, or the chief administrative officer (if no governing body exists) to enter such state or municipal building through a restricted access entrance;

- Be issued an identification card by the chief law enforcement officer, governing body, or chief administrative officer; and
 - The identification card is required to include a statement that such person is authorized to enter such building through a restricted access entrance, and include the person's photograph, name, and any other identifying information deemed necessary by the issuing entity;
- Execute an affidavit or notarized statement that such person acknowledges certain firearms and weapons may be prohibited in such building and violating any such regulations may result in revocation of authority to enter a building through a restricted access entrance.

The chief law enforcement officer, governing body, or chief administrative officer is required to develop criteria for approval of individuals to qualify for entry through restricted access entrances. The criteria can include a requirement that the individual submit to state and national criminal history checks before issuance and renewal of such approval and a requirement the individual pay a fee to cover the cost of such background checks.

An individual who has been issued a concealed carry permit by the State is not required to submit to further state and national background checks before the issuance and renewal of such authorization to enter buildings through restricted access entrances.

Individuals can be subjected to additional security screening measures upon reasonable suspicion or in circumstances where heightened security measures are warranted.

The bill states authorization to enter state and municipal buildings through restricted access entrances do not allow the individual to carry a concealed weapon in a public building which has adequate security measures and is conspicuously posted in accordance with the law.

"Authorized personnel" is defined to mean employees of a state agency or municipality and any person who is, under the provisions of the bill, authorized to enter a state or municipal building through a restricted access entrance.

Adequate Security Measures

The bill amends the definition of "adequate security measures" to specify that personnel used at public entrances of buildings prohibiting concealed carry within the building must be armed.

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