

Approved March 17, 1986  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don E. Crumbaker at  
Chairperson

3:38 ~~am~~/p.m. on March 6, 1986 in room 519-S of the Capitol.

All members were present. ~~except~~

Committee staff present: Avis Swartzman, Revisor of Statute's Office  
Ben Barrett, Legislative Research  
Lynda Cory, Secretary to the Committee

Conferees appearing before the committee: None

The Chairman asked Rep. Apt to present her sub-committee report to the Education Committee on HB 2795.

The suggestions for amendment to the bill were that children would be reported to SRS through age 12. Children 13, 14, and 15 would be reported to the county or district attorney to be determined as either a child in need of care for SRS or as a juvenile offender after the initial restricted mail was done by the school attendance officer. (Attachment 1)

Representative Denise Apt offered a motion to amend HB 2795 to include the above suggestions from the sub-committee. Seconded by Representative Robert D. Miller. Motion adopted.

Representative Denise Apt moved to pass HB 2795 favorably as amended. Seconded by Representative Robert D. Miller. Motion carried. Rep. Apt will carry the bill on the floor of the House.

Representative Denise Apt offered a substitute motion for HCR 5028 to delete the words "subject to confirmation by the Senate" to read that the Commissioner of Education would be appointed by the State Board of Education and to serve at their pleasure. Seconded by Representative Elizabeth Baker. Motion adopted.

Representative Elizabeth Baker moved to pass HCR 5028 favorably as amended. Seconded by Representative Robin Leach. Motion carried.

The Chairman concluded action of bills previously heard from the House of Origin. He asked for approval of the minutes of March 5, 1986. Rep. Brady moved, seconded by Rep. Miller; motion carried.

The Chairman announced that there would not be any meetings next week unless called by the Chairman, and if so, it would be announced by microphone from the Chamber floor.

The meeting adjourned at 4:15 p.m.





TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIRMAN: LEGISLATIVE EDUCATIONAL  
PLANNING COMMITTEE  
VICE CHAIRMAN: EDUCATION  
MEMBER: AGRICULTURE AND LIVESTOCK

DENISE C. APT  
REPRESENTATIVE, 10TH DISTRICT  
810 MEADOWBROOK  
IOLA, KANSAS 66749

March 6, 1986

Sub-committee Report on HB 2795

Explanation of proposed amendment to HB 2795:

Provisions include:

1. The school attendance officer shall serve written notice by restricted mail to the parent or person acting as parent that the continued failure of a child to attend school will result in a report to either S.R.S. or county or district attorney.
2. The report will be made to S.R.S. for all children through age 12.
3. The report will be made to the county or district attorney for children 13, 14 and 15 years of age.
4. The district or county attorney will determine if the child appears to be a child in need of care, in which case he will institute proceedings under the code for care of children.
5. If the child appears to be a juvenile offender the district or county attorney will institute proceedings under the juvenile offender's code.

## Proposed Amendment to House Bill No. 2795

Be amended:

On page 2, in line 67, by striking "or"; in line 71, by striking the period and inserting "; or"; following line 71, by inserting a new paragraph as follows:

"(8) while seven or more years of age but less than 13 years of age, is not attending school as required by law.";

On page 4, following line 147, by inserting a new section as follows:

"Sec. 3. K.S.A. 1985 Supp. 38-1602 is hereby amended to read as follows: 38-1602. (a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a ~~person~~ juvenile who does an act ~~while--a-juvenile~~ which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or who violates the provisions of K.S.A. 41-715 or 41-2721, and amendments thereto, ~~but~~ or who is 13 or more years of age but less than 16 years of age and is not attending school as required by law. The term juvenile offender does not include:

(1) A ~~person~~ juvenile 14 or more years of age who commits a traffic offense in violation of chapter 8 of the Kansas Statutes Annotated or any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a ~~person~~ juvenile 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;

(3) a ~~person~~ juvenile 16 years of age or over who is charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated in two separate

prior juvenile proceedings as having committed an act which would constitute a felony if committed by an adult and the adjudications occurred prior to the date of the commission of the new act charged;

(4) a ~~person~~ juvenile who has been prosecuted as an adult by reason of subsection (b)(3) and whose prosecution results in conviction of a crime;

(5) a ~~person~~ juvenile whose prosecution as an adult is authorized pursuant to K.S.A. ~~1983~~ 1985 Supp. 38-1636 and amendments thereto; or

(6) a ~~person~~ juvenile who has been convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(f) "Juvenile detention facility" means any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which, if in a city or county jail, must be in quarters separate from adult prisoners.

(g) "State youth center" means a facility operated by the secretary for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to

take into custody the juvenile named or described therein.

(i) "Secretary" means the secretary of social and rehabilitation services.";

By renumbering section 3 as section 4;

On page 5, following line 157, by inserting a new subsection as follows:

"(a) Each board of education shall designate one or more employees who shall report to the secretary of social and rehabilitation services, or a designee thereof, all cases of children who are seven or more years of age but less than 13 years of age and are not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 16 years of age and are not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary of social and rehabilitation services, or the designee thereof, to the county or district attorney, or the designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education.";

Also on page 5, in line 158, by striking "(a)" and inserting "(b)"; in line 161, by striking all after "by"; in line 163, before the period, by inserting "law and a report thereof shall be made in accordance with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d)"; in line 164, by striking "(b)" and inserting "(c) (1)"; in line 168, by striking all after "by"; in line 169, by striking "thereto" and inserting "law"; in line 174, by striking "(c)" and inserting "(2)"; in line 178, by striking "(d)" and inserting "(3)"; following line 183, by inserting five new paragraphs as follows:

"(4) Whenever a determination is made in accordance with

the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a).

(5) The provisions of this subsection are subject to the provisions of subsection (d).

(d) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by restricted mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary of social and rehabilitation services or to the county or district attorney. Upon failure, within a reasonable period of time, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a).

(e) Whenever the secretary of social and rehabilitation services receives a report required under this section, the secretary shall investigate the same for the purpose of determining whether the reported child is a child in need of care. If the child appears to be a child in need of care, the secretary shall institute proceedings under the code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.

(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the same for the purpose of determining whether the reported child is a child in need of care as defined under any of the provisions (1) through (7) of

subsection (a) of K.S.A. 1985 Supp. 38-1502, and amendments thereto, or a juvenile offender. If the child appears to be a child in need of care, as qualified above, the county or district attorney shall institute proceedings under the code for care of children; and, if the child appears to be a juvenile offender, the county or district attorney shall institute proceedings under the juvenile offenders code. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence the same.";

Also on page 5, in line 184, by striking "(e)" and inserting "(g)";

By renumbering sections 4 and 5 as sections 5 and 6, respectively;

Also on page 5, in line 189, by striking "and" and inserting a comma; also in line 189, after "38-1502a", by inserting "and 38-1602";

In the title, in line 18, by striking "and" where it last appears and inserting a comma; in line 19, after "38-1502", by inserting "and 38-1602";