

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 470

As Amended by House Committee on
Education

Brief*

SB 470 would amend current law regarding school safety violations. If a student who is 13 years of age or older is found in possession of a weapon or illegal drugs at school or a school supervised activity, or has engaged in conduct that could result in serious bodily harm, the chief administrator of the school would be required to make a report to the appropriate law enforcement agency. The report must be given to a law enforcement agency as soon as practicable, but not more than ten days from the date of the pupil's act, excluding holidays and weekends. Upon receipt of the report, the law enforcement agency would investigate the incident and give written notice to the Division of Vehicles as soon as practicable, but not more than ten days after receipt of the report. The Division of Vehicles would then immediately suspend the student's driver's license or privilege to operate a motor vehicle in Kansas for up to one year.

Upon suspension of the student's driving privileges, the Division of Vehicles would notify the student in writing. If the student makes a written request for a hearing within 30 days, the Division would afford the student an opportunity for a hearing to determine whether the ten-day notice was given to the appropriate law enforcement agency and the Division of Vehicles regarding the incident. The bill would expand the scope of the hearing to determine if there are reasonable grounds to believe the student was not in possession of a weapon or illegal drugs, or if the conduct could have resulted in serious bodily harm, as outlined in the incident report.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

There were three proponents, including Senators Vratil and Vicki Schmidt, and Cindy Kelly of the Kansas Association of School Boards. There were no opponents of the bill at the Committee hearing.

During the 2007 Legislative Session, SB 129 was passed which included many of the provisions of SB 470 and was intended to prevent extreme delays when a student's driver's license was revoked because the student was expelled or suspended. SB 129 required a school's chief administrative officer to report a student's expulsion or suspension within ten days to the appropriate law enforcement agency. The law enforcement agency would then notify the Division of Motor Vehicles. The provisions of SB 129 overlooked the protections granted to student records by the federal Family Educational Rights and Privacy Act (FERPA). SB 470 would correct this oversight by requiring the reporting of observed misconduct instead of disclosure of information from a student's school records.

The House Education Committee amended the bill by deleting all the bill's language and inserting the contents of HB 2816.

The Department of Education indicated it would not be affected by SB 470. The Department of Revenue indicated the provisions of SB 470 would be handled within existing resources.

The fiscal note for HB 2816 indicated the provisions of the bill would be handled within existing resources.