AN ACT concerning individuals with disabilities; relating to services provided for individuals with disabilities; clarifying the authority of and registering interpreters with the Kansas commission for the deaf and hard of hearing; enacting the audiology and speech-language pathology interstate compact; providing disability placards to school districts, interlocal cooperatives, postsecondary educational institutions and institutions under the direction of the department for aging and disability services; updating references to emotional disability; amending K.S.A. 72-3404, 75-4355a, 75-4355b, 75-5391, 75-5393, 75-5397a and 75-5399 and K.S.A. 2019 Supp. 8-1,125 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Registration in accordance with this section shall be required to interpret under K.S.A. 75-4355a through 75-4355d, and amendments thereto, or to comply with any state or federal law or rules and regulations.

(b) To obtain registration as an interpreter, an applicant shall submit an application on a form and in a manner prescribed by the commission. The commission may grant registration to any person who:

(1) Has obtained a high school diploma or its equivalent;
(2) is 18 years of age or older;
(3) has no other record of disqualifying conduct as designated by the commission; and
(4) has obtained a certification or other appropriate credentials as designated by the commission.

(c) (1) The commission may grant registration as an interpreter to an applicant who has been duly licensed or registered as an interpreter by examination under the laws of another state, territory or the District of Columbia if, in the opinion of the commission, the applicant substantially meets the qualifications for registration as an interpreter in this state. The applicant shall provide satisfactory evidence of verification of the applicant's licensure or registration from the original state of licensure or registration.
(2) The commission may grant temporary registration to a nonresident interpreter who holds a certificate or license in such person or
An entity's state of residence. An interpreter granted a temporary registration shall not interpret more than 20 separate days in a year in this state.

(d) (1) The commission shall charge and collect in advance fees provided for in this section as fixed by the commission by rules and regulations. Registrations issued under the provisions of this section shall expire on the date established by rules and regulations of the commission unless revoked prior to that time. The commission shall send a notice for renewal of registration to every interpreter at least 60 days prior to the expiration date of such person's registration.

(2) (A) If an interpreter fails to submit a renewal application prior to the expiration date of such person's registration, such interpreter's registration shall be deemed expired. A registered interpreter has a 30-day grace period after a registration has expired to renew such registration without a late fee. The late fee shall be set by the commission, but shall not exceed $200.

(B) An interpreter whose registration has expired after failing to submit a renewal application may register upon payment of the late fee and submitting satisfactory evidence of completion of continuing education requirements established by the commission. Renewals of expired registrations may include additional testing, training or education as the commission deems necessary to establish the person's present ability to perform the functions and responsibilities of an interpreter.

(3) An interpreter, as a condition for renewal of a registration, shall be required to attend not less than 30 hours, biennially, of continuing education units. The commission shall adopt rules and regulations establishing requirements for such programs. Upon receipt of such application, payment of fee and evidence of satisfactory completion of the required continuing education, the commission shall verify the accuracy of the application and grant renewal of the registration.

(4) The commission may sponsor continuing education programs and establish and charge reasonable fees for such activities.

(e) (1) The commission may require an applicant for certification as an interpreter to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The commission is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The commission may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the application to be issued or maintain registration.
(2) Local and state law enforcement officers and agencies shall assist the commission in taking the fingerprints of applicants for registration. Local and state law enforcement officers and agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints under this section. The Kansas bureau of investigation shall release all records of an applicant's adult convictions to the commission.

(3) The commission may fix and collect a fee for fingerprinting and conducting a state and national criminal history record check of applicants or registrants as may be required by the commission in an amount equal to the cost of fingerprinting and the criminal history record check.

(f) The commission may refuse to issue, renew or reinstate a registration, may condition, limit, revoke or suspend the registration of any individual if the applicant or registrant:

(1) Has been found incompetent or negligent in the practice of interpreting;
(2) has been convicted of a felony offense or a misdemeanor against persons and has not demonstrated to the commission's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
(3) submits an application that contains false, misleading or incomplete information;
(4) fails or refuses to provide any information requested by the commission;
(5) fails or refuses to pay the required fees;
(6) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country, and the applicant or registrant has not demonstrated to the commission's satisfaction that such person has been sufficiently rehabilitated to merit the public trust; or
(7) has had a license, registration or certificate to practice as an interpreter revoked, suspended or limited, or has been the subject of other disciplinary action, or an application for a license, registration or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(g) Administrative proceedings and disciplinary actions regarding interpreter registration under sections 1 through 3, and amendments thereto, shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under sections 1 through 3, and amendments thereto, shall be in accordance with the Kansas judicial review act.

(h) In accordance with the rules and regulations filing act, the
executive director of the commission may adopt rules and regulations to
effectuate the provisions of this section. Such rules and regulations may
include, but not be limited to, provisions concerning:
(1) Fees necessary to fund the expenses and operating costs incurred
in the administration and enforcement of the provisions of this section;
(2) categories of interpreter certification and interpreter
endorsements, including necessary credentials or qualifications;
(3) a continuing education program for registered interpreters;
(4) a code of professional conduct;
(5) a supervision and mentorship program for interpreters with
provisional registration;
(6) suspension or revocation of interpreter registration; and
(7) any other matter deemed necessary by the executive director to
implement and administer the provisions of this section.
New Sec. 2. (a) It shall be unlawful for any person who is not
registered with the commission, or whose registration has been suspended
or revoked, to:
(1) Practice as an interpreter;
(2) hold out to the public the intention, authority or skill to interpret;
(3) provide video remote interpreting services; or
(4) use any title or abbreviation to indicate the person is a registered
interpreter with the commission.
(b) It shall be unlawful for any entity to:
(1) Cause or permit a person to interpret in Kansas, either in-person
or remotely, with knowledge that such person is not a registered
interpreter;
(2) represent that a person is a registered interpreter, when the entity
knows or reasonably should know that such person is not a registered
interpreter;
(3) hold out to the public, on behalf of a person, the intention, skill or
authority to interpret, when the entity knows or reasonably should know
that such person is not a registered interpreter; or
(4) accept payment for securing an interpreter under the provisions of
K.S.A. 75-4355a through 75-4355d, and amendments thereto, when the
person provided by the entity to interpret is not a registered interpreter.
(c) This section shall not apply to a person or entity if such person or
entity is:
(1) Interpreting during a religious event;
(2) interpreting as a volunteer without compensation after receiving
approval from the commission or the executive director;
(3) interpreting during an emergency, until the services of a registered
interpreter can be obtained; or
(4) a student who is enrolled in and pursuing a degree or credential in
interpreting or an interpreter training program or a provisional interpreter
with a supervision plan overseen by the commission, while such student or
provisional interpreter is under the supervision of a registered interpreter.

(d) When it appears to the commission that any person or entity is
violating the provisions of this section, the commission may bring an
action in the name of the state of Kansas in a court of competent
jurisdiction for an injunction against such violation without regard to
whether proceedings have been or may be instituted before the
commission or whether criminal proceedings have been or may be
instituted.

New Sec. 3. (a) The commission shall develop and administer a
program to provide guidelines for the utilitization of communication
access services, communication access service providers, and interpreter
service agencies. In accordance with the rules and regulations filing act,
the executive director of the commission may adopt rules and regulations
to effectuate the provisions of this section, which may include, but not be
limited to, provisions concerning:

(1) Fees necessary to fund the expenses and operating costs incurred
    in the administration and enforcement of the provisions of this section;
(2) determination of the qualifications of communication access
    service providers;
(3) minimum standards of training of communication access service
    providers;
(4) registration of communication access service providers and
    interpreter service agencies;
(5) a code of professional conduct governing communication access
    service providers;
(6) standards for equipment or technology supporting communication
    access services;
(7) a system of statewide coordination of communication access
    services; and
(8) any other matter that the executive director deems necessary to
    implement and administer the provisions of this section.

(b) (1) The commission may require communication access service
    providers to be fingerprinted and to submit to a state and national criminal
    history record check. The fingerprints shall be used to identify the
    applicant and to determine whether the applicant has a record of criminal
    history in this state or another jurisdiction. The commission is authorized
    to submit the fingerprints to the Kansas bureau of investigation and the
    federal bureau of investigation for a state and national criminal history
    record check. The commission may use the information obtained from
    fingerprinting and the applicant's criminal history for purposes of verifying
    the identification of any individual and in the official determination of the
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1 qualifications and fitness of the individual to provide communication
2 access services.
3 (2) Local and state law enforcement officers and agencies shall assist
4 the commission in taking the fingerprints of individuals. Local and state
5 law enforcement officers and agencies may charge a fee as reimbursement
6 for expenses incurred in taking and processing fingerprints under this
7 section. The Kansas bureau of investigation shall release all records of an
8 individual's adult convictions to the commission.
9 (3) The commission may fix and collect a fee for fingerprinting and
10 conducting a state and national criminal history record check of
11 individuals pursuant to this section as may be required by the commission
12 in an amount equal to the cost of fingerprinting and the criminal history
13 record check.

New Sec. 4. (a) The commission shall remit all moneys received from
fees, charges or penalties under sections 1 through 3, and amendments
thereto, to the state treasurer in accordance with the provisions of K.S.A.
75-4215, and amendments thereto. Upon receipt of each such remittance,
the state treasurer shall deposit the entire amount into the state treasury to
the credit of the Kansas commission for the deaf and hard of hearing
registration fee fund.

(b) There is hereby created in the state treasury the commission for
deaf and hard of hearing registration fee fund. All moneys credited to the
fund shall be used to carry out the powers, duties and functions of the
commission. The fund shall be administered by the Kansas commission for
the deaf and hard of hearing. All expenditures from the fund shall be made
in accordance with appropriation acts upon warrants of the director of
accounts and reports issued pursuant to vouchers approved by the
executive director of the commission or the executive director's designee.

New Sec. 5. (a) As used in K.S.A 75-4355a through 75-4355d, and
amendments thereto, and sections 1 through 5, and amendments thereto:
(1) "Commission" means the Kansas commission for the deaf and
hard of hearing;
(2) "communication access services" includes, but is not limited to:
Communication access realtime translation services, notetakers, open and
closed captioning services, support service providers for the deaf-blind,
and any other effective method of making aurally delivered information
available to individuals who are deaf or hard of hearing;
(3) "communication access service provider" means an individual
who is trained to offer a communication access service to communicate
aurally delivered information to individuals who are deaf, hard of hearing
or have speech and language impairments;
(4) "executive director" means the executive director for the Kansas
commission for the deaf and hard of hearing;
"interpreter" means an individual who engages in the practice of interpreting;
(6) "interpreter service agency" means an entity that contracts with or employs registered interpreters to provide interpreter services, whether in person or remotely for a fee;
(7) "interpreting" means the translating or transliterating of English concepts to any communication modes of individuals who are deaf, hard of hearing or have speech and language impairments or the translating or transliterating of the communication modes of individuals who are deaf, hard of hearing or have speech and language impairments to English language concepts. Communication modes include, but are not limited to, American sign language, English-based sign language, cued speech, oral transliterating and information received tactually;
(8) "video remote interpreter" means an interpreter who engages in the practice of video remote interpreting; and
(9) "video remote interpreting" means the process that allows an individual who is deaf or hard of hearing to communicate with a hearing individual at the same location through an interpreter displayed through videoconferencing or similar technology.

New Sec. 6. This act shall be known and may be cited as the audiology and speech-language pathology interstate compact.

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT
SECTION 1
PURPOSE
The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient or client or student is located at the time of the patient or client or student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:
(a) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
(b) enhance the states' ability to protect the public's health and safety;
(c) encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
(d) support spouses of relocating active duty military personnel;
(e) enhance the exchange of licensure, investigative and disciplinary information between member states;
allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
(g) allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2
DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:
(a) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.
(b) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.
(c) "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.
(d) "Audiologist" means an individual who is licensed by a state to practice audiology.
(e) "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.
(f) "Audiology and speech-language pathology compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.
(g) "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists or speech-language pathologists.
(h) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient or client or student is located at the time of the patient or client or student encounter.
(i) "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a
minor infraction.

(j) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

(k) "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the national practitioners data bank, NPDB.

(l) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(m) "Home state" means the member state that is the licensee's primary state of residence.

(n) "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction or other health-related conditions.

(o) "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

(p) "Member state" means a state that has enacted the compact.

(q) "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

(r) "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(s) "Rule" means a regulation, principle or directive promulgated by the commission that has the force of law.

(t) "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(u) "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

(v) "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

(w) "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

(x) "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice and create the methods and grounds for imposing discipline.

(y) "Telehealth" means the application of telecommunication
technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and consultation.

SECTION 3

STATE PARTICIPATION IN THE COMPACT

(a) A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

(b) A state shall implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

(1) A member state shall fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

(2) Communication between a member state, the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under public law 92-544.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant or whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

(e) An audiologist shall:

(1) Meet one of the following educational requirements:

(A) On or before December 31, 2007, have graduated with a master's degree or doctorate in audiology or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting
organization recognized by the licensing board; 

(B) on or after January 1, 2008, have graduated with a doctoral degree in audiology or equivalent degree regardless of degree name from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board; or

(C) have graduated from an audiology program that is housed in an institution of higher education outside of the United States for which: (i) The program and institution have been approved by the authorized accrediting body in the applicable country; and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

(2) have completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the licensing board;

(3) have successfully passed a national examination approved by the commission;

(4) hold an active, unencumbered license;

(5) have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

(6) have a valid United States social security or national practitioner identification number.

(f) A speech-language pathologist shall:

(1) Meet one of the following educational requirements:

(A) Have graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the licensing board;

(B) have graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States for which: (i) The program and institution have been approved by the authorized accrediting body in the applicable country; and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program; or

(C) have completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission;

(2) have completed a supervised postgraduate professional experience as required by the commission;
(3) have successfully passed a national examination approved by the commission;
(4) hold an active, unencumbered license;
(5) have not been convicted or found guilty, and have not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and
(6) have a valid United States social security or national practitioner identification number.

(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech-language pathologist practicing in a member state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

(i) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states shall comply with the bylaws and rules and regulations of the commission.

SECTION 4
COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:
(1) hold an active license in the home state;
(2) have no encumbrance on any state license;
(3) be eligible for a compact privilege in any member state in accordance with section 3;
(4) have not had any adverse action against any license or compact privilege within the previous two years from date of application;
(5) notify the commission that the licensee is seeking the compact privilege within a remote state;
(6) pay any applicable fees, including any state fee, for the compact privilege; and
(7) report to the commission any adverse action taken by a non-
member state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or
speech-language pathologist shall only hold one home state license at a
time.

(c) Except as provided in section 6, if an audiologist or speech-
language pathologist changes primary state of residence by moving
between two member states, the audiologist or speech-language
pathologist shall apply for licensure in the new home state, and the license
issued by the prior home state shall be deactivated in accordance with
applicable rules adopted by the commission.

(d) The audiologist or speech-language pathologist may apply for
licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the
audiologist or speech-language pathologist provides satisfactory evidence
of a change in primary state of residence to the new home state and
satisfies all applicable requirements to obtain a license from the new home
state.

(f) If an audiologist or speech-language pathologist changes the
audiologist's or speech-language pathologist's primary state of residence
by moving from a member state to a non-member state, the license issued
by the prior home state shall convert to a single-state license, valid only in
the former home state.

(g) The compact privilege is valid until the expiration date of the
home state license. The licensee shall comply with the requirements of
section 4(a) to maintain the compact privilege in the remote state.

(h) A licensee providing audiology or speech-language pathology
services in a remote state under the compact privilege shall function within
the laws and regulations of the remote state.

(i) A licensee providing audiology or speech-language pathology
services in a remote state is subject to that state's regulatory authority. A
remote state may, in accordance with due process and that state's laws,
remove a licensee's compact privilege in the remote state for a specific
period of time, impose fines or take any other necessary actions to protect
the health and safety of its citizens.

(j) If a home state license is encumbered, the licensee shall lose the
compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

(k) Once an encumbered license in the home state is restored to good
standing, the licensee shall be required to meet the requirements of section
4(a) to obtain a compact privilege in any remote state.

(l) Once the requirements of section 4(j) have been met, the licensee
shall be required to meet the requirements in section 4(a) to obtain a compact privilege in a remote state.

SECTION 5
COMPACT PRIVILEGE TO PRACTICE TELEHEALTH
Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with section 3 and under rules promulgated by the commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

SECTION 6
ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES
Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

SECTION 7
ADVERSE ACTIONS
(a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(3) Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

(b) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.
(c) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, a remote state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(e) The home state may take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

(f) Joint Investigations.

(1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(g) If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(i) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8

ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission.
(1) The commission is an instrumentality of the compact states.
(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.
(b) Membership, voting and meetings:
(1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist;
(2) an additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large;
(3) any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed; and
(4) the member state board shall fill any vacancy occurring on the commission, within 90 days.
(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.
(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.
(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.
(c) The commission shall have the following powers and duties:
(1) Establish the fiscal year of the commission;
(2) establish bylaws;
(3) establish a code of ethics;
(4) maintain its financial records in accordance with the bylaws;
(5) meet and take actions as are consistent with the provisions of this compact and the bylaws;
(6) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
(7) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under
applicable law shall not be affected;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(11) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety and conflict of interest;

(12) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(13) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(14) establish a budget and make expenditures;

(15) borrow money;

(16) appoint committees, including standing committees composed of members and other interested persons as may be designated in this compact and the bylaws;

(17) provide and receive information from, and cooperate with, law enforcement agencies;

(18) establish and elect an executive committee; and

(19) perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) Executive committee.

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive committee shall be composed of 10 members:

(A) Seven voting members who are elected by the commission from the current membership of the commission;

(B) two ex-officio members, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

(C) one ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.
(e) The ex-officio members shall be selected by their respective organizations.
(1) The commission may remove any member of the executive committee as provided in the bylaws.
(2) The executive committee shall meet at least annually.
(3) The executive committee shall have the following duties and responsibilities:
   (A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege;
   (B) ensure compact administration services are appropriately provided, contractual or otherwise;
   (C) prepare and recommend the budget;
   (D) maintain financial records on behalf of the commission;
   (E) monitor compact compliance of member states and provide compliance reports to the commission;
   (F) establish additional committees as necessary; and
   (G) other duties as provided in rules or bylaws.
(4) Meetings of the commission. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 10.
(5) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting if the commission or executive committee or other committees of the commission must discuss:
   (A) Non-compliance of a member state with its obligations under the compact;
   (B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
   (C) current, threatened or reasonably anticipated litigation;
   (D) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
   (E) accusing any person of a crime or formally censuring any person;
   (F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
   (G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
   (H) disclosure of investigative records compiled for law enforcement purposes;
   (I) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other
committee charged with responsibility of investigation or determination of
compliance issues pursuant to the compact; or
(J) matters specifically exempted from disclosure by federal or
member state statute.
(6) If a meeting, or portion of a meeting, is closed pursuant to this
provision, the commission's legal counsel or designee shall certify that the
meeting may be closed and shall reference each relevant exempting
provision.
(7) The commission shall keep minutes that fully and clearly describe
all matters discussed in a meeting and shall provide a full and accurate
summary of actions taken, and the reasons therefor including a description
of the views expressed. All documents considered in connection with an
action shall be identified in minutes. All minutes and documents of a
closed meeting shall remain under seal, subject to release by a majority
vote of the commission or order of a court of competent jurisdiction.
(8) Financing of the commission.
(A) The commission shall pay, or provide for the payment of, the
reasonable expenses of its establishment, organization and ongoing
activities.
(B) The commission may accept any and all appropriate revenue
sources, donations and grants of money, equipment, supplies, materials
and services.
(C) The commission may levy on and collect an annual assessment
from each member state or impose fees on other parties to cover the cost
of the operations and activities of the commission and its staff, which shall
be in a total amount sufficient to cover its annual budget as approved each
year for which revenue is not provided by other sources. The aggregate
annual assessment amount shall be allocated based upon a formula to be
determined by the commission, which shall promulgate a rule binding
upon all member states.
(9) The commission shall not incur obligations of any kind prior to
securing the funds adequate to meet the same, nor shall the commission
pledge the credit of any of the member states, except by and with the
authority of the member state.
(10) The commission shall keep accurate accounts of all receipts and
disbursements. The receipts and disbursements of the commission shall be
subject to the audit and accounting procedures established under its
bylaws. However, all receipts and disbursements of funds handled by the
commission shall be audited yearly by a certified or licensed public
accountant, and the report of the audit shall be included in and become
part of the annual report of the commission.
(f) Qualified immunity, defense and indemnification.
(1) The members, officers, executive director, employees and
representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9
DATA SYSTEM

(a) The commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information;
(2) licensure data;
(3) adverse actions against a license or compact privilege;
(4) non-confidential information related to alternative program participation;
(5) any denial of application for licensure, and the reason for denial; and
(6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10
RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) on the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) The proposed time, date and location of the meeting in which the rule shall be considered and voted upon;
(2) the text of the proposed rule or amendment and the reason for the proposed rule;
(3) a request for comments on the proposed rule from any interested person; and
(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
   (1) At least 25 persons;
   (2) a state or federal governmental subdivision or agency; or
   (3) an association having at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.
   (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
   (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
   (3) All hearings shall be recorded. A copy of the recording shall be made available on request.
   (4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking
procedures provided in the compact and in this section shall be
retroactively applied to the rule as soon as reasonably possible, in no event
later than 90 days after the effective date of the rule. For the purposes of
this provision, an emergency rule is one that must be adopted immediately
in order to:
(1) Meet an imminent threat to public health, safety or welfare;
(2) prevent a loss of commission or member state funds; or
(3) meet a deadline for the promulgation of an administrative rule that
is established by federal law or rule.
(m) The commission or an authorized committee of the commission
may direct revisions to a previously adopted rule or amendment for
purposes of correcting typographical errors, errors in format, errors in
consistency or grammatical errors. Public notice of any revisions shall be
posted on the website of the commission. The revision shall be subject to
challenge by any person for a period of 30 days after posting. The revision
may be challenged only on grounds that the revision results in a material
change to a rule. A challenge shall be made in writing and delivered to the
chair of the commission prior to the end of the notice period. If no
challenge is made, the revision shall take effect without further action. If
the revision is challenged, the revision may not take effect without the
approval of the commission.

SECTION 11
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT
(a) Dispute Resolution.
(1) Upon request by a member state, the commission shall attempt to
resolve disputes related to the compact that arise among member states and
between member and non-member states.
(2) The commission shall promulgate a rule providing for both
mediation and binding dispute resolution for disputes as appropriate.
(b) Enforcement.
(1) The commission, in the reasonable exercise of its discretion, shall
enforce the provisions and rules of this compact.
(2) By majority vote, the commission may initiate legal action in the
United States district court for the District of Columbia or the federal
district where the commission has its principal offices against a member
state in default to enforce compliance with the provisions of the compact
and its promulgated rules and bylaws. The relief sought may include both
injunctive relief and damages. In the event judicial enforcement is
necessary, the prevailing member shall be awarded all costs of litigation,
including reasonable attorney fees.
(3) The remedies herein shall not be the exclusive remedies of the
commission. The commission may pursue any other remedies available
under federal or state law.
SECTION 12
DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENT

(a) The compact shall come into effect on the date on which the
compact statute is enacted into law in the 10th member state. The
provisions, which become effective at that time, shall be limited to the
powers granted to the commission relating to assembly and the
promulgation of rules. Thereafter, the commission shall meet and exercise
rulemaking powers necessary to the implementation and administration of
the compact.

(b) Any state that joins the compact subsequent to the commission's
initial adoption of the rules shall be subject to the rules as they exist on the
date on which the compact becomes law in that state. Any rule that has
been previously adopted by the commission shall have the full force and
effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a
statute repealing the same.

1) A member state's withdrawal shall not take effect until six months
after enactment of the repealing statute.

2) Withdrawal shall not affect the continuing requirement of the
withdrawing state's audiology or speech-language pathology licensing
board to comply with the investigative and adverse action reporting
requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate
or prevent any audiology or speech-language pathology licensure
agreement or other cooperative arrangement between a member state and a
non-member state that does not conflict with the provisions of this
compact.

(e) This compact may be amended by the member states. No
amendment to this compact shall become effective and binding upon any
member state until it is enacted into the laws of all member states.

SECTION 13
CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the
purposes thereof. The provisions of this compact shall be severable and if
any phrase, clause, sentence or provision of this compact is declared to be
contrary to the constitution of any member state or of the United States or
the applicability thereof to any government, agency, person or
circumstance is held invalid, the validity of the remainder of this compact
and the applicability thereof to any government, agency, person or
circumstance shall not be affected thereby. If this compact shall be held
contrary to the constitution of any member state, the compact shall remain
in full force and effect as to the remaining member states and in full force
and effect as to the member state affected as to all severable matters.

SECTION 14

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a
member state that is not inconsistent with the compact.
(b) All laws in a member state in conflict with the compact are
superseded to the extent of the conflict.
(c) All lawful actions of the commission, including all rules and
bylaws promulgated by the commission, are binding upon the member
states.
(d) All agreements between the commission and the member states
are binding in accordance with their terms.
(e) In the event any provision of the compact exceeds the
constitutional limits imposed on the legislature of any member state, the
provision shall be ineffective to the extent of the conflict with the
constitutional provision in question in that member state.

Sec. 7. K.S.A. 2019 Supp. 8-1,125 is hereby amended to read as
follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof
to the director of vehicles, on a form provided by the director, that such
person is a person with a disability or is responsible for the transportation
of a person with a disability shall be issued a special license plate or a
permanent placard for any motor vehicle owned by such person or shall be
issued a temporary placard. Satisfactory proof of disability, condition or
impairment shall include a statement from a person licensed to practice the
healing arts in any state, a licensed optometrist, an advanced practice
registered nurse licensed under K.S.A. 65-1131, and amendments thereto,
a licensed physician assistant or a Christian Science practitioner listed in
the Christian Science journal certifying that such person is a person with a
disability. The placard shall be suspended immediately below the rear view
mirror of any motor vehicle used for the transportation of a person with a
disability so as to be maximally visible from outside the vehicle. In
addition to the special license plate or permanent placard, the director of
vehicles shall issue to the person with a disability an individual
identification card which must be carried by the person with a disability
when the motor vehicle being operated by or used for the transportation of
such person is parked in accordance with the provisions of K.S.A. 8-1,126,
and amendments thereto. In addition to the temporary placard, a person
issued such temporary placard shall carry the state or county receipt
showing the name of the person who is issued such temporary placard. A
person submitting satisfactory proof that such person's disability, condition
or impairment is permanent in nature, and upon such person's request and
payment of the fees prescribed in subsection (b), shall be issued an individual identification card and: (1) A permanent placard; (2) a permanent placard and a special license plate; or (3) a permanent placard and a wheelchair emblem decal to be affixed to a distinctive license plate. Upon proper request, one additional permanent placard shall be issued to the applicant who has not requested and received a special license plate. Upon proper request, one additional temporary placard shall be issued to the applicant certified as temporarily disabled. Temporary placards shall have an expiration date of not longer than six months from the date of issuance. The special license plates, decals and placards shall display the international symbol of access to the physically disabled.

(b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee. No person shall be issued more than one special license plate, except that agencies or businesses which provide transportation for persons with a disability as a service, may obtain additional special license plates for vehicles which are utilized in the provision of that service. Special license plates may be personalized license plates subject to the provisions of K.S.A. 8-132, and amendments thereto, including the payment of the additional fee.

(c) Placards and individual identification cards issued pursuant to this section shall be valid as long as the person or a person responsible for the transportation of a person with a disability is eligible for a special license plate or permanent placard. The secretary of revenue shall promulgate the rules and regulations necessary to remain compliant with 23 C.F.R. § 1235.4.

(d) The color of the permanent placard shall be white on a blue background and the temporary placard shall be white on a red background.

(e) In addition to such other information contained on individual identification cards, cards shall have the date of birth and the sex of the person to whom the card is issued.

(f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person with a disability. Temporary placards shall be returned to the department of revenue upon the expiration of the placard or upon the death of the person with a disability. Special license plates shall be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates shall be returned to the department of revenue upon the death of the person with a disability.

(g) (1) The director of vehicles shall issue a permanent placard to
any school district, interlocal cooperative or postsecondary educational
institution upon application to the director. Such placard shall only be
used when transporting a pupil who otherwise qualifies pursuant to this
section for a placard or license plate.

(2) As used in this subsection, "postsecondary educational
institution" means any: (A) Public university; (B) municipal university;
(C) community college; (D) technical college; or (E) private
postsecondary educational institution with its primary location in Kansas
and that is accredited by and in good standing with the higher learning
commission.

(h) The director of vehicles shall issue a permanent placard to any
institution under the direction of the secretary of the Kansas department
for aging and disability services upon application to the director. Such
placard shall only be used when transporting a patient who otherwise
qualifies pursuant to this section for a placard or license plate.

(i) Violation of subsection (f) is an unclassified misdemeanor
punishable by a fine of not more than $50.

Sec. 8. K.S.A. 72-3404 is hereby amended to read as follows: 72-
3404. As used in this act:

(a) "School district" means any public school district.
(b) "Board" means the board of education of any school district.
(c) "State board" means the state board of education.
(d) "Department" means the state department of education.
(e) "State institution" means any institution under the jurisdiction of a
state agency.
(f) "State agency" means the Kansas department for children and
families, the Kansas department for aging and disability services, the
department of corrections and the juvenile justice authority.
(g) "Exceptional children" means persons who are children with
disabilities or gifted children and are school age, to be determined in
accordance with rules and regulations adopted by the state board, which
age may differ from the ages of children required to attend school under
the provisions of K.S.A. 72-3120, and amendments thereto.
(h) "Gifted children" means exceptional children who are determined
to be within the gifted category of exceptionality as such category is
defined by the state board.
(i) "Special education" means specially designed instruction provided
at no cost to parents to meet the unique needs of an exceptional child,
including:
(1) Instruction conducted in the classroom, in the home, in hospitals
and institutions, and in other settings; and
(2) instruction in physical education.
(j) "Special teacher" means a person, employed by or under contract
with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or (2) qualified to assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board.

(k) "State plan" means the state plan for special education and related services authorized by this act.

(l) "Agency" means boards and the state agencies.

(m) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as parent; (4) a legal guardian; (5) an education advocate; or (6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

(n) "Person acting as parent" means a person such as a grandparent, stepparent or other relative with whom a child lives or a person other than a parent who is legally responsible for the welfare of a child.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 2019 Supp. 38-2218, and amendments thereto. A person appointed as an education advocate for a child shall not be: (1) An employee of the agency which is required by law to provide special education or related services for the child; (2) an employee of the state board, the department, or any agency which is directly involved in providing educational services for the child; or (3) any person having a professional or personal interest which would conflict with the interests of the child.

(p) "Free appropriate public education" means special education and related services that: (1) Are provided at public expense, under public supervision and direction, and without charge; (2) meet the standards of the state board; (3) include an appropriate preschool, elementary, or secondary school education; and (4) are provided in conformity with an individualized education program.

(q) "Federal law" means the individuals with disabilities education act, as amended.

(r) "Individualized education program" or "IEP" means a written statement for each exceptional child that is developed, reviewed, and revised in accordance with the provisions of K.S.A. 72-3429, and amendments thereto.

(s) (1) "Related services" means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free
appropriate public education as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exceptional child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(2) "Related services" shall not mean any medical device that is surgically implanted or the replacement of any such device.

(t) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(u) "Individualized education program team" or "IEP team" means a group of individuals composed of: (1) The parents of a child; (2) at least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment; (3) at least one special education teacher or, where appropriate, at least one special education provider of the child; (4) a representative of the agency directly involved in providing educational services for the child who: (A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children; (B) is knowledgeable about the general curriculum; and (C) is knowledgeable about the availability of resources of the agency; (5) an individual who can interpret the instructional implications of evaluation results; (6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) whenever appropriate, the child.

(v) "Evaluation" means a multisourced and multidisciplinary examination, conducted in accordance with the provisions of K.S.A. 72-3428, and amendments thereto, to determine whether a child is an exceptional child.

(w) "Independent educational evaluation" means an examination which is obtained by the parent of an exceptional child and performed by an individual or group of individuals who meet state and local standards to conduct such an examination.

(x) "Elementary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades kindergarten through nine.

(y) "Secondary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades nine through 12.

(z) "Children with disabilities" means: (1) Children with intellectual disability, hearing impairments including deafness, speech or language
impairments, visual impairments including blindness, emotional
disturbance disability, orthopedic impairments, autism, traumatic brain
injury, other health impairments, or specific learning disabilities and who,
by reason thereof, need special education and related services; and (2)
children experiencing one or more developmental delays and, by reason
thereof, need special education and related services if such children are
ages three through nine.

(aa) "Substantial change in placement" means the movement of an
exceptional child, for more than 25% of the child's school day, from a less
restrictive environment to a more restrictive environment or from a more
restrictive environment to a less restrictive environment.

(bb) "Material change in services" means an increase or decrease of
25% or more of the duration or frequency of a special education service, a
related service or a supplementary aid or a service specified on the IEP of
an exceptional child.

(cc) "Developmental delay" means such a deviation from average
development in one or more of the following developmental areas, as
determined by appropriate diagnostic instruments and procedures, as
indicates that special education and related services are required: (1)
Physical; (2) cognitive; (3) adaptive behavior; (4) communication; or (5)
social or emotional development.

(dd) "Homeless children" means "homeless children and youths" as
defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C.
§ 11434a.

(ee) "Limited English proficient" means an individual who meets the
qualifications specified in section 9101 of the federal elementary and
secondary education act of 1965, as amended.

Sec. 9. K.S.A. 75-4355a is hereby amended to read as follows: 75-
4355a. An interpreter registered with the Kansas commission
for the deaf and hard of hearing shall be secured for any person who is
deaf, hard of hearing or speech impaired in any grand jury, court or jury
proceeding whether such person is a plaintiff, defendant, juror or witness
in such action, and the interpreter shall interpret throughout the actual trial
and during the time that the jury is sequestered or engaged in its
deliberations.

Sec. 10. K.S.A. 75-4355b is hereby amended to read as follows: 75-
4355b. (a) All interpreters for the deaf, hard of hearing and—speech-
impaired individuals that have speech and language impairments, secured
under the provisions of K.S.A. 75-4355a through 75-4355d, and
amendments thereto, or in compliance with any state or federal law or
rules and regulations, shall be certified by or registered with the Kansas
commission for the deaf and hard of hearing or an agency designated by
the commission. The chairperson of the governmental committee or
commission, or the head of the governmental agency or other entity, or the
court is responsible for assuring the procurement of the interpreter.

(b) The commission shall recommend reasonable fees for the services
of the interpreter. At no time shall the fees for interpreter services be
assessed against the person who is deaf, hard of hearing or—speech-
impaired has speech and language impairments.

(c) No person shall serve as an interpreter if such interpreter is
married to that person, related to that person or is otherwise interested in
the outcome of the proceeding. Exceptions can be made in extreme
conditions, subject to the approval of the commission.

(d) No person shall serve as an interpreter pursuant to K.S.A. 75-
4355a through 75-4355d, and amendments thereto, unless the commission
makes the determination that the person is qualified to interpret. The
commission may designate the executive director of the commission or a
local agency to make such determination and approval under the
provisions of K.S.A. 75-4355a through 75-4355d, and amendments
thereto. A person is qualified to interpret if such person is able to interpret
effectively, accurately and impartially, both receptively and expressively,
using any necessary specialized vocabulary.

(e) If preferred by the deaf, hard of hearing or speech impaired person
and if feasible, other modes of communication, such as notetakers, open-
captioning equipment, assistive listening devices access services or other
technology may be used in place of an interpreter.

Sec. 11. K.S.A. 75-5391 is hereby amended to read as follows: 75-
5391. (a) There is hereby established within the Kansas department for
children and families the Kansas commission for the deaf and hard of
hearing. The commission shall:

(1) Advocate services affecting the deaf and hard of hearing in the
areas of public services, health care, educational, vocational and
employment opportunity;

(2) act as a bureau of information for the deaf and hard of hearing to
state agencies and public institutions providing general health and mental
health care, employment, vocational, and educational services, and to local
agencies and programs;

(3) collect facts and statistics and other special studies of conditions
affecting the health and welfare of the deaf and hard of hearing in this
state;

(4) provide for a mutual exchange of ideas and information on the
national, state and local levels;

(5) provide public education of prenatal and postnatal warning signs
of conditions which may lead to deafness or hearing impairment in the
fetus or newborn child. (A) Regarding best practices in language
acquisition development in deaf and hard of hearing children and aural
rehabilitation options; and (B) to promote the eradication of ignorance
and discrimination toward deaf and hard of hearing people in schools and
employment;
(6) encourage and assist local governments in the development of
programs for the deaf and hard of hearing;
(7) cooperate with public and private agencies and units of local, state
and federal governments in promoting coordination in programs for the
deaf and hard of hearing;
(8) provide for the social, emotional, educational and vocational
needs of the deaf and hard of hearing and their families;
(9) serve as an advisory board to the governor and the legislature on
the needs of the deaf and hard of hearing by preparing an annual report
which reviews the status of all state services to the deaf and hard of
hearing within Kansas, and to recommend priorities to the governor for the
development and coordination of services to the deaf and hard of hearing;
(10) make recommendations for needed improvements, and serve as
an advisory board in regard to new legislation affecting the deaf and hard
of hearing.
(b) The commission may:
(1) Develop and oversee programs concerning interpreters,
interpreter service agencies, and communication access services;
(2) become a member of or affiliate with any professional
organization related to the powers, duties and functions of the
commission; and
(3) undertake any and all other acts as may be necessary for the
performance of the commission's powers, duties and functions in the
administration of K.S.A. 75-4355a through 75-4355d, and amendments
thereto, and sections 1 through 5, and amendments thereto.
(c) Except as otherwise provided by this act, all budgeting,
purchasing and related management functions of the Kansas commission
for the deaf and hard of hearing shall be administered under the direction
and supervision of by the secretary for children and families. Within the
limitations of available appropriations, the secretary for children and
families shall provide additional clerical and other assistance as may be
required for the commission. The Kansas commission for the deaf and
hard of hearing shall report directly to the deputy secretary or secretary.
Sec. 12. K.S.A. 75-5393 is hereby amended to read as follows: 75-
5393. (a) The Kansas commission for the deaf and hard of hearing shall
employ an executive director and shall fix the duties, responsibilities and
qualifications thereof. The executive director shall be a full-time employee
of the commission who shall be in the unclassified service under the
Kansas civil service act and shall receive an annual salary to be fixed by
the commission, which shall be comparable to the salaries of executive
directors of other comissions. The executive director shall receive actual
and necessary expenses incurred while in the discharge of official duties.
(b) The executive director, with the advice and consent of the
commission shall:
(1) Within the limitations of available appropriations, plan and
oversee the establishment of service centers for the deaf and hard of
hearing in areas where the commission deems they are needed and in
consultation with the secretary for children and families and in
concurrence with local boards of directors of community service centers
and local groups promoting or providing services to the deaf or hard of
hearing, or both;
(2) promote accessibility of all governmental services to deaf and
hard of hearing citizens in Kansas including those deaf and hard of hearing
persons with multiple disabilities;
(3) identify agencies, both public and private which provide
community services, evaluate the extent to which they make services
available to deaf and hard of hearing people and their families, and
cooperate with the agencies in coordinating and extending these services;
(4) provide for the mutual exchange of ideas and information on
services for deaf and hard of hearing people between federal, state and
local governmental agencies and private organizations and individuals;
(5) survey the needs of the deaf and hard of hearing population in
Kansas and assist the commission in the preparation of its report to the
governor;
(6) maintain a listing of persons qualified in various types of
interpreting and aural rehabilitation communication access services for the
deaf and make this information available to local, state, federal and private
organizations and to individuals;
(7) promote the training of interpreters for the deaf and hard of
hearing;
(8) serve as an advocate for the rights of deaf and hard of hearing
people and perform such other duties as may be required by law;
(9) provide interpreter services for the deaf and hard of hearing to be
funded from user fees collected pursuant to K.S.A. 75-5397a, and
amendments thereto;
(10) provide a telecommunication message relay service for the deaf
and hard of hearing;
(11) provide for a program of regulation and certification registration
of interpreters; and
(12) provide for a program of statewide coordination for
communication access services and service providers; and
(13) employ such persons as may be needed from time to time, in the
judgment of the executive director, to carry out the director's
responsibilities under paragraphs (9), (10) and (11) of this subsection and (12). Such employees shall be in the unclassified civil service and shall receive an annual salary to be fixed by the commission.

(c) In selecting an executive director, the commission shall select an individual who is fluent in the American sign language of the deaf and shall give consideration and priority to qualified applicants who are deaf or hard of hearing. \textit{The commission shall supervise and evaluate the executive director.}

Sec. 13. K.S.A. 75-5397a is hereby amended to read as follows: 75-5397a. (a) The Kansas commission for the deaf and hard of hearing may fix, charge and collect reasonable fees for providing interpreter services, interpreter certification registration, communication access services and sign language instruction.

(b) The secretary for children and families shall remit all moneys received by the commission for such providing interpreter services, communication access services and sign language instruction to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas department for children and families enterprise fund.

Sec. 14. K.S.A. 75-5399 is hereby amended to read as follows: 75-5399. When used in this act:

(a) "Individuals with disabilities" means individuals with intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance disability, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities.

(b) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(c) "Transition planning services" means rehabilitation counseling, information and referral to community services for students age 16 and older in secondary special education programs.

(d) "Local education authority" means the special education interlocal or cooperative or school district responsible for the local special education
program.
(e) "Special education program" means services that are provided pursuant to public law 94-142 (the education of all handicapped children's act) as implemented in Kansas through K.S.A. 72-3403 et seq., and amendments thereto, and public law 101-476 (the individuals with disabilities education act).
(f) "Secretary" means the secretary for children and families or the designee of the secretary.
(g) "Local transition council" means a representative group of persons with disabilities and their families, school personnel, adult service agency personnel and members of the general public such as employers which develops an annual plan to improve secondary special education, transition and transition planning services.
Sec. 15. K.S.A. 72-3404, 75-4355a, 75-4355b, 75-5391, 75-5393, 75-5397a and 75-5399 and K.S.A. 2019 Supp. 8-1,125 are hereby repealed.
Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.