

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

Notice of Public Hearing on Proposed Administrative Regulations

September 15, 2016

A public hearing will be conducted on November 17, 2016, from 9:30 a.m. to 10:30 a.m. in the 2nd Floor Conference Room of the Memorial Hall State Office Building, 120 S.W. Tenth Avenue, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the Office of the Attorney General.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of K.A.R. 16-16-1, 16-16-2 and 16-16-3. All interested parties may submit written comments prior to the hearing to Athena Andaya, Deputy Attorney General, Legal Opinions & Government Counsel Division, 2nd Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka 66612, or by email to athena.andaya@ag.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least one week in advance of the hearing by contacting Athena Andaya at 785-296-2215. The south public entrance to Memorial Hall is handicap accessible. Handicapped parking is located in front of Memorial Hall and on Jackson between 9th and 10th Streets.

A summary of the proposed regulations and the economic impact follows. Copies of the proposed regulations and the economic impact statement for the proposed regulations can be viewed at <http://ag.ks.gov/>.

K.A.R. 16-16-1. This regulation is a new regulation that provides definitions for the Article creating the skill development training course for law enforcement officers primarily assigned to a school and for superintendents or such superintendent's designee.

K.A.R. 16-16-2. This regulation is a new regulation that creates the skill development training course for law enforcement officers primarily assigned to a school and for superintendents or such superintendent's designee.

K.A.R. 16-16-3. This regulation is a new regulation that requires each law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee to successfully complete the skill development training course developed and provided by the Kansas law enforcement training center within a specified timeframe. The regulation requires the skill development training course to be completed only once and for the law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee to submit proof of successful completion to that individual's respective certification or licensing agency.

Economic Impact. The Attorney General does not anticipate any economic impact related to the adoption of K.A.R. 16-16-1, 16-16-2, and 16-16-3 to other governmental agencies and private business or individuals.

Derek Schmidt
Attorney General

Article 16. Skill Development Training Course

16-16-1. Definitions. (a) “Campus police officer” shall mean a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(b) “Law enforcement officer” and “police officer” shall mean a full-time or part-time salaried officer or employee of the state, a county, or a city whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of Kansas or of any Kansas municipality. These terms shall include a campus police officer.

(c) “Law enforcement officer primarily assigned to a school” shall mean any of the following:

- (1) A campus police officer;
- (2) a school resource officer; or
- (3) a law enforcement officer jointly designated by a superintendent and the head of a law enforcement agency.

(d) “School district” shall mean a unified school district organized under the laws of Kansas.

(e) “School resource officer” shall mean a law enforcement officer or police officer who is employed by a local law enforcement agency and is assigned to a school district through an agreement between the local law enforcement agency and the school district.

(f) “Superintendent” shall mean the superintendent of schools appointed by the board of education of a school district.

(g) “Superintendent’s designee” shall mean a person who is appointed by the superintendent and who is licensed by the Kansas state board of education and employed by the superintendent’s school district but is not a law enforcement officer. (Authorized by and implementing L. 2016, ch. 46, §14; effective P-_____.)

16-16-2. Curriculum. There is hereby created a skill development training course, which shall include the following curriculum:

(a) Information on adolescent development;

(b) risk and needs assessments;

(c) mental health;

(d) diversity;

(e) youth crisis intervention;

(f) substance abuse prevention;

(g) trauma-informed responses; and

(h) other evidence-based practices in school policing to mitigate student juvenile justice exposure. (Authorized by and implementing L. 2016, ch. 46, §14; effective P-_____.)

16-16-3. Training requirement. (a) Each law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee shall be required to successfully complete a skill development training course, pursuant to K.A.R. 16-16-2, that has been developed and either provided or authorized by the Kansas law enforcement training center according to the following, whichever is later:

(1) On or before June 30, 2018; or

(2) within one year of being designated as a law enforcement officer primarily assigned to a school or employed by a school district as a superintendent or superintendent's designee.

(b) Nothing in this regulation shall require a law enforcement officer primarily assigned to a school or a superintendent or superintendent's designee to complete more than one skill development training course.

(c) Each law enforcement officer primarily assigned to a school and each superintendent or superintendent's designee shall submit proof of successful completion of a skill development training course, pursuant to K.A.R. 16-16-2, that was developed and either provided or authorized by the Kansas law enforcement training center to that individual's respective certification or licensing agency. (Authorized by and implementing L. 2016, ch. 46, §14; effective P-_____.)

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ECONOMIC IMPACT STATEMENT

K.A.R. 16-16-1, 16-16-2, 16-16-3

I. Summary of Proposed Regulations, Including Their Purpose.

K.A.R. 16-16-1, 16-16-2 and 16-16-3 are new regulations which requires the Attorney General to promulgate rules and regulations creating a skill development training for law enforcement officers primarily assigned to a school and for superintendents or such superintendent's designee. The regulations must be in effect by January 1, 2017.

II. Reason the Proposed Regulations Are Required, Including Whether or Not the Regulations Are Mandated by Federal Law.

The proposed regulations are required to implement provisions of 2016 SB 367, New Section 14. These regulations are not mandated by federal law.

III. Anticipated Economic Impact upon the Office of the Kansas Attorney General.

There is no ongoing anticipated economic impact upon the Office of the Kansas Attorney General (OAG). The OAG has incurred the costs associated with promulgating these regulations.

IV. Anticipated Economic Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The OAG anticipates costs associated with attending and completing a mandatory skill development training to be borne solely by the law enforcement agency employing a law enforcement officers primarily assigned to a school and by the unified school district that employs a superintendent or such superintendent's designee. We believe the skill development training can be part of a continuing education credit requirement already mandated in each profession and that it will not increase the number of mandatory hours.

We are consulting with the League of Kansas Municipalities, the Kansas Association of Counties and the Kansas Association of School Boards to assess anticipated economic impact on their constituencies.

The OAG does not anticipate an economic impact on other governmental agencies, private business or individuals.

V. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The OAG is unaware of any less costly or intrusive methods.