

## HOUSE BILL No. 2511

By Committee on K-12 Education Budget

1-20

1 AN ACT concerning the Kansas state high school activities association;  
2 authorizing certain students to participate in activities offered by school  
3 districts; making members of or persons employed by the Kansas state  
4 high school activities association mandatory reporters of child abuse  
5 and neglect; amending K.S.A. 38-2223 and repealing the existing  
6 section.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Any student who meets the requirements of this  
10 section shall be permitted to participate in any activities offered by a  
11 school district that are regulated, supervised, promoted and developed by  
12 the activities association referred to in K.S.A. 72-7114, and amendments  
13 thereto. A student shall be permitted to participate in any such activities if  
14 such student:

- 15 (1) Is a resident of the school district;  
16 (2) is enrolled and attending a virtual school as defined in K.S.A. 72-  
17 3712, and amendments thereto, or a school registered with the state board  
18 of education in accordance with K.S.A. 72-4346, and amendments thereto,  
19 and the official custodian of such school attests to the student's compliance  
20 with all applicable academic requirements for participation in activities  
21 offered by such school district;  
22 (3) complies with the requirements of K.S.A. 72-6262, and  
23 amendments thereto, prior to participation in any such activity;  
24 (4) meets any applicable age and eligibility requirements set forth by  
25 the activities association referred to in K.S.A. 72-7114, and amendments  
26 thereto, that are not otherwise in conflict with this section; and  
27 (5) pays any fees required by the school district for participation in  
28 such activity if such fees are generally imposed upon all other students  
29 who participate in such activity.

30 (b) The board of education of a school district may require a student  
31 who participates in an activity pursuant to this section to enroll in a  
32 particular course or complete a particular course as a condition of  
33 participation, if such requirement is imposed upon all other students who  
34 participate in such activity.

35 Sec. 2. K.S.A. 38-2223 is hereby amended to read as follows: 38-  
36 2223. (a) *Persons making reports.* (1) When any of the following persons

1 has reason to suspect that a child has been harmed as a result of physical,  
2 mental or emotional abuse or neglect or sexual abuse, the person shall  
3 report the matter promptly as provided in subsections (b) and (c);

4 (A) The following persons providing medical care or treatment:  
5 Persons licensed to practice the healing arts, dentistry and optometry,  
6 persons engaged in postgraduate training programs approved by the state  
7 board of healing arts, licensed professional or practical nurses and chief  
8 administrative officers of medical care facilities;

9 (B) the following persons licensed by the state to provide mental  
10 health services: Licensed psychologists, licensed masters level  
11 psychologists, licensed clinical psychotherapists, licensed social workers,  
12 licensed marriage and family therapists, licensed clinical marriage and  
13 family therapists, licensed behavioral analysts, licensed assistant  
14 behavioral analysts, licensed professional counselors, licensed clinical  
15 professional counselors and registered alcohol and drug abuse counselors;

16 (C) teachers, school administrators ~~or~~ *and* other employees of an  
17 educational institution ~~which~~ *that* the child is attending and *any member of*  
18 *the board of directors of the Kansas state high school activities*  
19 *association referenced in K.S.A. 72-7114, and amendments thereto, and*  
20 *any person who is employed by or is an officer of such association;*

21 (D) persons licensed by the secretary of health and environment to  
22 provide child care services or the employees of persons so licensed at the  
23 place where the child care services are being provided to the child;

24 ~~(D)~~(E) firefighters, emergency medical services personnel, law  
25 enforcement officers, juvenile intake and assessment workers, court  
26 services officers, community corrections officers, case managers appointed  
27 under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators  
28 appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto;  
29 and

30 ~~(E)~~(F) any person employed by or who works as a volunteer for any  
31 organization, whether for profit or not-for-profit, that provides social  
32 services to pregnant teenagers, including, but not limited to, counseling,  
33 adoption services and pregnancy education and maintenance.

34 (2) In addition to the reports required under subsection (a)(1), any  
35 person who has reason to suspect that a child may be a child in need of  
36 care may report the matter as provided in subsection (b) and (c).

37 (b) *Form of report.* (1) The report may be made orally and shall be  
38 followed by a written report if requested. Every report shall contain, if  
39 known: The names and addresses of the child and the child's parents or  
40 other persons responsible for the child's care; the location of the child if  
41 not at the child's residence; the child's gender, race and age; the reasons  
42 why the reporter suspects the child may be a child in need of care; if abuse  
43 or neglect or sexual abuse is suspected, the nature and extent of the harm

1 to the child, including any evidence of previous harm; and any other  
2 information that the reporter believes might be helpful in establishing the  
3 cause of the harm and the identity of the persons responsible for the harm.

4 (2) When reporting a suspicion that a child may be in need of care,  
5 the reporter shall disclose protected health information freely and  
6 cooperate fully with the secretary and law enforcement throughout the  
7 investigation and any subsequent legal process.

8 (c) *To whom made.* Reports made pursuant to this section shall be  
9 made to the secretary, except as follows:

10 (1) When the Kansas department for children and families is not open  
11 for business, reports shall be made to the appropriate law enforcement  
12 agency. On the next day that the department is open for business, the law  
13 enforcement agency shall report to the department any report received and  
14 any investigation initiated pursuant to K.S.A. 38-2226, and amendments  
15 thereto. The reports may be made orally or, on request of the secretary, in  
16 writing.

17 (2) Reports of child abuse or neglect occurring in an institution  
18 operated by the Kansas department of corrections shall be made to the  
19 attorney general or the secretary of corrections. Reports of child abuse or  
20 neglect occurring in an institution operated by the Kansas department for  
21 aging and disability services shall be made to the appropriate law  
22 enforcement agency. All other reports of child abuse or neglect by persons  
23 employed by the Kansas department for aging and disability services or  
24 the Kansas department for children and families, or of children of persons  
25 employed by either department, shall be made to the appropriate law  
26 enforcement agency.

27 (d) *Death of child.* Any person who is required by this section to  
28 report a suspicion that a child is in need of care and who knows of  
29 information relating to the death of a child shall immediately notify the  
30 coroner as provided by K.S.A. 22a-242, and amendments thereto.

31 (e) *Violations.* (1) Willful and knowing failure to make a report  
32 required by this section is a class B misdemeanor. It is not a defense that  
33 another mandatory reporter made a report.

34 (2) Intentionally preventing or interfering with the making of a report  
35 required by this section is a class B misdemeanor.

36 (3) Any person who willfully and knowingly makes a false report  
37 pursuant to this section or makes a report that such person knows lacks  
38 factual foundation is guilty of a class B misdemeanor.

39 (f) *Immunity from liability.* Anyone who, without malice, participates  
40 in the making of a report to the secretary or a law enforcement agency  
41 relating to a suspicion a child may be a child in need of care or who  
42 participates in any activity or investigation relating to the report or who  
43 participates in any judicial proceeding resulting from the report shall have

1 immunity from any civil liability that might otherwise be incurred or  
2 imposed.

3       Sec. 3. K.S.A. 38-2223 is hereby repealed.

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