

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 216**

As Recommended by Senate Committee on
Corrections and Juvenile Justice

Brief*

Sub. for SB 216 would enact the Kansas School Security Act (Act) and repeal the existing Kansas School Safety and Security Act.

The bill would require, on or before October 1 of each school year, the board of education of a unified school district (USD) or the governing authority of an accredited nonpublic school to adopt and implement for each school (public or accredited nonpublic) a school safety and security policy and a plan to address the protection of students, teachers, and other school employees on school property, in a school vehicle, and at a school-sponsored activity or event. The policy and plan would be made available to enrolled students, the parents of such students, and the employees at the school via hard copies or written notice of electronic availability. The policy and plan would have to require the school security officer designated as a school law enforcement officer or, if there is none, then the superintendent or designee, to meet annually with emergency medical responders or first responders and law enforcement agencies of the USD's city or county to discuss the policy and plan.

The policy and plan would have to include statements of the current school policies and procedures regarding:

*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>

- Reporting of criminal activity and other emergencies on school property and the school's response;
- Security of and access to school property;
- School security officers and campus police officers, including law enforcement authority, partnership agreements with state or local law enforcement agencies, and encouragement of prompt reporting of criminal activity to such personnel;
- Immediate emergency response and evacuation procedures, including electronic and cellular communication, and certain related required procedures; and
- Prevention of sex offenses and the school's response to a report that a sex offense has occurred.

The policy and plan also would have to include a description of any crime prevention programs conducted by the school, including education programs and programs encouraging students and employees to be responsible for their own and others' security, as well as a statement advising where individuals can obtain information regarding local registered sex offenders.

Each school would have to provide a timely report to all enrolled students, such students' parents, and school personnel of any reported criminal activity that threatens the safety of students or personnel. Such reports would be made immediately upon the confirmation of the reported criminal activity, and would be required only for a list of crimes specified in the bill occurring on school property: murder, manslaughter, sex offenses (forcible and nonforcible), robbery, aggravated assault, burglary, theft, arson, hit and run, and arrests of persons referred for school disciplinary action for violations of liquor laws, drug laws, and illegal

weapon possession. The bill would define "property" to include a building or other real property owned or controlled by a USD or accredited nonpublic school used in direct support of, or in a manner related to, the educational purposes of the school, including public property that is within the same reasonably contiguous geographic area of such building or real property (such as a sidewalk, road, street, or parking facility) and is adjacent to such building or other real property.

Each school would be required to maintain a log of all criminal activity that falls within the above list of crimes and is reported by a student, parent, school employee, visitor, or law enforcement officer. Each log entry would include the date reported, general location of the activity, description of the activity, date and time of the activity, if known, and the disposition of the report, if known. The statistics could not identify victims of crimes or persons accused of crimes. The school would be required to categorize the crimes by location of occurrence: on school grounds; on school district property not directly associated with the school; or on other public property used for the educational purposes of the school.

All log entries would be open to the public, unless disclosure of the information is prohibited by law or would jeopardize the confidentiality of the victim. The log would have to include entries for the previous 60 days and be available for inspection upon request. Entries older than 60 days would have to be made available within 2 business days after the request for inspection. The school would have to maintain entries for seven years following the date of entry, and if new information about an entry becomes available to the school, the new information would have to be recorded in the log within two business days.

If there is clear and convincing evidence the release of such information would jeopardize an ongoing criminal investigation or an individual's safety, cause a suspect to flee or evade detection, or result in the destruction of evidence,

the information could be withheld until the damage is no longer likely to occur from the information's release.

On or before October 1 of each school year, each school would be required to prepare and publish a report of criminal activity recorded on school property. The school would have to make such report available in the same manner as the policy and plan is made available.

The bill would clarify that its provisions are not to be construed to: require the reporting or disclosure of any privileged information; create a civil cause of action against any school, school district, or any employee of the same; or establish a standard of care owed by a school, school district, or any employee of the same. Evidence of compliance or noncompliance with the bill's provisions would not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except in an action to enforce the bill's provisions. No provisions could be construed to permit a school, school district, or any employee of the same to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the bill's provisions.

Background

SB 216 was introduced by the Senate Committee on Federal and State Affairs. As introduced, the bill would have enacted the Investigation and Review of Deaths Involving Law Enforcement Officers Act.

The Senate Committee on Corrections and Juvenile Justice recommended a substitute bill containing contents modified from SB 194, enacting the Kansas Public School Security Act.

Background of SB 194

SB 194 was introduced by the Senate Committee on Corrections and Juvenile Justice at the request of Senator Smith.

In the Senate Committee, Senator Smith testified in support of the bill as the Executive Director of the Kelsey Smith Foundation. Senator Arpke submitted written testimony supporting the bill. A representative of the Kansas Association of School Boards testified as an opponent.

The Senate Committee amended the bill's language to repeal the existing Kansas School Safety and Security Act, include accredited nonpublic schools within the bill's provisions, clarify the information required in log entries, clarify the meaning of "timely report," require a safety and security policy and plan for each school, specify that boards of education would be the entities responsible for adopting the required policies and plans, require coordination with local law enforcement, clarify reporting requirements, and adjust the list of crimes required to be recorded. The Committee then recommended the amended language as a substitute bill for SB 216.

According to the fiscal note prepared by the Division of the Budget on SB 194, as introduced, the Kansas Department of Education indicates the bill would have no fiscal effect for the state, but would require additional expenditures and staff time by local school districts. A fiscal effect cannot be estimated.