

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Education** recommends **SB 335** be amended on page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 12; following line 12, by inserting:

"New Section 1. (a) On or before January 1, 2015, the board of education of each school district shall adopt policies and procedures to establish and implement a drug screening program for employees of the school district. Such policies and procedures shall be adopted in accordance with the provisions of this section. A drug screening program established pursuant to this section shall be based upon a reasonable suspicion of illegal drug use by any employee of the school district.

(b) Any employee who tests positive for the use of drugs under an initial test administered as a part of a drug screening program may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such employee who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Any disciplinary action taken by a school district against any employee as a result of a positive test for the use of drugs shall be taken only after the employee has tested positive under two consecutive drug screenings of the employee's specimen, except that disciplinary action may be taken by a school district against such employee after only one positive test if the employee does not request a second drug screening of the employee's specimen.

(c) Nothing herein shall be construed as prohibiting demotions, suspensions,

terminations or any other disciplinary action taken in accordance with the professional negotiations act, K.S.A. 72-5413 et seq., and amendments thereto.

New Sec. 2. (a) The state board of education shall establish and implement an impaired teacher program. The purpose of the impaired teacher program is to provide support and assistance to impaired teachers who are unable to adequately engage in performance of the teaching profession due to a dependency on alcohol or drugs, or both.

(b) The superintendent of any school district, or any school district official designated by the superintendent, may refer any impaired teacher to the impaired teacher program established pursuant to subsection (a), and shall make such referral for any impaired teacher who is subject to disciplinary action as a result of failing one or more tests administered pursuant to a drug screening program established under section 1, and amendments thereto. Such referral shall be in writing and shall be submitted to the state board in such form and manner as prescribed by the state board. All referrals made pursuant to this section and any information related to a person's participation in any evaluations or education or treatment programs shall be confidential and shall not be disclosed publicly.

(c) The impaired teacher program shall:

(1) Assist those persons referred to the program in undergoing alcohol and drug evaluations and any education or treatment programs recommended as a result of such evaluations;

(2) provide support to persons who have successfully completed an alcohol or drug education or treatment program in returning to the teaching profession; and

(3) provide guidance on the establishment of programs similar to the impaired teacher program by any board of education of a school district.

(d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section. Such rules and regulations shall provide for the review and approval of any programs similar to the impaired teacher program established by a board of education of a school district. Such

rules and regulations may provide for the suspension or revocation of a person's certificate or license by the state board if such person is referred to the impaired teacher program and refuses to participate in the impaired teacher program. Prior to the suspension or revocation of any license by the state board, the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) Pursuant to K.S.A. 45-229, and amendments thereto, the exception to the Kansas open records act contained in subsection (b) shall expire on June 30, 2019, unless the legislature reviews and reenacts these provisions prior to June 30, 2019.

(f) As used in this section:

(1) "Impaired teacher" means any employee of a school district who holds a valid Kansas certificate or license issued by the state board of education and who is either:

(A) Found to be engaged in the use of illegal drugs as verified through testing administered in accordance with a drug screening program established under section 1, and amendments thereto; or

(B) reasonably suspected of engaging in such person's duties as a teacher while under the influence of alcohol or drugs, or both.

(2) "State board" means the state board of education.";

Also on page 2, in line 17, after "agency" by inserting ", unless such person has previously submitted a complete set of legible fingerprints taken by a qualified law enforcement agency to the state department of education"; in line 18, by striking "regulation" and inserting "section, or which were previously submitted by the applicant";

And by renumbering sections accordingly;

And the bill be passed as amended.

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Chairperson