

MINUTES OF THE HOUSE COMMITTEE ON EDUCATIONThe meeting was called to order by Representative Don Crumbaker at  
Chairperson3:30 ~~xxx~~ a.m./p.m. on February 28, 1985 in room 519-S of the Capitol.All members were present ~~except~~.

## Committee staff present:

Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes' Office  
Dale Dennis, State Department of Education  
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee: NONE

The Chairman noted that today's meeting was scheduled committee discussion and action on bills previously heard and drew the committee's attention to HB 2461 which exempts certain classes or personnel from state certification exams.

Representative Leach moved that HB 2461 be reported favorably out of the committee. Representative Apt seconded the motion. The motion carried.

The Chairman next turned the committee's attention to HB 2008, HB 2080 and HB 2178 pertaining to home schooling.

Representative Smith moved that HB 2178 be reported favorably out of committee. Representative Polson seconded the motion.

Representative Hassler gave the committee some background input from the interim committee discussion. Representative Leach made a substitute motion to table HB 2178, then withdrew his motion on the Chairman's request for fairness to allow discussion on these matters.

The Chairman drew the committee's attention to a letter from Austin Vincent presented to the committee responding to the Board of Tax Appeals letter attached to the minutes of February 11. (ATTACHMENT 1 & 2)

There followed considerable committee discussion covering varying opinions:

(1) The State Constitution does not say that education is the right of the parents but the responsibility of the State. (2) Passage would be a total retreat from the compulsory attendance law. (3) Passage would negate the message of strong support of public education. (4) Passage would cause conflict with the relation to the ad valorem tax laws. (5) By denying people this choice we are setting them up for possible persecution. (6) HB 2178 treats this situation as a special case, should also apply to non-accredited private schools such as HB 2008. (7) Passage would open the door too wide and have the potential for allowing some children to NOT receive ANY education. (8) This bill needs the precise guidelines such as in HB 2008. (9) Passage would be a step toward improving the quality of education in this state. (10) Home schooling is tutorial in nature and with high motivation and competent teaching could be a success. (11) Concerned that parents would not be competent in the knowledge that would need to be taught to their children. (12) With the testing required in these bills, this would be a win/win situation as the child would be entered back in the public education stream if testing showed they were not achieving the necessary levels of training. (13) This bill would return the challenge to the public education system to perform or they would lose more children to an alternate schooling method. (14) A measure such as this returns the freedom of choice to individuals that this country grew from. (15) If parents are disenchanted with the public schools, they should work to change those schools rather than look for a method of withdrawing from them.

Representative Leach renewed his substitute motion to table HB 2178 until resolution of the parsonage case in the Kansas Supreme Court. (See attachment 1 from minutes of February 11.) Representative Pottorff seconded the motion. The motion prevailed.

Representative Reardon moved to table HB 2008 and HB 2080 until resolution of the parsonage case in the Kansas Supreme Court. Representative Apt seconded the motion. The motion prevailed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,  
room 519-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on February 28, 1985

Representative Leach moved that HB 2114 be reported adversely. HB 2114 would disqualify any school district employee from serving on that district's school board. Representative Hassler seconded the motion. The motion prevailed.

Representative Apt moved to amend HB 2118 by deleting the phrase "enter into" in lines 74 and 93. HB 2118 addresses teacher supplemental contracts. Representative Pottorff seconded the motion.

Representative Leach made a substitute motion to table HB 2118 and refer it for an interim study. Representative Laird seconded the motion. The motion carried with 12 voting in favor of the motion.

Representative Reardon moved the committee recommend HB 2143 favorable for passage. HB 2143 addresses the bilingual education program. Representative Ramirez seconded the motion.

Representative Hensley made a substitute motion to amend HB 2143 by replacing \$150 on lines 84 and 87 of the bill with \$175. Representative Reardon seconded the motion. The motion prevailed.

Representative Reardon moved to recommend HB 2143 favorable for passage as amended. Representative Ramirez seconded the motion. The motion prevailed.

Representative Apt moved to recommend HB 2092 favorable for passage. HB 2092 affects the Professional Standards Advisory Board. Representative Miller seconded the motion.

Representative Ramirez made a substitute motion to amend HB 2092 by adding a representative of the bilingual sector of education to the Advisory Board. Representative Leach seconded the motion. The motion prevailed.

Representative Apt moved to recommend HB 2092 favorable for passage as amended. Representative Miller seconded the motion. The motion prevailed with a vote of ten for and nine against.

The meeting was adjourned at 4:55 p.m.

The next meeting of the Committee will be March 4, 1985 at 3:30 p.m. in Room 519-S.

DATE Feb 28 1985

## GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Judy Oakes	Home School Bill	O.P.K.s
Florida Spear	"	K.C.K.
Michael Spear	"	K.C.K.
John Smalley	A.C.C.H.	R1 Perry KS
Stuart Merrill	The Church	Topoka, Ks.
Bonnie Sawyer	Kansans for Alternative Ed	Spring Hill
Greg Bennett	USD #581#	Topoka
Ken Rager	Paula	J.B.E.
Rw. Bill Brown	Fellowship Baptist Schools	Bonnet Springs, KS
Just. Whit		1108 FUB TOPOKA, KS
Kevin Ulerick	Kansans for Alt. Ed.	St. Marys, KS
Jim McHenry	SRS/ADAS	Topoka
Ed Warkorn	Warkorn II.	Topoka
Bill Curtis	KASB	Topoka
Jim Yonally	USD #512	Shawnee Mission
Kay Cole	RNEA	Topoka
M. D. McKENNEY	USA	Topoka
Pat Gordon		Shawnee
Ruth Harrell	KSNA	Kansas City
Linda Desimbrock	KSNA	Kansas City
Barbara Melton	Home School individual	Lawrence
Saunmy Scott	Kansans for Alternative Ed	Lawrence
Ann Keener	KSBOE	LaCrosse
Petty Jones		Shawnee

## RUSSELL, JOHNSON &amp; JOHNSON

1108 FIRST NATIONAL BANK TOWER

TOPEKA, KANSAS 66603

233-4122  
AREA CODE 913

ROBERT S. JOHNSON

DAVID K. AADALEN  
AUSTIN K. VINCENT

of Counsel

ROBERT E. RUSSELL

BERYL R. JOHNSON (1892-1981)

28 February 1985

The Honorable Representative Don Crumbaker  
Chairman, House Education Committee  
Capitol Building, Room #182 W  
Topeka, Kansas 66601

Re: H.B. 2178, Home Instruction

Dear Representative Crumbaker:

I want to take this opportunity to express my sincere thanks for the manner in which the hearings on the home education legislation were conducted on the 6th. and 7th. of February. I personally feel that the committee was exposed to all significant viewpoints, and that everyone got a "fair hearing."

One matter has recently been brought to my attention concerning property-tax exemption and home schools. I have discussed the matter with Fred Weaver, the chairman of the State Board of Tax Appeals, and I understand his concern over the uncertainty of future court action with regard to exemptions. I would like to point out that the case Mr. Weaver refers to, Kansas Wesleyan University v. Saline County Commissioners, 120 Kan. 496, involved a "nine-room building" on land owned by the university adjacent to the campus which was used regularly for "official meetings, for meetings of the faculty with the president, for the assemblage of bodies connected with the university and for official inter-tainments" and many other official duties of the president. The court went on to find that the "primary and inherent use" of the building was educational and the residential use of the president was only incidental. To sum this up, I am not sure a home in which the parents teach their own children only is necessarily comparable to the Kansas Wesleyan building.

In light of current law, however, I don't believe the issue of tax exemption is relevant to legislative efforts to clarify the home education issue. As I have previously stated, all home schools must be established as private schools to operate legally in Kansas. If it were important to a family, nothing would prevent a claim for exemption as a private school right now under our present law. Frankly, I have never heard anyone even mention exemption with regard to home school before now.

The real problem is the present law. In the last three years, four home schools have been challenged in court. Three of those were found to be adequate private schools and one was not. School administrators, social workers and even county attorneys are in the dark as to the legal status; therefore, dozens of families have been threatened with legal action. These families face the choice of either not doing what they believe is best for their families or paying the emotional and financial price of standing up for their rights through retained counsel, all because of an ambiguous law.

Representative Don Crumbaker  
28 February 1985  
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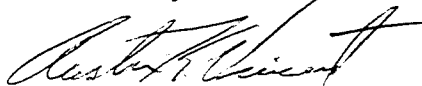
The attorneys representing home schools have defended their clients under existing law only. There have been decisions in other states since our most recent Supreme Court decision on a home school, the Sawyer case, which cast serious doubt on the constitutionality of our law. State v. Popanz, 332 N.W.2d. 750(Wisc. 1983) and Roemhild v. State, 308 S.E.2d. 154 (Georgia, 1983) both held that when a statute essentially the same as K.S.A. 72-1111 was interpreted by lower courts to not allow a home school as a private school, those statutes are unconstitutionally vague. The mere existence of all this litigation over home schools should manifest the fact that our present law does not afford the kind of notice and clarity required by the due process clause of the United States constitution.

S.B. 712 was introduced in the 1984 session as an attempt to rectify the situation. The Senate Education Committee chose to review all aspects in the interim committee. After receiving extensive testimony and research findings, Senator Harder's committee recommended the issue be resolved by clearly providing a home instruction provision as Wisconsin, Georgia and many other states have done.

The failure to pass a home instruction measure now will stop neither the practice nor the problem. Procrastination will only mean more litigation and the consequent confusion, time, expense and ill-will. It may also result in the invalidation of the compulsory attendance law.

Again, I want to thank you for your open-handed way of dealing with this issue and I appeal to the whole committee to avoid further problems by acting now. I will, of course, be available for anyone's questions with this letter or the issue in general. I believe there are a lot of families, including my own, who have been praying for your committee. I am

Sincerely Yours,



Austin K. Vincent

cc: Education Committee members



# NATIONAL COUNCIL ( PARENT EDUCATORS

## KANSAS STATE CHAPTER

P. O. Box 3366, Shawnee Mission, Kansas 66217  
(913) 631-3952

### MISCONCEPTION BASED ON FALSE PREMISE!

Laws are not made for the minority, as we hear some say. Laws are made to protect the rights and freedoms of ALL, even the guilty!

No one is attempting to infringe on the rights of those proponents of public education to choose public education.

Should they be allowed to deny those same rights to those who have chosen an alternative method of education?

Can we afford to permit one group to impose their views on another? This is what has happened in public education, which has led us to the brink of collapse.

One committee member complained about letters from homeschool parents, which contained errors in grammar. Many of these parents are painfully aware they were not educated in public school. Incidentally, all the homeschool parents I am acquainted with are products of the public school. This is one of the reasons they do not want to send their children to public school.

Many times, in homeschooling, two generations are being educated. This has been an exciting by-product of homeschool. Parents not only experience the satisfaction of teaching their own children, but also the joy of learning themselves, what public schools have failed to teach.

One of my daughters who attended college five years, has said she has learned more in one year teaching her nine year old than she learned in school. My granddaughter has learned things at nine that I didn't even know. Learning has become a challenge and a joy for homeschoolers.

The future of our nation may very well be dependent upon salvaging as many lives as possible from the mediocrity of public education. According to Newsweek in 1983, by 1990 we will not even have enough qualified computer technicians to fill our needs and will be importing them from other nations.

We do not wish to abandon our public schools, just save our children from them until such time as we can restore them to their purpose of educating our youth. These parents are willing to help in this effort. To date, the education community has been unwilling to listen to these parents. This is why they feel they have no alternative but to withdraw from the system.

We urge your support of these parents in their efforts.

- ATTACHMENT 2

2-28-85

House Education

*"Eternal Vigilance is the price of Liberty"*

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**STATE COORDINATOR**  
Betty Jones, Senior  
Research Analyst,  
Hewitt Research  
Foundation  
5800 Renner Rd.  
Shawnee Mission,  
Kansas 66217