

Approved March 19, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~am~~/p.m. on Wednesday, March 18, 1987 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

HB 2154 - Area vocational schools and area vocational-technical schools,
scholarships (Crumbaker)

Proponents:

Representative Don Crumbaker, author of HB 2154
Dr. W. Merle Hill, Executive Director, Kansas Association of Community
Colleges
Mr. Richard Funk, Asst. Executive Director, Kansas Association of
School Boards

HB 2426 - School districts and community colleges, school law enforcement
officers, designation and training (Education, by request)

Proponents:

Representative Eugene "Gene" Amos
Ms. Barbara Allen, Assistant Attorney General, Civil Division
Ms. Vickie Thomas, General Counsel, University of Kansas
Dr. W. Merle Hill, Executive Director, Kansas Association of Community
Colleges
Mr. Richard Funk, Asst. Executive Director, Kansas Association of
School Boards
Mr. Onan Burnett, USD 501, Director of Governmental Affairs

HB 2139 - School districts, area vocational-technical schools, community
colleges, employee contracts, notification dates for discontinua-
tion (Education, by request)

Proponents:

Mr. Richard Funk, Asst. Executive Director, Kansas Association of
School Boards
Mr. Craig Grant, Director of Political Action, Kansas-National Education
Association

HB 2154 - After calling the meeting to order, Chairman Joseph C. Harder
recognized Representative Don Crumbaker, author of HB 2154. Representa-
tive Crumbaker explained that he had introduced HB 2154 at the request of
a number of area vocational-technical schools and that the bill permits the
area vocational schools and area vocational-technical schools to expend
funds, other than public funds, for scholarships for post-secondary students.
He also stated that interest on investment of public funds, if not required
to be used for a specific purpose, could, also, be used for such scholarships.
In response to a question, Representative Crumbaker replied that scholar-
ships could be available to anyone who wished to attend these schools.
Representative Crumbaker introduced Mr. Roy Berry, Director of the Kaw
Valley Area Vocational School who, he said, was available to answer ques-
tions. Mr. Berry, in response to a question, replied that most of the
students attending his school are in-state residents. He also replied that
the scholarships would, most likely, be based on need.

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Col-
leges, testified in support of HB 2154 and explained that the bill is similar
in effect to SB 208 in that both bills would allow the use of nonpublic funds
for scholarships. He said they differ, however, in that HB 2154 does not

Unless specifically noted, the individual remarks recorded herein have not
been transcribed verbatim. Individual remarks as reported herein have not
been submitted to the individuals appearing before the committee for
editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
 room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, March 18, 1987

have geographical boundaries limiting its applicants. Dr. Hill stated that although HB 2154 would be applicable to all nineteen of the community colleges, it would actually affect only two of them, Pratt and Cowley Co. Community Colleges. Dr. Hill spoke of his awareness of a number of unemployed farmers who would be able to take advantage of the provisions of HB 2154.

Mr. Richard Funk stated that the Kansas Association of School Boards is in support of HB 2154.

Following testimony by Mr. Funk, the Chair announced that the hearing on HB 2154 was concluded and that the bill would be taken under advisement.

HB 2426 - When the Chair recognized Representative Eugene Amos to testify on HB 2426, Representative Amos informed the Committee that the bill is permissive legislation which would allow school districts and community colleges to authorize the designation of school security officers as school law enforcement officers, thereby allowing for their training to be conducted at the State Law Enforcement Training Academy. Representative Amos said that introduction of HB 2154 followed an Attorney General's Opinion which prevented future training of school security officers at state maintained or certified training facilities. He said that although this training had been made available to those school security officers in the past, the Attorney General's Opinion now prevents these school security officers from receiving this training at the Academy. (Attachments 1 and 2)

Ms. Barbara Allen, Assistant Attorney General, read from the Attorney General's Opinion No. 86-139 which, she said, addressed the extent of and limitations upon the authority of a school security officer. Ms. Allen also explained that HB 2426 would allow school security officers to become eligible to attend the Law Enforcement Training Academy and stated that Attorney General Stephan strongly supports passage of HB 2426. (Attachment 3)

Vice-chairperson Salisbury, in the absence of Chairman Harder, recognized Ms. Vickie Thomas, General Counsel, University of Kansas, who stated that HB 2426 would expand the pool of law enforcement officers in Kansas by permitting the board of education of a school district or the board of trustees of a community college to designate one or more of its school security officers as "school law enforcement officers". Ms. Thomas said it is uncertain how many individuals would be covered by this bill but that additional costs at the training center are estimated to increase by approximately \$1500 to accommodate this category of officer into the central registry database maintained by the Training Center which is operated by the University of Kansas. (Attachment 4) In reply to questions, Ms. Thomas acknowledged that following training at the Academy, persons so trained would be eligible candidates for law enforcement jobs other than those for which their training was intended. Ms. Thomas emphasized that HB 2426 is permissive legislation.

Mr. Richard Funk, Kansas Association of School Boards, stated that his organization also supports passage of HB 2426.

Mr. Onan Burnett, USD 501, stated that he supports HB 2426, because the bill would give credence to a situation that has been occurring in the past.

Following testimony by Mr. Burnett, the Vice-chair announced that the hearing on HB 2426 was concluded and that the bill would be taken under advisement.

HB 2139 - Mr. Richard Funk, Asst. Executive Director of the Kansas Association of School Boards, informed the Committee that his organization had supported introduction of HB 2139 which would make the continuing contract dates for a school administrator (excepting superintendents) the same as they are for a school teacher, April 10 and May 10.

Mr. Craig Grant, Director of Political Action, Kansas-NEA, said that although his organization had opposed HB 2139 in its original form in the House, he

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, March 18, 19 87

now supports the bill as it has been amended by the House.

Following testimony by Mr. Grant, Vice-chairperson Salisbury announced that the hearing on HB 2139 was concluded and that the bill would be taken under advisement.

When the Vice-chairperson called for a motion on the minutes, Senator Allen moved, and Senator Arasmith seconded the motion to approve minutes of the meeting of March 17, and the motion carried.

The Vice-chairperson adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Wednesday, March 18, 1987

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Rep. Gene Ames		
Billie Scott	Topeka	USA
Alameda Edwards	Ottawa	Bd of Ed USD 290 + Fr Co 7. B.
Jim Berry	Topeka	Kan AUTS - Topeka
Jan Anley	Colby	USD # 315
Wren Gumbel	Brown	Rep.
Stephen Dupont	Wichita	USD 259
Gene C. Bennett	Topeka	USD 501 #
Jim Yonally	Shawnee Mission	USD # 572
Josque Dokes	Topeka	USD 500

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Wednesday, March 18, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Mildred Thomas	Lawrence	KCC
Craig Grant	Lawrence	H-NEA
Barbara Allen	Topeka	A.G.
Richard S. Funk	Topeka	KASB
Jimmy L. Hill	Rosalina	USD 492

EUGENE P. "GENE" AMOS
REPRESENTATIVE, EIGHTEENTH DISTRICT
SHAWNEE AND LAKE QUIVIRA
5925 BLUEJACKET
SHAWNEE, KANSAS 66203
(913) 631-8118



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER EDUCATION
ELECTIONS
PUBLIC HEALTH AND WELFARE

March 18, 1987

Testimony Before the Senate Education Committee on HB 2426

Mr. Chairman and members of the Senate Education committee:

House Bill 2426 is an act concerning school districts and community colleges, authorizing the designation of school security officers as school law enforcement officers.

It is a permissive act making this designation possible and allowing for their training to be conducted at the state law enforcement training academy.

The Attorney General rendered an opinion to the Garden City Community College, causing several districts that have used the academy for many years to discontinue using the state training facilities.

There would be no additional cost to the state. The administrator of the program indicated that additional costs of \$1,500.00 that could occur would be covered by additional tuition fees.

The bill has received the support of several school districts, the community colleges and school boards in addition to the attorney general's office.

Mr. Chairman, I would stand for questions.

Eugene P. Amos

Senate Education
3/18/87
Attachment 1



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

October 3, 1986

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751

ATTORNEY GENERAL OPINION NO. 86- 139

Ward E. Loyd
103 W. Chestnut Street
Garden City, Kansas 67846-5404

Re: Schools -- Organization, Powers and Finances of
Boards of Education -- School Security Officers

Synopsis: K.S.A. 72-8222 allows the board of trustees of any community junior college to employ school security officers "to aid and supplement law enforcement agencies" The statute also provides that each school security officer so employed, while engaged in a protective function, "shall possess and exercise all general law enforcement powers and privileges" School security officers employed under K.S.A. 72-8222 are not "law enforcement officers," and are thus not eligible for attendance at the Law Enforcement Training Academy. Rather, school security officers possess and may exercise law enforcement powers only while engaged in their protective function, as defined by both K.S.A. 72-8222 and school authorities. Further, the jurisdiction in which school security officers are authorized to exercise their "general law enforcement powers and privileges" is determined by specific limitations imposed by K.S.A. 72-8222, as well as any guidelines set forth by school authorities which fall within the aforementioned statutory jurisdictional limitations. Cited herein: K.S.A. 72-8222; 74-5602(e); 74-5605, as amended by L. 1986, ch. 301, §1.

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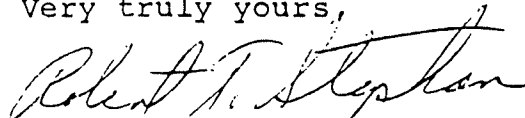
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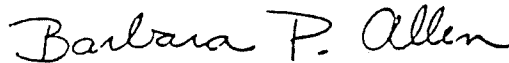
Finally, you inquire as to the limits on the authority of campus security officers in light of traditionally acknowledged police powers. After reviewing our answers to the previous two questions, we feel your third question has been adequately addressed in previous portions of this opinion. In general terms, limitations on the authority of security personnel will be determined by the scope of their law enforcement authority, and the jurisdiction within which they may exercise the scope of their authority.

In summary, K.S.A. 72-8222 allows the board of trustees of any community junior college to employ school security officers "to aid and supplement law enforcement agencies" The statute also provides that each school security officer so employed, while engaged in a protective function, "shall possess and exercise all general law enforcement powers and privileges" School security officers employed under K.S.A. 72-8222 are not "law enforcement officers," and are thus not eligible for attendance at the Law Enforcement Training Academy. Rather, school security officers possess and may exercise law enforcement powers only while engaged in their protective function, as defined by both K.S.A. 72-8222 and school authorities. Further, the jurisdiction in which school security officers are authorized to exercise their "general law enforcement powers and privileges" is determined by specific limitations imposed by K.S.A. 72-8222, as well as any guidelines set forth by school authorities which fall within the aforementioned statutory jurisdictional limitations.

Very truly yours,

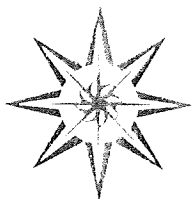


ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Barbara P. Allen
Assistant Attorney General

RTS:JLM:BPA:crw



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

December 6, 1987

The Honorable Eugene P. Amos
5925 Bluejacket
Shawnee, Kansas 66203

Subject: Attorney General Opinion No. 86-139

Dear Mr. Amos:

At the December 10, 1986 meeting of the Johnson County Chiefs Association, a resolution was passed directing the president of the association to write a letter for distribution to legislatures and others involved in the relationship of the school security officers and local law enforcement departments. Chief Stump of Shawnee advised that he had discussed the matter with you and suggested that I direct the information to your attention.

For some years the Shawnee Mission 512 School District has employed full-time school security officers under the control of a central school security office. These officers are on duty at each of the five high schools each day that school is in session. In addition, most special events have school security officers on duty for crowd control.

Each of the local police departments have developed agreements of understanding between school security and the police department on the duties that the security officers are to perform as an extension of the police department. Because of the selection process and completion of the Kansas Law Enforcement Academy with state certification for those officers employed by 512 Security, many normal police functions on school property are provided by the security officers. It is our position that this has been a great benefit to both the schools and local governments.

Our main concern is the fact that Opinion 86-139 includes the language that school security officers employed under K.S.A. 72-822 are not "law enforcement officers, and thus not eligible for attendance at the Kansas Law Enforcement Training Academy".

The legal opinion clearly states the reason for this position. However, we believe that in order for the security officers to provide the "limited" law enforcement powers on school property, it should only follow that a training requirement is equally important to that of police officer. Security

(Continued)

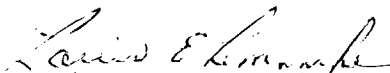
officers in our area provide traffic direction, make arrests, conduct investigations, prepare offense reports, etc., on school property and therefore need the same level of training as any police officer.

I am sure that there are many schools or school districts throughout the state that do not have full school security officers or programs. Since the authority of deciding on such a program and the duties they are to perform rests solely upon the governing body of the school district, they may elect to have no program, have only watchmen, or have officers who actually perform police duties. In the latter case, they should also have the means to obtain the necessary training to assist them with their duties and provide protection from civil suits directed at "failure to train". We take the position that there is no conflict.

On behalf of the Johnson County Chiefs Association we request your assistance in this matter. The opinion is based on the fact that it was not the intent of the legislature to confer police officer status on school security officers, and therefore they cannot attend the state training academy.

We would request consideration to amend this statute to allow those school security officers, after meeting all entrance requirements of the academy, to attend and be certified to perform all law enforcement duties upon school property.

Very truly yours,


Louis E. LeManske, President
Johnson County Police Chiefs Association
7700 Mission Road
Prairie Village, Kansas 66208

LEL:mgl

cc: Maynard L. Brazeal, Director
Kansas Law Enforcement Training Center

Richard Kistner, President
Kansas Police Chiefs Association

Enclosure: Attorney General Opinion No. 86-139



SHAWNEE POLICE DEPARTMENT

6535 QUIVIRA ROAD
SHAWNEE, KANSAS 66216
631-2155

November 19, 1986

State Representative Eugene Amos
% Amos Family Funeral Home
10901 Johnson Drive
Shawnee, KS 66203

Dear Representative Amos:

I am enclosing a copy of the Attorney General's opinion which directly affects the position of school security in our community. As a police administrator charged with the responsibilities of maintaining general compliance to all laws, it is impossible, because of manpower demands, to assign officers to school campuses on a full-time or part-time basis. The school district must maintain its own security force.

When the school district inaugurated campus police, "school security", it was with a great deal of relief that I welcomed their presence in the law enforcement community, and aided them whenever possible through established communications. I have always had confidence in their ability to properly fulfill their duties, based on the fact that they have been properly trained and have, from time to time, received additional training within the confines of the Shawnee Police Department.

The Attorney General's opinion basically prevents the training of school security officers and state maintained or certified training facilities. I feel this would create problems as untrained security officers could be detrimental to the proper performance of their duty.

In order to be functional, school security officers must be in distinctive uniform and must be armed. I, as a police administrator, would be totally reluctant to tolerate the presence of untrained, or nonuniformed and unarmed school security officers on the campuses of schools within my jurisdiction.

Senate Education
3/18/87
Attachment 2

November 18, 1986
State Representative Amos
Page 2

I am requesting that you consider sponsoring a bill that would alter existing statutes, or create additional statutes requiring all school security officers to be uniformed and to meet the basic law enforcement training standards, by being allowed to attend state certified training schools.

Gene, as a former member of the school board, you can readily recognize the problems that would exist if school security officers were no longer trained in the area of law enforcement. In addition to creating problems for the police, it would cause undue problems for the school district, and could make the school district liable for security officers acting in total ignorance.

I think there is some urgency to my request in order that I can be assured, and my colleagues in other law enforcement areas can be assured, that the school security officers on duty are properly trained, properly educated, and properly uniformed, and are also capable and aware of their lawful responsibility to the community.

Sincerely,

SHAWNEE POLICE DEPARTMENT

Charles J. Stump
Chief

CJS/rmj

Enc.

In October of 1986, the Attorney General issued Opinion No. 86-139, which addressed the extent of and limitations upon the authority of a school security officer. In that opinion, we noted that neither K.S.A. 72-8222, the statute specifying the powers possessed by school security officers, nor K.S.A. 74-5602(e), the statute defining "law enforcement officer" or "police officer" for the purpose of describing those persons who are eligible for attendance at the Law Enforcement Training Academy (K.S.A. 74-5605), defined "law enforcement officer" to include community college security officers. Therefore, since school security officers employed under K.S.A. 72-8222 were not "law enforcement officers," we concluded that they were not eligible for attendance at the Law Enforcement Training Academy.

Proposed House Bill No. 2426 amends K.S.A. 72-8222 and K.S.A. 74-5602(e) to allow school security officers to become eligible to attend the Law Enforcement Training Academy. K.S.A. 72-8222, if amended, would allow the board of education of any school district or the board of trustees of any community college to designate any one or more of its school security officers as a "school law enforcement officer." K.S.A. 74-5602(e), if amended, would include said designees within the definition of "police officer" or "law enforcement officer." Therefore, school security officers who have been designated as "school law enforcement officers" would be

eligible for attendance at the Law Enforcement Training Academy.

Attorney General Stephan is of the opinion that a school security officer should have the option of becoming eligible to attend the Law Enforcement Training Academy, if the school district or the community college employing the officer so desires. Accordingly, the Attorney General strongly supports passage of House Bill No. 2426.

Testimony Before the Senate Committee on Education
on House Bill 2426

March 18, 1987

Ann Victoria Thomas
General Counsel
University of Kansas

House Bill 2426 would expand the pool of law enforcement officers in Kansas by permitting the board of education of a school district or the board of trustees of a community college to designate one or more of its school security officers as "school law enforcement officers." Individuals so designated would be subject to the provisions of the law enforcement training act (K.S.A. 74-5602 et seq.) and would be required to complete the 320-hour basic training requirement and the 40-hour annual requirement if they are employed more than 1,000 hours per year.

We have not been able to determine how many individuals would be covered by this amendment. We do know that not all school districts have security officers. For that reason, we cannot entirely assess the fiscal impact of the bill on the Law Enforcement Training Center which is operated by the University of Kansas. We believe, based on the information available, that the fiscal impact of the bill would be slight and that we would not be required to add any personnel to the staff of the Training Center. Section 5 of the bill would permit the charging of tuition consistent with the expense of training these individuals and the Training Center would thereby recover the costs associated with their training.

Some slight changes would have to be made to accommodate this category of officer in the central registry database maintained by the Training Center. The costs associated with these changes are estimated to be \$1,500. It would be necessary, should this bill be passed in its present form, to have the expenditure limit for the Training Center by this amount. We believe that the law enforcement training fund, as presently constituted, would provide sufficient income to accommodate such an increase in the expenditure limit.