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

Section 1. K.S.A. 2017 Supp. 72-6147 is hereby amended to read as follows: 72-6147. (a) As used in this section:

1. "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that such gesture, act or threat creates an intimidating, threatening or abusive educational environment that a reasonable person, under the circumstances, knows or should know will have the effect of:

   (i) Harming a student or staff member, whether physically or mentally;
   (ii) damging a student's or staff member's property;
   (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or
   (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property;

(B) cyberbullying; or

(C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 2017 Supp. 72-1138(e), and amendments thereto.

2. "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, email, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

3. "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

4. "School district" or "district" means any unified school district organized and operating under the laws of this state.

5. "School vehicle" means any school bus, school van, other school
vehicle and private vehicle used to transport students or staff members to
and from school or any school-sponsored activity or event.

(6) "Staff member" means any person employed by a school district.

(b) The board of education of each school district shall adopt a policy
to prohibit bullying either by any student, staff member or parent towards
a student or by a student, staff member or parent towards a staff member
on or while utilizing school property, in a school vehicle or at a school-

(c) The board of education of each school district shall adopt and
implement a plan to address bullying either by any student, staff member
or parent towards a student or by a student, staff member or parent towards
a staff member on school property, in a school vehicle or at a school-

(d) The board of education of each school district may adopt
additional policies relating to bullying pursuant to subsection (e) of K.S.A.
2017 Supp. 72-1138(e), and amendments thereto.

(e) Nothing in this section shall be construed to limit or supersede or
in any manner affect or diminish the requirements of compliance by a staff
member with the provisions of K.S.A. 2017 Supp. 38-2223 or 38-2226,
and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 72-2252 is hereby amended to read as
follows: 72-2252. As used in this act K.S.A. 2017 Supp. 72-2252 through
72-2262, and amendments thereto: (a) "Teacher" means any professional
employee who is required to hold a certificate to teach in any school
district and any teacher or instructor in any technical college, the
institute of technology at Washburn university or community college.
The term "teacher" does not include within its meaning any
supervisors, principals, superintendents or any person employed under the
authority of K.S.A. 2017 Supp. 72-1134, and amendments thereto, or any
persons employed in an administrative capacity by any technical college, the institute of technology at Washburn university or community college.

(b) "Board" means the board of education of any school district, governing body of any technical college or the institute of technology at Washburn university, and the board of trustees of any community college.

Sec. 3. K.S.A. 2017 Supp. 72-2253 is hereby amended to read as follows: 72-2253. (a) Whenever a teacher is given written notice of intention by a board to not renew or to terminate the contract of the teacher as provided in K.S.A. 2017 Supp. 72-2251, and amendments thereto, the written notice of the proposed nonrenewal or termination shall include: (1) A statement of the reasons for the proposed nonrenewal or termination; and (2) a statement that the teacher may have the matter heard by a hearing officer upon written request filed with the clerk of the board of education or the board of control or the secretary of the board of trustees within 15 calendar days from the date of such notice of nonrenewal or termination.

(b) Within 10 calendar days after the filing of any written request of a teacher to be heard as provided in subsection (a), the board shall notify the commissioner of education that a list of qualified hearing officers is required. Such notice shall contain the mailing address of the teacher. Within 10 days after receipt of notification from the board, the commissioner shall provide to the board and to the teacher, a list of five randomly selected, qualified hearing officers.

(c) Within five days after receiving the list from the commissioner, each party shall eliminate two names from the list, and the remaining individual on the list shall serve as hearing officer. In the process of elimination, each party shall eliminate no more than one name at a time, the parties alternating after each name has been eliminated. The first name to be eliminated shall be chosen by the teacher within five days after the teacher receives the list. The process of elimination shall be completed within five days thereafter.

(d) Either party may request that one new list be provided within five days after receiving the list. If such a request is made, the party making the request shall notify the commissioner and the other party, and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American arbitration association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties
agree to use this procedure, the parties shall make a joint request to
the American arbitration association for a hearing officer within 10
days after the teacher files a request for a hearing. If the parties
choose to use this procedure, the parties shall each pay one-half of the
cost of the arbitrator and of the arbitrator’s expenses.

(f) The commissioner of education shall compile and maintain a
list of hearing officers comprised of residents of this state who are
attorneys at law. Such list shall include a statement of the
qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the
provisions of this act shall submit an application to the commissioner
of education. The commissioner shall determine if the applicant is
eligible to serve as a hearing officer pursuant to the provisions of
subsection (h).

(h) An attorney shall be eligible for appointment to the list if the
attorney has: (1) Completed a minimum of 10 hours of continuing
legal education credit in the area of education law, due process,
administrative law or employment law within the past five years; or
(2) previously served as the chairperson of a due process hearing
committee prior to the effective date of this act. An attorney shall not
be eligible for appointment to the list if the attorney has been
employed to represent a board or a teacher in a due process hearing
within the past five years.

Sec. 4. K.S.A. 2017 Supp. 72-2254 is hereby amended to read as
follows: 72-2254. The hearing provided for under K.S.A. 2017 Supp.
72-2253, and amendments thereto, shall commence within 45 calendar
days after the hearing officer is selected unless the hearing officer
grants an extension of time. The hearing shall afford procedural due
process, including the following:

(a) The right of each party to have counsel of such party’s own
choice present and to receive the advice of such counsel or other
person whom such party may select;

(b) the right of each party or such party’s counsel to cross-
examine any person who provides information for the consideration of
the hearing officer, except those persons whose testimony is presented
by affidavit;

(c) the right of each party to present such party’s own witnesses
in person, or their testimony by affidavit or deposition, except that
testimony of a witness by affidavit may be presented only if such
witness lives more than 100 miles from the location of the unified
school district office, the technical college, institute of technology at
Washburn university or community college, or is absent from the
state, or is unable to appear because of age, illness, infirmity or
imprisonment. When testimony is presented by affidavit the same
shall be served upon the clerk of the board of education, the board of
control, the secretary of the board of trustees or the agent of the board
and upon the teacher in person or by first-class mail to the address of
the teacher which is on file with the board not less than 10 calendar
days prior to presentation to the hearing officer;
(d) the right of the teacher to testify in the teacher's own behalf
and give reasons for the teacher's conduct, and the right of the board
to present its testimony through such persons as the board may call to
testify in its behalf and to give reasons for its actions, rulings or
policies;
(e) the right of the parties to have an orderly hearing; and
(f) the right of the teacher to a fair and impartial decision based
on substantial evidence.
Sec. 5. K.S.A. 2017 Supp. 72-2260 is hereby amended to read as
follows: 72-2260. (a) Except as otherwise provided in this section, the
provisions of K.S.A. 2017 Supp. 72-2253 through 72-2258, and
amendments thereto, apply only to:
(1) Teachers who have completed not less than three consecutive
years of employment, and been offered a fourth contract, in the school
district, technical college, institute of technology at Washburn
university or community college by which any such teacher is
currently employed; and
(2) teachers who have completed not less than two consecutive
years of employment, and been offered a third contract, in the school
district, technical college, institute of technology at Washburn
university or community college by which any such teacher is
currently employed if at any time prior to the current employment the
teacher has completed the years of employment requirement of
paragraph (1) of this subsection in any school district, technical
college, the institute of technology at Washburn university or
community college in this state.
(b) Any board may waive, at any time, the years of employment
requirements of subsection (a)(1) for any teacher employed by it.
(c) The provisions of this subsection section are subject to the
(d) The provisions of K.S.A. 2017 Supp. 72-2253 through 72-2258,
and amendments thereto, do not apply to any teacher whose license has
been non-renewed or revoked by the state board of education because the
teacher has:
(1) Been convicted of a felony under K.S.A. 2010 Supp. 21-36a01
through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the
Kansas Statutes Annotated, and amendments thereto, or any felony
violation of any provision of the uniform controlled substances act prior to July 1, 2009;
(2) been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or K.S.A. 2017 Supp. 21-5413(a), or K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2017 Supp. 21-5414, and amendments thereto, if the victim is a minor or student;
(3) been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6419 through 21-6421, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, if the victim is a minor or student;
(4) been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;
(5) been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto;
(6) been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection;
(7) been convicted of any act that is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to their repeal, or K.S.A. 2017 Supp. 21-6401 or 21-6402, and amendments thereto;
(8) been convicted in another state or by the federal government of an act similar to any act described in this subsection; or
(9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

Sec. 2. K.S.A. 2017 Supp. 72-2252, 72-2253, 72-2254, 72-2260 and 72-6147 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.