AN ACT concerning public school safety; amending K.S.A. 72-89b03 and 72-89b04 and repealing the existing sections.

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

Section 1. K.S.A. 72-89b03 is hereby amended to read as follows: 72-89b03. (a) If a school employee has information that a pupil is a pupil to whom the provisions of this subsection apply, the school employee shall report such information and identify the pupil to the superintendent of schools. The superintendent of schools shall investigate the matter and, upon determining that the identified pupil is a pupil to whom the provisions of this subsection apply, shall provide the reported information and identify the pupil to all school employees who are directly involved or likely to be directly involved in teaching or providing other school related services to the pupil. The provisions of this subsection apply to:

1. Any pupil who has been expelled for the reason provided by subsection (c) of K.S.A. 72-8901, and amendments thereto, for conduct which endangers the safety of others;
2. Any pupil who has been expelled for the reason provided by subsection (d) of K.S.A. 72-8901, and amendments thereto;
3. Any pupil who has been expelled under a policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto;
4. Any pupil who has been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony under the laws of Kansas or the state where the offense was committed, except any pupil adjudicated as a juvenile offender for a felony theft offense involving no direct threat to human life; and
5. Any pupil who has been tried and convicted as an adult of any felony, except any pupil convicted of a felony theft crime involving no direct threat to human life.
A school employee and the superintendent of schools shall not be required to report information concerning a pupil specified in this subsection if the expulsion, adjudication as a juvenile offender or conviction of a felony occurred more than 365 days prior to the school employee's report to the superintendent of schools.

(b) Each board of education shall adopt a policy that includes:
1. A requirement that an immediate report be made to the
appropriate state or local law enforcement agency by or on behalf of any
school employee who knows or has reason to believe that an act has been
committed at school, on school property, or at a school supervised activity
and that the act involved conduct which constitutes the commission of a
felony or misdemeanor or, which involves the possession, use or disposal
of explosives, firearms or other weapons or which involves the unlawful
possession or use of alcoholic liquor, drugs or other controlled substances;
and

(2) a requirement for a timely report be made to the parents of all the
students enrolled at the school and to all school employees of any
incidents considered to be a threat to other students and employees as
described in paragraph (1) that are reported to the appropriate state or
local law enforcement agency so as to protect such other students and
employees and to aid in the prevention of similar incidents; and

(2) the procedures for making such a report the reports described
in paragraphs (1) and (2).

(c) School employees shall not be subject to the provisions of
subsection (b) of K.S.A. 72-89b04, and amendments thereto, if:

(1) They follow the procedures from a policy adopted pursuant to the
provisions of subsection (b); or

(2) their board of education fails to adopt such policy.

(d) Each board of education shall annually compile and report to the
state board of education at least the following information relating to
school safety and security: The types and frequency of criminal acts that
are required to be reported pursuant to the provisions of subsection (b),
disaggregated by occurrences at school, on school property and at school
supervised activities. The report shall be incorporated into and become
part of the current report required under the quality performance
accreditation system.

(e) At the beginning of each school year, each board of education
shall make available to pupils and their parents, to school employees and,
upon request, to others, district policies and reports concerning school
safety and security—except that, including a report compiling the
information reported to the state board of education pursuant to
subsection (d) for the immediately preceding three years. The provisions
of this subsection shall not apply to reports made by a superintendent of
schools and school employees pursuant to subsection (a).

(f) (1) Each school shall make, keep and maintain a daily log, written
in a form that can be easily understood, recording all incidents reported
pursuant to subsection (b)(1). Such log shall be maintained by a school
safety or security officer, or if there is no school safety or security officer,
then by the principal of such school, or the principal's designee. Such log
shall include:
(A) The nature, date, time and general location of each incident; and
(B) the disposition of the complaint, if known.

(2) Except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, all entries shall be open to public inspection within two business days of the initial report being made.

(3) If new information about an entry becomes available to the school, then the new information shall be recorded in the log not later than two business days after the information becomes available to the school.

(4) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) Entries shall be maintained in the log pursuant to this subsection for a period of seven years from the date the incident occurred.

(g) Nothing in this section shall be construed or operate in any manner so as to prevent any school employee from reporting criminal acts to school officials and to appropriate state and local law enforcement agencies.

(h) The state board of education shall extract the information relating to school safety and security from the quality performance accreditation report and transmit the information to the governor, the legislature, the attorney general, the secretary of health and environment, the secretary of social and rehabilitation services and the commissioner of juvenile justice.

(i) No board of education, member of any such board, superintendent of schools or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omissions in complying with the requirements or provisions of the Kansas school safety and security act.

(j) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

Sec. 2. K.S.A. 72-89b04 is hereby amended to read as follows: 72-89b04. (a) Willful and knowing failure of a school employee to make a report required by subsection (b) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the making of a report required by subsection (b) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor.

(b) Willful and knowing failure of any employee designated by a board of education to transmit reports made by school employees to the
appropriate state or local law enforcement agency as required by subsection (b)(1) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the transmission of reports required by subsection (b)(1) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor.

(c) No board of education shall terminate the employment of, or prevent or impair the profession of, or impose any other sanction on any school employee because the employee made an oral or written report to, or cooperated with an investigation by, a law enforcement agency relating to any criminal act that the employee knows has been committed or reasonably believes will be committed at school, on school property, or at a school supervised activity.

(d) Any board of education, and any member or employee thereof, participating without malice in the making of an oral or written report to a law enforcement agency relating to any criminal act that is known to have been committed or reasonably is believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from the report.

Sec. 3. K.S.A. 72-89b03 and 72-89b04 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.