

**SENATE BILL No. 70**

By Committee on Corrections and Juvenile Justice

1-26

1 AN ACT concerning teachers; relating to background checks and  
2 revocation of licensure; amending K.S.A. 2014 Supp. 72-1397 and 72-  
3 1923 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) Each person making an initial application for a  
7 Kansas teaching certificate or teaching license, for renewal of such  
8 certificate or license or for the renewal of an expired certificate or license  
9 shall submit, at the time of application, a complete set of legible  
10 fingerprints of the person taken by a qualified law enforcement agency.  
11 Fingerprints submitted pursuant to this section shall be released by the  
12 state department of education to the Kansas bureau of investigation for the  
13 purpose of conducting criminal history records checks, utilizing the files  
14 and records of the Kansas bureau of investigation and the federal bureau of  
15 investigation.

16 (b) Each applicant shall pay a fee for the criminal history records  
17 check in an amount necessary to reimburse the state department of  
18 education for the cost of the criminal history records check.

19 (c) Any person applying for a Kansas teaching license, or the renewal  
20 thereof, who does not comply with the provisions of this section shall not  
21 be issued a license by the state board of education.

22 (d) The state board of education may adopt rules and regulations to  
23 implement and enforce the provisions of this section.

24 New Sec. 2. (a) Any person not subject to the provisions of section 1,  
25 and amendments thereto, who is employed by a school district in a  
26 position with direct contact with students shall submit a complete set of  
27 legible fingerprints of such person taken by a qualified law enforcement  
28 agency prior to commencing any work involving students. Fingerprints  
29 submitted pursuant to this section shall be released by the school district to  
30 the Kansas bureau of investigation for the purpose of conducting criminal  
31 history records checks, utilizing the files and records of the Kansas bureau  
32 of investigation and the federal bureau of investigation.

33 (b) Each school district shall release fingerprints submitted pursuant  
34 to this section to the Kansas bureau of investigation for the purpose of  
35 conducting a criminal history records check in accordance with subsection  
36 (a) for each employee subject to this section as follows:

1 (1) For employees hired prior to July 1, 2015, every five years from  
2 and after July 1, 2015; and

3 (2) for employees hired on and after July 1, 2015, every five years  
4 from the first day of such employee's employment.

5 (c) Each person subject to the provisions of this section shall pay a  
6 fee for the criminal history records check in an amount necessary to  
7 reimburse the school district for the cost of the criminal history records  
8 check.

9 ***(d) (1) Each person subject to the provisions of this section who has  
10 been convicted of any offense or act specified in K.S.A. 72-1397(a) or  
11 (b), and amendments thereto, or who has entered into a criminal  
12 diversion agreement after having been charged with any offense or act  
13 specified in K.S.A. 72-1397(b), and amendments thereto, shall file a  
14 report with the school district indicating the name, address and social  
15 security number of such person. Such report shall be filed within 30  
16 days of the date of such conviction or the date such person entered into  
17 any such diversion agreement.***

18 ***(2) Failure to file a report as required by this subsection is a class  
19 B misdemeanor.***

20 Sec. 3. K.S.A. 2014 Supp. 72-1397 is hereby amended to read as  
21 follows: 72-1397. (a) The state board of education shall not knowingly  
22 issue a license to or renew the license of any person who has been  
23 convicted of *any of the following, and shall revoke the license of any such  
24 person which has been issued or renewed:*

25 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.  
26 2014 Supp. 21-5503, and amendments thereto;

27 (2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior  
28 to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5506(a), and  
29 amendments thereto;

30 (3) aggravated indecent liberties with a child, as defined in K.S.A.  
31 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-  
32 5506(b), and amendments thereto;

33 (4) criminal sodomy, as defined in ~~subsection (a)(2) or (a)(3) of~~  
34 K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or ~~subsection (a)(3) or~~  
35 ~~(a)(4) of~~ K.S.A. 2014 Supp. 21-5504(a)(3) or (a)(4), and amendments  
36 thereto;

37 (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior  
38 to its repeal, or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5504(b), and  
39 amendments thereto;

40 (6) indecent solicitation of a child, as defined in K.S.A. 21-3510,  
41 prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5508(a), and  
42 amendments thereto;

43 (7) aggravated indecent solicitation of a child, as defined in K.S.A.

- 1 21-3511, prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-~~  
2 5508(b), and amendments thereto;
- 3 (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior  
4 to its repeal, or K.S.A. 2014 Supp. 21-5510, and amendments thereto;
- 5 (9) aggravated incest, as defined in K.S.A. 21-3603, prior to its  
6 repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5604(b),~~ and  
7 amendments thereto;
- 8 (10) aggravated endangering a child, as defined in K.S.A. 21-3608a,  
9 prior to its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5601(b),~~ and  
10 amendments thereto;
- 11 (11) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,  
12 or K.S.A. 2014 Supp. 21-5602, and amendments thereto;
- 13 (12) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,  
14 or K.S.A. 2014 Supp. 21-5401, and amendments thereto;
- 15 (13) murder in the first degree, as defined in K.S.A. 21-3401, prior to  
16 its repeal, or K.S.A. 2014 Supp. 21-5402, and amendments thereto;
- 17 (14) murder in the second degree, as defined in K.S.A. 21-3402, prior  
18 to its repeal, or K.S.A. 2014 Supp. 21-5403, and amendments thereto;
- 19 (15) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to  
20 its repeal, or K.S.A. 2014 Supp. 21-5404, and amendments thereto;
- 21 (16) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to  
22 its repeal, or K.S.A. 2014 Supp. 21-5405, and amendments thereto;
- 23 (17) involuntary manslaughter while driving under the influence of  
24 alcohol or drugs, as defined in K.S.A. 21-3442, prior to its repeal;
- 25 (18) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,  
26 or ~~subsection (a) of K.S.A. 2014 Supp. 21-5505(a),~~ and amendments  
27 thereto, when, at the time the crime was committed, the victim was less  
28 than 18 years of age or a student of the person committing such crime;
- 29 (19) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to  
30 its repeal, or ~~subsection (b) of K.S.A. 2014 Supp. 21-5505(b),~~ and  
31 amendments thereto;
- 32 (20) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014  
33 Supp. 21-5301, and amendments thereto, to commit any act specified in  
34 this subsection;
- 35 (21) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
36 2014 Supp. 21-5302, and amendments thereto, to commit any act specified  
37 in this subsection;
- 38 (22) an act in another state or by the federal government that is  
39 comparable to any act described in this subsection; or
- 40 (23) an offense in effect at any time prior to the effective date of this  
41 act that is comparable to an offense as provided in this subsection.
- 42 (b) Except as provided in subsection (c), the state board of education  
43 shall not knowingly issue a license to or renew the license of any person

1 who has been convicted of, or has entered into a criminal diversion  
2 agreement after having been charged with *any of the following, and shall*  
3 *revoke the license of any such person which has been issued or renewed:*

4 (1) A felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17,  
5 prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes  
6 Annotated, and amendments thereto, or any felony violation of any  
7 provision of the uniform controlled substances act prior to July 1, 2009;

8 (2) a felony described in any section of article 34 of chapter 21 of the  
9 Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21  
10 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6104, 21-6325,  
11 21-6326 or 21-6418, and amendments thereto, other than an act specified  
12 in subsection (a), or a battery, as described in K.S.A. 21-3412, prior to its  
13 repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5413(a), and  
14 amendments thereto, or domestic battery, as described in K.S.A. 21-3412a,  
15 prior to its repeal, or K.S.A. 2014 Supp. 21-5414, and amendments  
16 thereto, if the victim is a minor or student;

17 (3) a felony described in any section of article 35 of chapter 21 of the  
18 Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21  
19 of the Kansas Statutes Annotated, or K.S.A. 2014 Supp. 21-6419 through  
20 21-6421, and amendments thereto, other than an act specified in  
21 subsection (a);

22 (4) any act described in any section of article 36 of chapter 21 of the  
23 Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21  
24 of the Kansas Statutes Annotated, and amendments thereto, other than an  
25 act specified in subsection (a);

26 (5) a felony described in article 37 of chapter 21 of the Kansas  
27 Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the  
28 Kansas Statutes Annotated, or ~~subsection (a)(6) of~~ K.S.A. 2014 Supp. 21-  
29 6412(a)(6), and amendments thereto;

30 (6) promoting obscenity, as described in K.S.A. 21-4301, prior to its  
31 repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-6401(a), and  
32 amendments thereto, promoting obscenity to minors, as described in  
33 K.S.A. 21-4301a, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2014  
34 Supp. 21-6401(b), and amendments thereto, or promoting to minors  
35 obscenity harmful to minors, as described in K.S.A. 21-4301c, prior to its  
36 repeal, or K.S.A. 2014 Supp. 21-6402, and amendments thereto;

37 (7) endangering a child, as defined in K.S.A. 21-3608, prior to its  
38 repeal, or ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5601(a), and  
39 amendments thereto;

40 (8) driving under the influence of alcohol or drugs in violation of  
41 K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is  
42 punishable as a felony;

43 (9) attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2014

1 Supp. 21-5301, and amendments thereto, to commit any act specified in  
2 this subsection;

3 (10) conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A.  
4 2014 Supp. 21-5302, and amendments thereto, to commit any act specified  
5 in this subsection; or

6 (11) an act committed in violation of a federal law or in violation of  
7 another state's law that is comparable to any act described in this  
8 subsection.

9 (c) The state board of education may issue a license to ~~or renew the~~  
10 ~~license of~~ a person who has been convicted of committing an offense or  
11 act described in subsection (b) or who has entered into a criminal diversion  
12 agreement after having been charged with an offense or act described in  
13 subsection (b) if the state board determines, following a hearing, that the  
14 person has been rehabilitated for a period of at least five years from the  
15 date of conviction of the offense or commission of the act or, in the case of  
16 a person who has entered into a criminal diversion agreement, that the  
17 person has satisfied the terms and conditions of the agreement. The state  
18 board of education may consider factors including, but not limited to, the  
19 following in determining whether to grant a license:

20 (1) The nature and seriousness of the offense or act;

21 (2) the conduct of the person subsequent to commission of the  
22 offense or act;

23 (3) the time elapsed since the commission of the offense or act;

24 (4) the age of the person at the time of the offense or act;

25 (5) whether the offense or act was an isolated or recurring incident;  
26 and

27 (6) discharge from probation, pardon or expungement.

28 (d) Before any license is *revoked or* denied by the state board of  
29 education for any of the offenses or acts specified in subsections (a) and  
30 (b), the person shall be given notice and an opportunity for a hearing in  
31 accordance with the provisions of the Kansas administrative procedure act.

32 (e) ~~(1) The county or district attorney shall file a report with the state~~  
33 ~~board of education indicating the name, address and social security~~  
34 ~~number of Any person~~ ***Each person subject to the provisions of this***  
35 ***section*** who has been ~~determined to have committed~~ *convicted of* any  
36 offense or act specified in subsection (a) or (b) or ~~to have~~ *who has* entered  
37 into a criminal diversion agreement after having been charged with any  
38 offense or act specified in subsection (b) *shall file a report with the state*  
39 *board of education indicating the name, address and social security*  
40 *number of such person.* Such report shall be filed within 30 days of the  
41 date of ~~the determination that the person has committed any such act or~~  
42 ~~such conviction or the date such person~~ *entered into any such diversion*  
43 *agreement.*

1       (2) *If any person reported pursuant to paragraph (1) is a licensed*  
2 *employee of a unified school district, the state board of education shall*  
3 *notify such unified school district within 30 days that such report has been*  
4 *received, and upon request by such unified school district shall provide a*  
5 *copy of such report to the unified school district.*

6       (3) *Failure to file a report as required by subsection (e)(1) is a class*  
7 *B misdemeanor.*

8       (f) The state board of education shall not be liable for civil damages  
9 to any person refused issuance or renewal of a license by reason of the  
10 state board's compliance, in good faith, with the provisions of this section.

11       Sec. 4. K.S.A. 2014 Supp. 72-1923 is hereby amended to read as  
12 follows: 72-1923. (a) Except as provided in K.S.A. 2014 Supp. 72-1925,  
13 and amendments thereto, the board of education of any school district may  
14 apply to the state board for a grant of authority to operate such school  
15 district as a public innovative district. The application shall be submitted in  
16 the form and manner prescribed by the state board, and shall be submitted  
17 not later than December 1 of the school year preceding the school year in  
18 which the school district intends to operate as a public innovative district.

19       (b) The application shall include the following:

20       (1) A description of the educational programs of the public innovative  
21 district;

22       (2) a description of the interest and support for partnerships between  
23 the public innovative district, parents and the community;

24       (3) the specific goals and the measurable pupil outcomes to be  
25 obtained by operating as a public innovative district; and

26       (4) an explanation of how pupil performance in achieving the  
27 specified outcomes will be measured, evaluated and reported.

28       (c) (1) Within 90 days from the date such application is submitted, the  
29 state board shall review the application to determine compliance with this  
30 section, and shall approve or deny such application on or before the  
31 conclusion of such 90-day period. If the application is determined to be in  
32 compliance with this section, the state board shall approve such  
33 application and grant the school district authority to operate as a public  
34 innovative district. Notification of such approval shall be sent to the board  
35 of education of such school district within 10 days after such decision.

36       (2) If the state board determines such application is not in compliance  
37 with either this section, or K.S.A. 2014 Supp. 72-1925, and amendments  
38 thereto, the state board shall deny such application. Notification of such  
39 denial shall be sent to the board of education of such school district within  
40 10 days after such decision and shall specify the reasons therefor. Within  
41 30 days from the date such notification is sent, the board of education of  
42 such school district may submit a request to the state board for  
43 reconsideration of the application and may submit an amended application

1 with such request. The state board shall act on the request for  
2 reconsideration within 60 days of receipt of such request.

3 (d) A public innovative district shall:

4 (1) Not charge tuition for any of the pupils residing within the public  
5 innovative district;

6 (2) participate in all Kansas math and reading assessments applicable  
7 to such public innovative district, or an alternative assessment program for  
8 measuring student progress as determined by the board of education;

9 (3) abide by all financial and auditing requirements that are  
10 applicable to school districts, except that a public innovative district may  
11 use generally accepted accounting principles;

12 (4) comply with all applicable health, safety and access laws; and

13 (5) comply with all statements set forth in the application submitted  
14 pursuant to subsection (a).

15 (e) (1) Except as otherwise provided in K.S.A. 2014 Supp. 72-1921  
16 through 72-1930, and amendments thereto, or as required by the board of  
17 education of the public innovative district, a public innovative district shall  
18 be exempt from all laws and rules and regulations that are applicable to  
19 school districts.

20 (2) A public innovative district shall be subject to the special  
21 education for exceptional children act, the virtual school act, the school  
22 district finance and quality performance act, the provisions of K.S.A. 72-  
23 8801 et seq., and amendments thereto, all laws governing the issuance of  
24 general obligation bonds by school districts, the provisions of K.S.A. 74-  
25 4901 et seq., and amendments thereto, and all laws governing the election  
26 of members of the board of education, the open meetings act as provided  
27 in K.S.A. 75-4317 et seq., and amendments thereto, and the open records  
28 act as provided in K.S.A. 45-215 et seq., and amendments thereto.

29 (f) *A public innovative district shall require any person employed in a*  
30 *position with direct contact with students to submit a complete set of*  
31 *legible fingerprints of such person taken by a qualified law enforcement*  
32 *agency prior to commencing any work involving students. Fingerprints*  
33 *submitted pursuant to this subsection shall be released by the public*  
34 *innovative district to the Kansas bureau of investigation for the purpose of*  
35 *conducting criminal history records checks, **utilizing the files and records***  
36 ***of the Kansas bureau of investigation and the federal bureau of***  
37 ***investigation.** The cost of any such criminal history record check shall be*  
38 *borne by the public innovative district. Each district also shall release*  
39 *fingerprints submitted pursuant to this subsection to the Kansas bureau of*  
40 *investigation for the purpose of conducting a criminal history records*  
41 *check as follows:*

42 (1) *For employees hired prior to July 1, 2015, every five years from*  
43 *and after July 1, 2015; and*

1       (2) *for employees hired on and after July 1, 2015, every five years*  
2 *from the first day of such employee's employment.*

3       (g) (1) *Each person subject to the provisions of subsection (f) who*  
4 *has been convicted of any offense or act specified in K.S.A. 72-1397(a)*  
5 *or (b), and amendments thereto, or who has entered into a criminal*  
6 *diversion agreement after having been charged with any offense or act*  
7 *specified in K.S.A. 72-1397(b), and amendments thereto, shall file a*  
8 *report with the public innovative district indicating the name, address*  
9 *and social security number of such person. Such report shall be filed*  
10 *within 30 days of the date of such conviction or the date such person*  
11 *entered into any such diversion agreement.*

12       (2) *Failure to file a report as required by this subsection is a class*  
13 *B misdemeanor.*

14       Sec. 5. K.S.A. 2014 Supp. 72-1397 and 72-1923 are hereby repealed.

15       Sec. 6. This act shall take effect and be in force from and after its  
16 publication in the statute book.