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MEMORANDUM

To: Chairman Waymaster and members of the House Appropriations Committee

From: Jill A. Wolters, First Assistant Revisor

Date: March 15, 2018

Subject: **HB2773, creating the Kansas safe and secure schools act.**

HB2773 creates the Kansas safe and secure schools act. The state board of education shall develop and adopt statewide standards for making all public schools safe and secure. In developing such standards, the state board shall consult with the office of the adjutant general, the Kansas bureau of investigation, the Kansas department of health and environment and any other state agencies as deemed necessary by the state board.

The statewide standards shall include, but are not limited to:

- (1) The infrastructure of school buildings, including secured entrances, windows and other facets of the structural integrity of such buildings;
- (2) security technology to be utilized in such buildings, including, intrusion detection systems and security cameras;
- (3) communications systems, including, systems for interoperability between the school district and law enforcement agencies; and
- (4) any other systems or facilities the state board deems necessary for the safety and security of such buildings.

The state board of education shall develop and adopt statewide standards for school safety and security plans to be adopted by each school district. In developing such standards, the state board shall consult with the same agencies listed above.

The statewide standards for school safety and security plans shall include, but are not limited to:

- (1) Evaluation of the infrastructure of school buildings for compliance with the statewide standards;
- (2) training of school district employees on school safety and security policies and procedures, and conducting student drills on emergency situations;
- (3) procedures for making notifications to individuals located outside of the school building during emergency situations and maintaining communication with law enforcement;
- (4) procedures for securing school buildings during an emergency situation;
- (5) procedures for emergency evacuation of school buildings, including evacuation routes and sites;
- (6) procedures for recovery after an emergency situation ceases;
- (7) coordination and incorporation of school safety and security plans with existing school district emergency response plans;

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- (8) distribution of school safety and security plans to local law enforcement agencies and emergency management agencies;
- (9) procedures for ensuring there is accountability for adopting and implementing the school safety and security plan in accordance with the act and the standards adopted by the state board; and
- (10) any other policies and procedures the state board deems necessary for school safety and security plans.

In developing standards for school safety and security plans, the state board shall identify roles and responsibilities for implementing school safety and security plans at the school district and school building level. The state board also shall identify the role of local law enforcement agencies and local emergency management agencies when partnering with school districts in the development and implementation of school safety and security plans. The state board may consider and utilize any materials, documentation or videos that are available through the United States department of homeland security in developing standards for school safety and security plans.

The state board shall notify all school districts and any consulted state agencies of the statewide standards and the standards for school safety and security plans on or before January 1, 2019. To the extent either standards contain emergency or security information or procedures, the state board shall maintain the confidentiality of such standards when sending notices. The provisions of this subsection shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, prior to July 1, 2023.

The board of education of each school district shall adopt a comprehensive school safety and security plan based on the statewide standards. Prior to the adoption of a school safety and security plan, each school district shall consult with one or more local law enforcement agencies and local emergency management agencies to review and evaluate:

- (1) Existing infrastructure of school buildings; and
- (2) current school district safety and security policies and procedures.

The local law enforcement agencies and emergency management agencies may provide guidance on improving a school district's building infrastructure or safety and security policies and procedures. The review and evaluation, and any guidance provided as a result thereof, shall be done in accordance with the standards adopted by the state board of education.

Upon adoption of a school safety and security plan, the superintendent of the school district shall send a copy of such plan to each local law enforcement agency and emergency management agency the school district consulted with, and shall send a copy to the state board of education.

Each school district may submit an application to the state board for a grant of school safety and security improvement funds. Such grant application shall include a description of the school safety and security improvements the school district determines to be necessary. School safety and security improvements shall be determined based on the standards adopted by the state board. The state board shall review all applications (and may conduct a hearing) and approve or deny such applications based on whether the applicant school district has demonstrated the necessity of school safety and security improvements. If the state board approves an application, it shall determine the amount of the grant. If the state board denies an application, the state board shall send written notice of such denial to the superintendent of such school district within 15 days. All administrative proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any

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action by the state board pursuant to this section shall be subject to review in accordance with the Kansas judicial review act.

The bill establishes the school safety and security grant fund, which shall be administered by the state department of education. All expenditures from the school safety and security grant fund shall be used for the disbursement of grant moneys for school safety and security.

For the purposes of promoting the safety and protection of students and emphasizing how students should respond when encountering a firearm, the board of education of a school district may provide firearm safety education programs. The state board of education shall establish curriculum guidelines for a standardized firearm safety education program. Such guidelines shall include, but not be limited to, accident prevention and:

- (1) For students in grades k-5, shall be based on the Eddie Eagle Gunsafe program offered by the national rifle association (NRA) or any other evidence-based program;
- (2) for students in grades 6-8 shall be based on the Eddie Eagle Gunsafe program offered by the NRA, the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism (WP&T) or any other evidence-based program; and
- (3) for students in grades 9-12, shall be based on the hunter education in our schools program offered by the WP&T and or any other evidence-based program.

If a board of education elects to provide firearm safety education, such instruction shall be in accordance with the guidelines established by the state board of education and shall be offered so as to ensure that all students may take the course.

The state board of education shall adopt rules and regulations necessary for the implementation of the act.

The bill further appropriates for fiscal year 2019, \$5,300,000 to the department of education:

- (1) \$300,000 appropriated from the SGF for expenditures to operate the act including two additional employees to review and evaluate school safety and security plans and provide technical assistance to school districts on such plans; and
- (2) \$5,000,000, transferred to the school safety and security grant fund from the SGF.

The bill will take effect on publication in the statute book.