

Approved February 22, 1990  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Michael R. O'Neal at  
Chairperson

3:30 ~~xxm.~~/p.m. on February 12, 1990 in room 313-S of the Capitol.

All members were present except:

Representatives Peterson and Shriver, who were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Bill Miskell, Department of Corrections  
Jan Waide, Youth Services, Social and Rehabilitation Services  
Rod Biekert, Attorney, State Department of Education  
Chuck Stuart, Legislative Liaison, United School Administrators of Kansas  
Cindy Lutz Kelly, Deputy General Counsel, Kansas Association of School Boards  
Attorney General Robert T. Stephan, submitted prepared testimony  
Dr. David C. Rodeheffer, Kansas Psychological Association, submitted prepared testimony  
Ben Coates, Executive Director, Kansas Sentencing Commission  
Frank S. Henderson, Jr., Chairman, Kansas Parole Board

HEARING ON HB 2668 Concerning Child Abuse

Bill Miskell, Public Affairs Information Officer, Department of Corrections, testified the Criminal Justice Coordinating Council requested the introduction of HB 2668. The legislation would increase the exchange of information between Social and Rehabilitation Services, educators and courts concerning juveniles at risk. The rights of juveniles would be protected as records remain confidential, except a court may release information to authorized persons in cases of child abuse or in suspected cases of child in need of care investigations. A court hearing may be requested by parents, guardian or child prior to release of documents. The investigation for child abuse or neglect becomes the joint responsibility of S.R.S. and law enforcement officers. He submitted several amendments. On page 2, H and I should be stricken as they conflict with federal law. On page 12, line 17, "public and private educational institutions" should be stricken because of federal law. On page 3, line 11, and page 13, line 8, the word "request" should be replaced with the word "order", see Attachment I.

Jan Waide, Youth Services, Social and Rehabilitation Services, recommended the language in K.S.A. 38-1507(a)(2)(I) and (J) should be stricken so the legislation will not affect S.R.S.'s ability to receive \$250,000 a year federal grant funds from the National Center on Child Abuse and Neglect. (G) should be amended to read "a person who is a member of a multi-disciplinary team" and (H) should be eliminated since (G) adequately covers multi-disciplinary teams. A technical amendment was proposed to remove the term "juvenile offender" from K.S.A. 38-1514(a)(3) because the section addresses only children in need of care, see Attachment II.

Ms. Waide said there is a companion bill, SB 522, in the Senate Judiciary Committee. The bill has been assigned to a subcommittee to consider changes in the language.

Ron Bieker, Attorney, State Department of Education, distributed copies of 20 USCS, 1232g, Family Education and Privacy Rights, see Attachment III. He testified there is a problem with the language in HB 2668.

Chuck Stuart, Legislative Liaison, United School Administrators of Kansas, testified school officials should have the right to know the problems children face outside of school, as quickly as possible, see Attachment IV.

CONTINUATION SHEET

MINUTES OF THE \_\_\_\_\_ HOUSE COMMITTEE ON \_\_\_\_\_ JUDICIARY \_\_\_\_\_,  
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on \_\_\_\_\_ February 12 \_\_\_\_\_, 1990

Cindy Lutz Kelly, Deputy General Counsel, Kansas Association of School Boards, testified in support of the concept of HB 2668. She said the Association of School Boards has the same problems with the bill that have been discussed by the other conferees regarding further disclosure by the teacher, see Attachment V.

Testimony was submitted by Attorney General Robert T. Stephan, supporting HB 2668, see Attachment VI.

Testimony was submitted by Dr. David C. Rodeheffer, Kansas Psychological Association, recommending HB 2668 be amended to add licensed psychologists to Section 1, subsection (2), see Attachment VII.

The Chairman announced that the hearing on H.B. 2668 will be kept open to allow for further testimony after the hearing on the multi-disciplinary team bill.

**HEARING ON HB 2754** Sentencing Commission receiving certain information

Ben Coates, Executive Director, Kansas Sentencing Commission, testified the Sentencing Commission must collect data on current and future sentencing decisions. HB 2754 will provide access to court records and criminal history files, see Attachment VIII.

Frank Henderson, Jr., Chairman, Kansas Parole Board, requested that the Kansas Parole Board be included in HB 2754, see Attachment IX.

Bill Miskell informed the Committee the Secretary of Corrections supports the Sentencing Commission in HB 2754.

The hearing on HB 2754 was closed.

Representative Walker moved and Representative Sebelius seconded to amend HB 2754 to include the Kansas Parole Board. The motion passed.

A motion was made by Representative Snowbarger to report HB 2754, as amended, favorably for passage. Representative Jenkins seconded the motion. The motion passed.

The Chairman appointed Representative Everhart, Representative Whiteman, Representative Snowbarger, Representative Douville and himself to a subcommittee on Latent Diseases.

The Committee meeting adjourned at 5:00 p.m. The next meeting will be Tuesday, February 13, 1990 at 3:30 p.m. in room 313-S.



STATE OF KANSAS



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DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building  
900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Mike Hayden  
Governor

Steven J. Davies, Ph.D.  
Secretary

February 7, 1990

TESTIMONY

HOUSE BILL 2668

Concerning Child Abuse

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- I. Introduced at request of Criminal Justice Coordinating Council, Secretary of Corrections, Secretary of SRS, Attorney General, Chief Justice of Kansas Supreme Court, Parole Board, Governor's Attorney, District Judge, four legislators.
  - A. Unanimously endorsed.
  - B. Follow-up of work done by committee comprised of SRS, education, and courts representatives.
- II. Objectives of Bill.
  - A. Increase exchange of information between SRS, educators, and the courts, concerning juveniles at risk.
  - B. Rights of juveniles protected as records remain confidential under K.S.A. 38-1522 except a court may release information to authorized persons in cases of child abuse or in suspected case of child in need of care investigations; court hearing may be requested by parent, guardian, or child prior to release of documents.
  - C. Investigation for child abuse or neglect becomes joint responsibility of SRS and law enforcement officers.
- III. Criminal Justice Coordinating Council Intent.
  - A. Lend support to multidisciplinary approach to investigation of suspected child abuse.
  - B. Increase information flow between educators, SRS, and the courts on children at risk to facilitate earlier and more effective intervention.

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Attachment I

- C. Ensure that prosecution of child abusers is not hindered by inability of SRS, educators, law enforcement officers, and the courts to exchange information.

IV. Amendments Necessary.

- A. Page 2, H, I both sections should be stricken pending further study as they may conflict with the federal law entitled: "Family Education Rights and Privacy Act."

- B. Page 3 line 11: request order

line 15: child. The order may direct that, if the resources of the school permit, the school may conduct

- C. Page 12, line 17: public and private educational institutions (study further in light of federal law)

- D. Page 13, line 8: request order

line 12: of the juvenile offender. The order may direct that, if the resources of the school permit, the school may conduct

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Att. I.

Department of Social and Rehabilitation Services  
Winston Barton, Secretary

Testimony in Support of H.B. 2668  
AN ACT CONCERNING CHILD ABUSE

(Mr. Chairman), Members of the Committee, I appear today to offer my general support to H.B. 2668

I support the intent of this amendment but have determined that the amended language in 38-1507 (a) (2) (I) and (J) will affect this agency's eligibility to receive federal grant funds from the National Center on Child Abuse and Neglect. Therefore I urge that you strike (H), (I) and (J). I further suggest that (G) be amended to read: "a person who is a member of a multi-disciplinary team," and that (H) be eliminated since (G) adequately covers multi-disciplinary teams. Federal rule permits the flow of information regarding investigation and treatment of child abuse and neglect among multi-disciplinary team members. School and law enforcements personnel are appropriate members of such teams. We are recommending amendments to KSA 38-1523a that would encourage and simplify the development of multi-disciplinary teams by authorizing the appointment of standing teams.

This bill also permits the sharing of juvenile offender information with the Department of Corrections on individuals who are committed to the Secretary of Corrections. This change would provide much needed information from one state agency to another to facilitate the work of the state.

In summary, I support the intent of this bill but recommend that the above noted changes be made to preserve our continued eligibility for grant funds. I

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Attachment II

also note that a technical amendment is needed to remove the term "juvenile offender" from KSA 38-1514 (a) (3) because this section addresses only children in need of care.

Robert C. Barnum  
Commissioner  
Youth Services  
Department of Social and  
Rehabilitation Services  
(913) 296-3284

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Att II  
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(F) an agency of another state charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children within that state, if the state of the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of this code; or

(G) a person who is a member of a multidisciplinary team designated for a particular child, if the person has signed a confidentiality agreement with standards as strict or stricter than the requirements of this code;

~~(H) a person who is a member of a multidisciplinary team designated for a particular child;~~

~~(I) the principal of the school attended by the child, who shall distribute the records or reports to the child's teachers or school counselor, or other persons involved in the child's education or determinations of the child's educational needs, for the purpose of determining and meeting the child's needs. The records or reports shall not be further disclosed by such teacher, school counselor or other person without approval of the court or by being presented as admissible evidence; or~~

~~(J) law enforcement officers.~~

(b) No individual, association, partnership, corporation or other entity shall willfully or knowingly permit or encourage the unauthorized dissemination of the contents of records or reports concerning child abuse or neglect received by the department of social and rehabilitation services or a law enforcement agency in accordance with K.S.A. 38-1522 and amendments thereto except as provided by this code. Violation of this subsection is a class B misdemeanor.

(c) Records or reports given by persons described in paragraphs (a)(2)(A) and (I) shall not be further disclosed to persons who are not members of the multidisciplinary team without prior approval of the court.

Sec. 2. K.S.A. 38-1514 is hereby amended to read as follows: 38-1514. (a) Of child. (1) Psychological or emotional. During proceedings under this code, the court, on its own motion or the motion of the guardian ad litem for the child, may order an evaluation and written report of the psychological or emotional development or needs of a child who is the subject of the proceedings. The court may refer the child to a state institution for the evaluation if the secretary advises the court that the facility is a suitable place to care for, treat or evaluate the child and that space is available. The expenses of transportation to and from the state facility may be paid as a part of the expenses of temporary care and custody. The child may be referred to a mental health center or qualified professional



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1 for evaluation and the expenses of the evaluation may be considered  
2 as expenses of the proceedings and assessed as provided in this code.  
3 If the court orders an evaluation as provided in this section, a parent  
4 of the child shall have the right to obtain an independent evaluation  
5 at the expense of the parent.

6 (2) *Medical.* During proceedings under this code, the court may  
7 order an examination and report of the medical condition and needs  
8 of a child who is the subject of the proceedings. The court may also  
9 order a report from any physician who has been attending the child  
10 stating the diagnosis, condition and treatment afforded the child.

11 (3) *Educational.* The court may request the chief administrative  
12 officer of the school which the child attends or attended to provide  
13 to the court information that is readily available which the school  
14 officials believe would properly indicate the educational needs of the  
15 child. If the resources of the school permit, the school may conduct  
16 an educational needs assessment of the child and send a report of  
17 the assessment to the court. The educational needs assessment may  
18 include a meeting involving any of the following: The child's parents,  
19 the child's teachers, the school psychologist, a school special services  
20 representative ~~and other persons that the chief administrative~~  
21 ~~officer of the school, or the officer's designee, considers ap~~  
22 ~~propriate, a representative of the secretary, the juvenile-offender's~~  
23 ~~C.A.S.A., the juvenile-offender's foster parents or legal guardian,~~  
24 ~~and other persons that the chief administrative officer of the school~~  
25 ~~or the officer's designee considers appropriate.~~

26 (b) *Of parent or custodian.* (1) *Physical, psychological or emo-*  
27 *tional.* During proceedings under this code, the court may order an  
28 examination, evaluation and report of the physical, mental or emo-  
29 tional status or needs of a parent or any other relative being con-  
30 sidered as one to whom the court may grant custody. Written reports  
31 and other materials relating to the examination and evaluation may  
32 be considered by the court but, if requested by any interested party  
33 in attendance, the court shall require the person preparing the report  
34 or other material to appear and testify.

35 (2) *Parenting skills.* At any dispositional hearing, the court may  
36 receive and consider written reports from any physician or qualified  
37 person concerning the parenting skills or ability to provide for the  
38 physical, mental or emotional needs and future development of a  
child by a parent or other relative being considered for custody. If  
requested by any interested party in attendance at the dispositional  
hearing, the court shall require the person preparing the report to  
appear and testify.

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43 (c) *Confidentiality of reports.* (1) *Reports of court ordered ex-*

## § 1232g. Family educational and privacy rights

- (a) **Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions.** (1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.
- (B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:
- (i) financial records of the parents of the student or any information contained therein;
  - (ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;
  - (iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—
    - (I) respecting admission to any educational agency or institution,
    - (II) respecting an application for employment, and
    - (III) respecting the receipt of an honor or honorary recognition.
- (C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

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Attachment III

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4)(A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

(B) The term "education records" does not include—

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5)(A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

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(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) **Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of Federally-supported education programs; recordkeeping.** (1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of educational records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, (iii) an administrative head of an educational agency (as defined in section 408(c) [20 USCS § 1221e-3(c)]), or (iv) State educational authorities, under the conditions set forth in paragraph (3) of this subsection;

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954 [26 USCS § 152]; and

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(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless—

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education program, or in connection with the enforcement of the Federal legal requirements which relate to such programs: Provided, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

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(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).

**(c) Surveys or data-gathering activities; regulations.** The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

**(d) Students' rather than parents' permission or consent.** For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

**(e) Informing parents or students of rights under this section.** No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

**(f) Enforcement; termination of assistance.** The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

**(g) Office and review board; creation; functions.** The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

(Jan. 2, 1968, P. L. 90-247, Title IV, Part C, Subpart 2, § 438, as added Aug. 21, 1974, P. L. 93-380, Title V, § 513(a), 88 Stat. 571; Dec. 31, 1974, P. L. 93-568, § 2(a), 88 Stat. 1858; Aug. 6, 1979, P. L. 96-46, § 4(c), 93 Stat. 342.)



HB 2668

Testimony presented before the House Judiciary Committee  
by Chuck Stuart, Legislative Liaison  
United School Administrators of Kansas

February 8, 1990

Mister Chairman and Members of the Committee:

The United School Administrators of Kansas is very supportive of HB 2668. Although cooperation between agencies is usually good, there are times when school personnel are left "in the dark" on such issues.

Since a child spends a major portion of the day with school personnel, it is only reasonable to assume that the interest of the child can be best served if the principal and teacher know the problems the child faces outside the school.

We urge the committee to report HB 2668 favorably.

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Attachment IV

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

TESTIMONY ON HOUSE BILL NO. 2668  
BEFORE THE HOUSE JUDICIARY COMMITTEE

by

Cynthia Lutz Kelly, Deputy General Counsel  
Kansas Association of School Boards

February 12, 1990

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you today on behalf of our member school districts, to speak in support of the concepts contained in House Bill 2668. Legislation which helps to facilitate communication among the various agencies who deal with neglected and abused children is both necessary and commendable.

Although we strongly support the concept of the bill, we believe that subsection (a)(2)(I), as it is currently worded, would require a school district to violate provisions of the federal law contained in the Family Educational Rights and Privacy Act. Further, we understand that there may be regulations which prohibit the release of this information to school personnel.

We therefore ask that you amend House Bill 2668 by deleting subsection (a)(2)(I), but recommend that further study be undertaken to determine workable means for facilitating this vital communication between school districts and other agencies.

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H. Jud. Com.

Attachment V





STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

TESTIMONY OF  
ATTORNEY GENERAL ROBERT T. STEPHAN  
TO THE HOUSE COMMITTEE ON JUDICIARY

RE: H.B. 2668

February 7, 1990

I strongly urge the Committee's support for House Bill 2668. This bill allows the system for investigating child abuse to be more responsive to those directly involved in the investigation. Law enforcement officers and SRS workers need to be able to draw necessary information and to avoid duplicating efforts. This bill would allow for greater accessibility to records, and generate cooperation among agencies, which is necessary to protect the child. As the multi-disciplinary team approach is used across Kansas, each party involved must have the same information to do a proper investigation.

As each of you know, children who are abused must be protected and each cry for help must be answered as expeditiously as possible. Please support House Bill 2668.

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H. Jud. Com.

Attachment VI



## KANSAS PSYCHOLOGICAL ASSOCIATION

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### TESTIMONY ON HB 2668

FEBRUARY 12, 1990

Mr. Chairman, members of the committee, I am Dr. David C. Rodeheffer representing the Kansas Psychological Association, its President, Dr. Joseph Weaver and its Board of Governors. I would like to thank you for your gracious allowance of written testimony regarding HB 2668.

In the Act under Section 1, subsection (2) whereby a list of persons is given access to records and reports concerning child abuse or neglect, we would urge your adding licensed psychologists to that list of persons.

We would ask your consideration for this action for two reasons:

- (1) Licensed psychologists deal with child abuse situations; and
- (2) Licensed psychologists may not be a part of the multidisciplinary team as mentioned in subsection (2) (G and H). The Licensed Psychologist, because the nature of practice that individual provides, can often come into contact with child abuse through that vein.

Again, we thank you for your allowing us to testify concerning this important matter.

David C. Rodeheffer, PhD  
Kansas Psychological Association

2/12/90  
H. Jud. Com.

# KANSAS SENTENCING COMMISSION

Jayhawk Tower

700 Jackson Street - Suite 501

Topeka, Kansas 66603

(913) 296-0923

**Testimony**

**HB 2754**

The Sentencing Commission must collect data on current and future sentencing decisions. This information will provide the empirical basis to test questions of racial and geographical bias. It also provides the baseline information necessary to assess the impact of sentencing guidelines. This is a vital function, minor changes in sentence length have major resource implications. The availability of current data will allow comparisons against actual cases.

This data collection effort supports two major Commission goals:

1. To provide state and local correctional authorities with information to assist with population management options and program coordination;
2. To provide policy makers information that will enhance decisions regarding resource allocations.

There are two major sources of this information: the court file, and KBI criminal history information. The presentence report, the Kansas Reception and Diagnostic Center report, state security hospital reports as well as other diagnostic reports are not public documents. In fact, by statute they are sealed and opened only on order of the court. Likewise, criminal history information is restricted to criminal justice agencies.

Therefore, the Sentencing Commission requests the statutes controlling the use of this information be amended to allow us access.

The Sentencing Commission will abide by all federal regulations governing the use of this data. We have no interest in maintaining a name based file; however, the information must be received in a format that allows us to identify individuals. Once an individual has been identified we will assign a unique identifier and the name can be eliminated.

The Sentencing Commission computer is dedicated to this purpose and is not hooked to any external system. It is both hardware and passcode protected and access is controlled by the Executive Director.

We feel that the changes in K.S.A. 21-4605 found on lines 33-37 will provide access to the court records. The amendment to K.S.A. 22-4701 found on line 35-36 will provide access to the criminal history files.

Ben Coates  
Executive Director  
Kansas Sentencing Commission  
296-0923

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*Attachment VIII*

Frank S. Henderson, Jr.  
Chairman

Carla J. Stovall  
Vice-Chairman

Elwaine F. Pomeroy  
Member

George Rogers  
Member

Donald E. Mainey  
Member



**KANSAS PAROLE BOARD**  
**LANDON STATE OFFICE BUILDING**  
**900 JACKSON STREET, 4TH FLOOR**  
**ROOM 452 S**  
**TOPEKA, KANSAS 66612-1220**  
**(913) 296-3469**

Micah A. Ross  
Director

Sandra K. Smith  
Assistant Director

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OUTLINE OF REMARKS

By Frank S. Henderson, Jr.

Chairman, Kansas Parole Board

House Judiciary Committee

February 12, 1990

House Bill 2754

Kansas Parole Board does not maintain files on inmates

We use files maintained in the Central Office of the Department of Corrections

These files include:

Federal Bureau of Investigation Rap Sheet

Prosecuting Attorney Report

Defense Attorney Report

Pre-Sentence Investigation Report

State Reception and Diagnostic Center Report

Larned State Security Hospital Report

Institutional Program Participation and Reports

Overall Institutional Adjustments Reports

We check out the files from the Department of Corrections and place additional information in them:

Correspondence received in our office either supporting or opposing  
an inmate's release

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Attachment IX

Comments received at the Public Comment Sessions we conduct in Kansas City, Wichita, and Topeka, monthly

Comments from the victim or victim's family

Comments received from the Sentencing Judge, Prosecuting Attorney, Sheriff and Police Departments from the county in which the inmate was convicted

We transport the files to the correctional facility where the inmates are housed to conduct the parole hearing

We take notes at the hearing which are placed in the file

After the hearing the file is returned to our office, decision processed and returned to the Central Office of the Department of Corrections

We have always used the files without difficulty

✓ We just want to be included in the amendment ✓

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Att IX