

Approved April 12, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR SHEILA FRAHM at
Vice Chairperson

1:30 ~~8:30~~ p.m. on Thursday, March 28, 1991 in room 123-S of the Capitol.

All members were present except:

Senator Anderson, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department

Ms. Avis Swartzman, Revisor of Statutes

Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SCR 1610 - Constitutional amendment, revision of the education article

Proponents:

Ms. Kay Coles, Director of Communications, Kansas-National Education Association

Mr. John Koepke, Executive Director, Kansas Association of School Boards

Opponents:

Dr. Stanley Z. Koplik, Executive Director, State Board of Regents

Ms. Connie Hubbell, Legislative Director, State Board of Education

Mr. John McDonough, Lenexa, retired citizen

Comments:

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges

HB 2163 - School districts, corporal punishment prohibited

Proponents:

Ms. Barbara Stodgell, speaking on behalf of Ms. Carolyn Risley Hill, Acting Commissioner, Youth and Adult Services, Social and Rehabilitation Services

Dr. Virginia A. Jaschke, psychiatrist, Menninger Foundation

Dr. Gordon Risk, American Civil Liberties Union

Representative Jo Ann Pottorff, co-sponsor

Representative Joan Wagnon, co-sponsor

Representative Kathleen Sebelius, co-sponsor

Dr. Arthur Cherry, representing the Kansas Chapter of the American Academy of Pediatrics

Ms. Sydney Karr, Children's Coalition

Ms. Terri Casey, Kansas State Nurses' Association

Ms. Brilla Highfill Scott, Associate Executive Director, United School Administrators of Kansas

Mr. Doug Bowman, Kansas Children and Youth Advisory Committee

Mr. Bill Lucero, State Coordinator of the Unitarian Universalist Service Committee Unit of Kansas

Ms. Diane Purcell, The Kansas Association for the Education of Young Children

Dr. James McHenry, Executive Director, Kansas Child Abuse Prevention Council

Mr. Craig Grant, Director of Political Action, Kansas-National Education Association

Attorney General Robert T. Stephan (written testimony only)

SCR 1610 - Constitutional amendment, revision of the education article.

Vice Chairman Sheila Frahm called the meeting to order and announced that the Committee plans to hear three bills. She said that first on the agenda is SCR 1610, which amends the Education Article of the Kansas Constitution. She then called upon Ms. Kay Coles, Director of Communications for Kansas-National Education Association.

Ms. Coles, speaking in support of SCR 1610, stated that although K-NEA supports continuation of the State Board of Education as an elected body,

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 123-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Thursday, March 28, 1991

it also supports removal of the State Board's self-executing authority. Ms. Coles' testimony focused on new ideas expressed in SCR 1610. (Attachment 1)

The Executive Director of the Kansas Association of School Boards, Mr. John Koepke, stated that the Delegate Assembly of his organization has long expressed the view that the "self-executing" powers of the State Board of Education should be removed and SCR 1610 would accomplish that goal. (Attachment 2)

Opposing SCR 1610 was Dr. Stanley Z. Koplik, Executive Director, State Board of Regents, who stated that "SCR 1610 would hardly improve the efficiency and effectiveness of postsecondary education in Kansas". (Attachment 3)

Also expressing opposition to SCR 1610 was Ms. Connie Hubbell, Legislative Chairman, State Board of Education. Ms. Hubbell stated particular opposition to the creation of additional boards or agencies to govern educational institutions and noted the past unsuccessful attempts to amend the Education Article of the Constitution to revoke the "self-executing" powers of the State Board of Education. (Attachment 4)

A retired citizen from Lenexa, Mr. John McDonough, offered suggestions for amending SCR 1610. These included a fundamental right of choice of schools, including private institutions, and utilization of the voucher system. (Attachment 5)

Dr. W. Merle Hill, Executive Director of the Kansas Association of Community Colleges, who was unable to attend today's meeting, submitted written testimony in which he states: Only if there were a serious effort to transfer the community colleges to the Board of Regents would the Association strongly support the concept of "other instrumentalities of governance" as found in SCR 1610. (Attachment 6)

Due to lack of time, Vice Chairman Frahm announced that SCR 1620, relating to the confidentiality of school personnel evaluation documents, would not be heard today and requested Mr. Craig Grant and Mr. John Koepke to return to testify at a later time.

HB 2163 - School districts, corporal punishment prohibited.

The Vice Chairman reverted Committee attention to HB 2163, relating to prohibiting corporal punishment in schools, and called upon Ms. Barbara Stodgell.

Ms. Stodgell stated that she was speaking on behalf of Ms. Carolyn Risley Hill, Acting Commissioner, Youth and Adult Services, SRS. Ms. Stodgell explained that HB 2163 has no direct effect on SRS operations but supports it because it is right for children. (Attachment 7)

Dr. Virginia Jaske, a psychiatrist at the Menninger Foundation, said she supports firm and consistent discipline but not violent discipline. (Attachment 8)

A representative of the American Civil Liberties Union, Dr. Gordon Risk, urged support for HB 2163 for a number of reasons, as contained in his testimony found in Attachment 9.

A co-sponsor of HB 2163, Representative Joan Pottorff, recommended that Kansas should join the other 21 states which have abolished corporal punishment in their public schools. (Attachment 10)

Co-sponsor (Representative) Joan Wagon said she has spent the last thirteen years at the Topeka YWCA running domestic violence programs trying

CONTINUATION SHEET

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to teach people non-violent ways to cope with anger and conflict. She mentioned child care and other programs authorized and regulated by the state which teach abstinence from hitting a child and said this same principle should be applied in the schools. (Attachment 11)

Representative Kathleen Sebelius, a co-sponsor of HB 2163, noted that if the concept works in urban areas of the state, it should be able to work in the rural areas. (Attachment 12)

Dr. Arthur Cherry, representing the Kansas Chapter of the American Academy of Pediatrics, said that corporal punishment usually is inflicted on the minority group of students. He said that schools which have abandoned the use of corporal punishment find that the use of other behavioral incentives are more effective. (Attachment 13)

Ms. Sydney Karr, representing fifty-one organizations embodied in the Children's Coalition, informed the Committee that her organization has chosen the elimination of corporal punishment in schools as its top priority. (Attachment 14)

"Violence begets violence" stated Ms. Terri Casey, J.D., R.N., representing the Kansas State Nurses' Association, when she testified in support of HB 2163. She affirmed that children learn from imitating adults, and corporal punishment is not an effective means of discipline. (Attachment 15)

"Physical punishment of students models socially unacceptable ways for solving problems," stated Ms. Brilla Highfill Scott, Associate Executive Director of the United School Administrators of Kansas, when she testified in support of HB 2163. (Attachment 16)

Mr. Doug Bowman, representing the Children and Youth Advisory Committee, explained that his institute was created by statute to advise state government on matters pertaining to children. He said that one of the top ten priorities in his organization's planning document, "Toward The Year 2000", is to abolish corporal punishment from the schools. (Attachment 17)

Mr. William J. Lucero, a psychologist at the Youth Center at Topeka, described how juvenile offenders have learned that violence is a way of life because of violence that has been inflicted upon them. (Attachment 18)

Ms. Diane Purcell, representing The Kansas Association for the Education of Young Children, stated that previous testimonies have covered the many reasons for abolishing corporal punishment in the schools and called Committee attention to her written testimony. (Attachment 19)

Dr. James McHenry, Executive Director of the Kansas Child Abuse Prevention Council, noting that his written testimony, Attachment 20, had been distributed to the Committee, relinquished his time to Mr. Craig Grant.

Mr. Grant, Director of Political Action, Kansas-National Education Association, informed members that K-NEA's Representative Assembly has expressed overwhelming support for eliminating corporal punishment as a means of disciplinary action in the schools. (Attachment 21)

The Vice Chairman noted that written testimony in support of HB 2163 was submitted on behalf of Attorney General Robert T. Stephan. (Attachment 22)

The Vice Chair thanked the proponents of HB 2163 for their effective presentation, considering the time limitation placed upon them. She then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, March 28, 1991

GUEST LIST

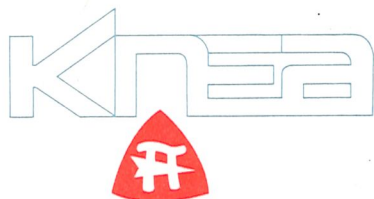
<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Matt Truell	Topeka	AP
Kathy Martin	Topeka	KCAPC
Kay Coles	Topeka	H-NEA
Craig Grant	Topeka	H-NEA
ERIC Sexton	Wichita	WSCU
Stanley Z. Koplik	Topeka	Piawt
John W. Koehn	Topeka	KATB
Connie Shaeffer	Topeka	SL Bd of Ed.
Bill Wagner	Topeka	Gorman's office
Bill Flanagan	Topeka	UMSC Unit of KS
Arthur Chubbey M.D.	Topeka	Ks Chapter Am. Academy Pediatrics
Sydney Karr	Lawrence	KS Action for Children
Bruce Limber	Lawrence	Ks. Assoc. of Public Schools
Doug Bauman	Topeka	Children & Youth Advisory
Melissa Ness	Topeka	Ks. Children's Service League
Cheryl Shores	Topeka	KS Children's Service League
Pat Nickels	Wichita	USD 259
Mark Tallman	Topeka	Kans. Assoc. Sch Bds
Joe DePue	"	KCOVE
Ann Goetz	Topeka	
Linda Row	Hays	FHSU - ASSA
Spencer Dow	Hays	FHSU - ASSA
Mark Miller	Topeka	Wichita Univ.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, March 28, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Martha Hoyle	Topeka, KS	Washburn University
Renata Beeghly	Topeka	w.u.
Alalasha Cludeke	Topeka KS	Washburn Univ.
Labeita Paslay	Topeka	Visitor
Roy E Paslay Jr	Topeka	Visitor
John McDonough	Lenexa	self
Gordon Risk	Topeka	ACLU
Virginia Jaschke	Topeka	psychiatrist - Menninger
Michelle Pearson	Topeka	KSNA - KU Student
M. Sherrill Gentry	Topeka	KSNA
Quinn Russell	Topeka	KA&VC
Bella Highfill Sutt	Topeka	USA
Tim McHenry	Topeka	KCAPC
John Wine	Topeka	KCAPC
Rod Bieker	Topeka	KSDE
Mrs. McMillan	RR 3 Bx 32 Topeka	KS St. Bd of Ed.
Barbara Stodgell	Topeka, KS	Youth Services - SRS



Testimony before the Senate Education Committee
SCR 1610
 March 28, 1991
 Kay Coles for Kansas-NEA

Thank you Mr Chairman. Members of the committee, my name is Kay Coles and I am here today representing Kansas-NEA. I appreciate the opportunity to speak to you about SCR 1610.

This Constitutional amendment is the result of the work of the Governor's Commission on Reform of Educational Governance which addressed the issue of governance during the fall of 1990. I was privileged to serve as a member of that commission and I am pleased to rise in support of this amendment.

Kansas-NEA believes this amendment will have a positive impact on education governance in this state.

We support the continuation of the State Board of education as an elected body, and the removal of the State Board of Education's self-executing authority. These issues have been before you previously.

There also are some new ideas in this amendment and it is to those that I would like to focus many of my remarks.

The first is the preamble of this article which clearly establishes education as a fundamental right of all Kansans. We believe this bolsters our commitment to public education and provides a stronger Constitutional guarantee to an education.

Next we support the move toward de-coupling the State Board of Education districts from senatorial districts, and the move to establish 11 rather than 10 State Board seats.

Kansas-NEA also supports two other provisions of this amendment which are more controversial -- the granting to the Legislature authority to establish other entities as may be necessary for the effective governance of education, and the potential creation of a Secretary of Education.

The provision that gives the Legislature authority to create additional entities to address education is one we believe would give future flexibility to lawmakers to address the needs of our public education system. We do not share the fear of some that this would lead to fragmentation of education. Rather we see this as an enhancement which could lead to creation of, for example, a separate board to deal with community colleges or an autonomous standards board to establish high standards for education professionals if such boards are deemed necessary or desirable.

We further believe our Constitution should have as much flexibility as possible to allow for future changes which would not require added Constitutional revision. We see this provision in SCR 1610 as a positive one for education.

EDUC
 3/28/91
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Creation of a Secretary of Education post, we believe, would enhance the status of public education in Kansas. We view this position as having the potential of being an affirmative force for change in our education system. It appears to us to diminish the role of the Governor in helping set education policy when education does not have the visibility of a Cabinet post. Too, it seems illogical that when the governor sits down with her or his cabinet to discuss the state budget that there is no one on that Cabinet representing education -- the largest area of our budget.

The potential also exists for a Secretary of Education to fulfill a critical role in addressing what we see as a serious flaw in our present education system -- lack of coordination. The Secretary of Education position outlined in SCR 1610 is a complement to, not a diminishment of, the current positions of the commissioner of education and executive director of the board of regents. We see a Secretary of Education fulfilling a role as a coordinator who could help synchronize the varied missions of our education system.

I know these last two provisions are controversial and that the Board of Education and Board of Regents are in opposition to them. However, Kansas-NEA strongly believes these two provisions carry with them an opportunity to really make our education article a flexible and responsive part of the Kansas Constitution.

Kansas-NEA supports SCR 1610 and we would ask you to report it favorably for passage.

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KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony on S.C.R. 1610
before the
Senate Committee on Education

by

John W. Koepke, Executive Director
Kansas Association of School Boards

March 28, 1991

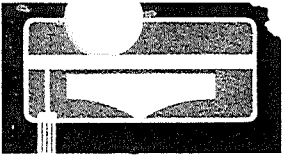
Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you to express the views of our member boards of education on S.C.R. 1610. Our Delegate Assembly has long expressed the view that the "self-executing" powers of the State Board of Education should be removed. S.C.R. 1610 would accomplish that goal.

In addition, S.C.R. 1610 also complies with our member's desire that the State Board of Education remain an elected constitutional body. Beyond those issues, the proposed amendment before you addresses several other issues which our members have not specifically considered as policy matters. We believe, however, that the preamble language in this resolution deserves serious consideration since our members have addressed the issue of equal educational opportunity, particularly as it affects school finance.

EDUC
3/28/91
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In summary, Mr. Chairman, we believe the Governor's Commission which developed the recommendations contained in this resolution put forward and effort which merits your favorable consideration and we would urge your adoption of S.C.R. 1610. Thank you again for the opportunity to express our views and we would be happy to answer any questions.

EDUC
3/28/91
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KANSAS BOARD OF REGENTS

SUITE 609 • CAPITOL TOWER • 400 SW EIGHTH • TOPEKA, KANSAS 66603-3911 • (913) 296-3421

TESTIMONY ON SENATE CONCURRENT RESOLUTION 1610

Stanley Z. Koplik Executive Director
Kansas Board of Regents
March 26, 1991

Mr. Chairman and Members of the Committee:

I am pleased to be here today to offer some views and opinions of the Kansas Board of Regents relating to SCR 1610. We appreciate the opportunity to participate in this discussion. It concerns a subject we have considered at length.

Following defeat of the constitutional amendment question placed before voters last fall, the Board of Regents sought to become more proactive in the debate surrounding educational governance. Extensive discussions were held by the Board, culminating in the adoption on February 14, 1991, of a paper titled "Constructing Partnerships in Kansas Higher Education." In essence, the paper argues for the integration of the community colleges into the Regents system and argues how under this scheme, Kansas would realize an integrated and coordinated system of postsecondary education. This system would be characterized by improved comprehensive master planning for the full spectrum of higher education.

As we understand SCR 1610, several things are possible which we do not believe are representative of either good government or sound management. I will first address several relatively minor issues and then turn my attention to our major concern.

SCR 1610 gives the Governor the authority to appoint a secretary of education who shall "exercise such powers and perform such duties as are prescribed or authorized by law." Until the problem is defined in better terms, the Board of Regents cannot support the creation of an office which is largely ambiguous and probably quite costly. Resources are far too scarce for us to enlarge the bureaucracy in some rather nebulous way. Secondly, the current reference to the State Board of Regents is removed from Section 6(b) relating to authority to establish tuition and fees. This section provides that the Legislature may "authorize or require the charging of tuition and other fees. . ." I can hardly imagine the Legislature having the desire to wrestle with appropriate levels of dormitory fee charges, parking, library fines, transcript fees or specific rates of tuition. The point is that under current law, the Legislature can and does exert significant influence over the Board of Regents in these areas. The Board, however, is closest and most familiar with the institutions for purposes of fee determination and has exercised this responsibility diligently over the years. We are unclear as to why the Legislature would seek this added authority.

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3/28/91
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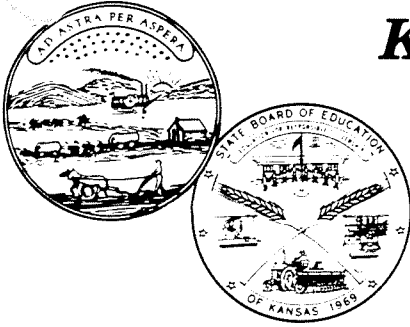
Most importantly, SCR 1610 gives the Legislature authority to "create other instrumentalities of governance. . . as the Legislature may deem necessary." Many of us have taken this to mean that the Legislature could create, for example, a third board for community colleges. Although we recognize that the creation of a third board would have immediate appeal to many in the community college sector as well as others in the legislature, we believe the governance problems of Kansas higher education will be compounded by the creation of any additional governing boards. For instance:

1. A third board will generate more intense, sector-specific competition for resources among postsecondary institutions;
2. The creation of a third board will reinforce the divergent advocacy for postsecondary education;
3. The creation of another board will do nothing to eliminate or reduce existing unnecessary duplication of educational services and postsecondary instruction;
4. The creation of another board will frustrate attempts to provide an integrated response to changing demands for a well-educated workforce;
5. The creation of another board will hamper efforts to differentiate the missions of postsecondary institutions;
6. An additional board and staff will add substantial operating cost to state government. The initial administrative budget for an office for a nine-member board could easily approximate \$250,000 annually; and
7. The creation of a third board will lay the foundation for the creation of even additional boards, since the establishment of three advocacy boards could eventually produce the need for an overarching state coordinating board.

These concerns are genuine and not posed merely as obstacles: A third board will have a profoundly adverse impact on educational governance in Kansas. Acknowledging that the current governance of postsecondary education can be improved, a viable alternative to the creation of new educational boards is the reorganization of the responsibilities of existing boards.

In my view, the most significant criterion against which a viable proposal for governance reform is to be judged is whether it will yield significant benefits to each sector of higher education, to local communities and to the state itself. Benefits for the state must include a system of higher education which is more integrated, more manageable and better coordinated than the one which presently exists. We would simply assert that SCR 1610 would hardly improve the efficiency and effectiveness of postsecondary education in Kansas.

Thank you for your consideration.



Kansas State Board of Education

Kansas State Education Building (913) 296-3203

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

I. B. "Sonny" Rundell
District 5

Wanda Morrison
District 7

Timothy R. Emert
District 9

Paul D. Adams
District 3

Gwen Nelson
District 10

March 28, 1991

TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: Senate Concurrent Resolution 1610

My name is Connie Hubbell. I am Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before the Committee on behalf of the State Board.

The State Board of Education opposes Senate Concurrent Resolution 1610 which would amend the Education Article of the Kansas Constitution in several respects. Among other things, this proposed constitutional amendment would permit the creation of boards or agencies in addition to the State Board of Regents and the State Board of Education to govern educational institutions. This amendment might well lead to unnecessary duplication and create further coordination, efficiency, and fiscal problems.

The State Board has worked diligently with the Legislature, in a team effort, to do what is best for students and to make appropriate changes in those areas in which the Board has constitutional authority, such as certification and accreditation. For example, the State Board has initiated an amendment to liberalize the certification rule and regulation regarding substitute teachers for those persons serving in the Persian Gulf. We have also amended the accreditation rules and regulations to require school districts to provide programs in human sexuality and AIDS education, and Kansas History.

In addition, the State Board of Education has worked cooperatively with the Governor and the Legislature to upgrade the quality of education programs for students. We are presently in the process of implementing a quality performance accreditation program (an outcomes system), a mathematics improvement program, a communications/reading improvement program, and an innovative communication and instruction system (a two-way interactive video instruction system).

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EDUC

3/28/91

A4-1

The State Board is also in the process of developing an updated postsecondary plan for educational institutions under the jurisdiction of the State Board and a new 2 + 2 program between unified school districts and community colleges. Also, the State Board is fostering improved working relationships between community colleges, area vocational-technical schools, and business and industry, and is promoting other life-long learning activities.

We believe all of these efforts demonstrate the good working relationship between the Board, the Governor, and the Legislature. They also show that this proposed amendment to the Education Article of the Constitution is unnecessary.

Finally, the State Board of Education also notes there have been several attempts to amend the Education Article of the Kansas Constitution over the past 20 years and each of these attempts has been unsuccessful. It appears the people of Kansas support the current provisions of the Constitution.

EDUC
3/28/91
A4-2

TESTIMONY OF JOHN McDONOUGH, 8530 BRADSHAW, LENEXA, Ks. 66215
Presented To Senate Education Committee, State Capitol, Topeka
Concerning SCR 1610, To Revise The State Constitution Relating
To Education. March 28, 1991

The proposed constitutional revision relating to education should be amended as follows: (I've underlined my suggested wording.)

- * Cover page, Preamble.
- * Line 21. ...to the belief that the highest quality education --- consistent with reasonable COST and balanced with other state government financial responsibilities --- is a fundamental right ...
- * Line 24. as members of a free society --- all members being free, including those who through CHOICE and EMPOWERMENT select private schools --- and that all people are entitled to equal opportunities --- including those who through CHOICE and EMPOWERMENT select private schools --- intellectual, educational ... etc.

Without the above suggested amending, the Preamble professes a free society while at the same time preventing equal treatment; and erroneously pretends that only state owned and operated schools can provide for a free society.

And such thinking results in school costs shooting through the roof --- for example, giving the typical free school family the equivalent of a brand new Olds Cutlass every year. (2 kids at \$5,000 each in free school benefits.) And now the public school lobby wants another big tax increase of about 400 dollars from each home, on top of the \$2,200 they're already ripping-off from us each year --- maybe the extra \$400 will buy 'em their gasoline for their next vacation.

Incidentally, I notice that there are farmers, & lawyers, & business people on this committee --- How would you like having such a "Preamble" as proposed here rigged to prevent your customers from coming to you for your products & services ? Rigged to instead corral them to the state store where its all "FREE", even though it really costs 5 times as much, but there's a bunch of front-men dancing to their tune at the state capitol, with a police force & the National Guard, and a collection of sweetheart media lackies (except for the Capital-Journal). backing them up.

- * Line 29. Strike "provide" and substitute "arrange" for intellectual, educational, etc.

This suggested amendment is to give the state the freedom to not only own & operate schools (soviet style), but also, to utilize private schools through vouchers, competitive bidding, outsourcing --- arranging with varied vendors for teaching as it currently arranges for its other needs in the free market --- seeking highest quality at most advantageous cost.

EDUC
3/28/91
A5-1

Xerox Chairman: A Choice Pick^{3/28/91} For Education Job

By JEANNE A. ALLEN W5J

When President Bush asked Xerox Corp. Chairman David Kearns to be his deputy secretary of education, he may have ensured that he will finally earn his diploma as "education president."

Mr. Kearns's record at Xerox is noteworthy. When he took over the company in 1982, Xerox was generally seen as a slow-moving giant that hadn't kept pace. But Mr. Kearns took the competition—namely, Japan—seriously, and restructured his firm into a more dynamic, consumer-driven enterprise. He then trimmed layers of Xerox management and put more responsibility into the hands of those employees closest to the product. It was here he learned about the sad decline of America's schools.

Little wonder that when he was ready to move beyond Xerox's doors, he adopted as his primary outside interest improving the public schools. With Hudson Institute scholar Denis Doyle, he wrote "Winning the Brain Race," a 1987 book now found in many corporate boardrooms. Said Mr. Kearns in this opening salvo: "The task before us is the restructuring of our entire public school system. I don't mean tinkering. I don't mean piecemeal changes, or even well-intentioned reforms. I mean the total restructuring of our schools."

The Kearns blueprint for change, considered radical at the time, cited choice, competition, accountability and setting ambitious academic standards as the keys to successful academic reform. This radical agenda—a far cry from the kinds of proposals normally associated with business, such as volunteer tutoring, "adopting" schools and donating computers—helped earn American business a prominent seat at the education reform table.

It is not often that such a high-profile executive is willing to challenge the conventional wisdom about education. Indeed, when a Fortune 500 CEO suggests that teachers' pay should be based on performance, that the public schools are "a rusting bridge . . . a catastrophic problem under way," and that only American business can force the kind of change necessary—those are fighting words.

An avid supporter of educational choice—a reform that gives parents the right to choose the schools their children attend—Mr. Kearns could have great influence on the Bush White House. If he uses this influence to promote school choice in the broadest sense, we could see real progress in the years immediately ahead.

For his own part, Mr. Kearns has let it be known that he's frustrated by the slow pace of reform, and that he now favors widening the concept of parental choice to include all private as well as public schools.

Still, hurdles lie ahead. Even a polished and well-planned education reform agenda will meet stiff opposition from the Goliath of entrenched special interests. As Mr. Kearns put it in November at a Delaware business forum: "We're getting extra good

. . . at talking about the problem . . . but in total we have not made progress as a nation." The teacher unions and other interest groups do not take kindly to that kind of talk. They still argue that more money will solve our education problems. But Mr. Kearns and his new boss, Education Secretary Lamar Alexander, know better.

Messrs. Alexander and Kearns now face two main challenges. First, their ability to define a successful agenda will be complicated by the same forces blocking reform: those who prefer to play politics with education, and those who feel threatened by reform. Yet there are scores of reformers nationwide—grass-roots activists, business leaders, and parents—who they can count on for support. They need to recruit these people as allies.

The second challenge is for the two men to use their prestige and power to give currency to the themes of consumer choice and sovereignty, accountability and results. This will encourage the grass-roots activists and help coalesce them into a powerful engine of reform.

Mr. Kearns also faces certain dangers. The "experts" undoubtedly will fill the new deputy education secretary's ears with all sorts of notions—about the need for national certification of teachers, the need to establish new panels of old experts to set standards for teachers and so forth—when the discussion really should be focused on such reforms as alternative certification as a means to attract people without education degrees into teaching. By embracing the notion that getting kids into the same lousy schools earlier will improve their futures, Mr. Kearns already has shown that he's not immune to the appealing illogic of the establishment.

Many Washington insiders are wondering why Mr. Kearns would ever take such a job. They wonder if he understands how entrenched the bureaucracy really is. Maybe Mr. Kearns will retreat. But then again, maybe some real sparks will fly when the head of Xerox—so well schooled in competitiveness—confronts the deadline-free bureaucracy and political games players. By pairing the keen Alexander, who is well-versed in education politics, with the no-nonsense Kearns, whose forte is results, President Bush may bring new energy to a department that for too long has stood for nothing and done it slowly and ineffectively.

If David Kearns can help Lamar Alexander push the reforms embraced by a majority of Americans of every ethnic and racial makeup, U.S. students do stand a chance of one day beating the Japanese at their own game. But it won't happen by building consensus and continuing the now long-winded dialogue. It will happen only if a stone is placed in David's sling shot, and he stands ready to challenge the Goliaths of the education interests.



David Kearns

Ms. Allen directs the Center for Educational Policy at the Heritage Foundation.

EDUC
3/28/91
A5-2

* 34. provided by law. And to include privatization consistent with consumer driven CHOICE, with highest educational quality, at the best free market price.

This amendment suggestion would reform the system by making it market driven, by putting purchasing decisions in the hands of the education consumers --- the people who actually use the service.

* Page 2.

* Lines 3 & 4. ...Board of Regents and its (STRIKE and its control and supervision) (and substitute) oversight of public and private institutions of higher education.

This suggestion is aimed at treating private colleges as if they do indeed exist, and utilizing them to cut costs, to enhance education quality, and to release state funds to other areas of now neglected state responsibilities.

* Lines 12-17 STRIKE governance, supervision, and control --- substitute oversight (STRIKE provided) (and substitute) prescribed by law. Also, arranging for inclusion of private schools consistent with consumer driven CHOICE.

* Page 3.

* Line 19. ...for finance of the system of public and private education.

* Line 20. ... benefit of students of higher education. (Instead of for the benefit of institutions.)

* Line 29. (STRIKE WORDING TO THE CONTRARY OF THE FOLLOWING. Tuition is to be charged for attendance at public schools, as well as at public colleges, consistent with the users' ability to pay --- so that the other financial responsibilities of state government will not be neglected.

The purpose here is to avoid the current sky high free benefits being dished out so extravagantly to high income parents, while so many in poverty are forced thereby to continue in deprivation.

Senators of the Education, (and Taxation) Committee, you are 'Check Point Charlie - West'. The proposed Education revision, like its current version, is right out of Cuba & east Europe. Its as if the Berlin wall were still blocking CHOICE, forcing socialist dictatorial regimentation. The Kansas constitution on education flies in the face of what the USA has found helps people most; what it is that people fight to get here for: Individual freedom (that's CHOICE), prosperity (that's the market system), being able to speak strange ideas to a government that will look into their possibilities. Have you here looked into any of my requests of you --- or have you just shot me down, here at Check Point Charlie -West ? 620 millions of dollars from tuition & tuition vouchers, annually. Do you care ? The President & his education top appointees are pushing CHOICE. I've today given you more about Messrs. Akers & Kearns. Do you care ? Means testing, 45% of earnings are taken by taxes already --- do you have a ceiling ? I've spent over \$500 in my efforts over here, only to learn you don't care about the individual, only about the institutions & the status quo, and the next rounds of tax increases ?

No, I hav'nt given up on you. In fact, I Like You (that ought to be of some concern to you.)

EDUC
3/28/91
A5-3

Let's Get to Work on Education

By JOHN F. AKERS

called victory in the Persian Gulf, a stunning triumph of American technology, and of young Americans whose personal commitment, courage, discipline and technical skills had been vastly underrated. As our focus shifts back to the home front, now is the time for an equal commitment to rescue our educational system. America needs to follow Operation Desert Storm with Operation Brainstorm.

With American students falling further behind their international counterparts, eroding this nation's ability to compete, we can no longer delay tackling the tough issues:

National assessments, accountability, choice, parental responsibility, local control, and support for preschool children are key to a rejuvenated, resurgent American educational system. We must go beyond tinkering to fundamental, far-reaching reforms, or see the leading industries, jobs, products and technologies of tomorrow—the engines of America's future—fall into the hands of those faster, better-educated and tougher-minded than ourselves.

This is my conclusion after accepting the president's challenge to direct a drive by America's largest corporations to help restore excellence in the K-12 schools.

Lost Potential

The nation's 200 leading corporations, members of the Business Roundtable, are pledging their resources for 10 years to work with Secretary of Education Lamar Alexander and the 50 governors and their legislatures and schools to help America reach the national education goals of President Bush. Yet, notwithstanding this commitment, I believe our only chance for success is to go beyond the piecemeal efforts that have left America woefully unprepared for the challenges of the 21st century.

Each school day, some 4,000 young Americans drop out—4,000 potential doctors, engineers, scientists and teachers lost to our future. That's about 700,000 a year. And, each year, our high schools graduate an equivalent number unprepared for the world of work.

Weakness in our schools begets weakness in our research labs, our technology plants, our production lines, and thus, and most critically, weakness in our ability to retain the jobs that will secure our prosperity for the future. Business is the primary customer of American education,

in all of our markets, which are increasingly global and fiercely competitive.

I write from personal experience. IBM recently compared operations in our U.S. plants with an IBM plant in Japan. And—while these plants represent the same company, management system and processes—the yields, turnaround times, development-cycle times and costs are frequently better in Japan.

Another American corporation spends from \$200 to \$2,000 to bring its stateside employees up to technical proficiency. In its Japanese plant, it spends, on average, \$1 per employee—the cost of the manual.

If American education is to produce more people who can compete in the marketplace, our schools should respect competition in the educational marketplace.

The hour is late and the stakes are great. Yet, the reforms we urgently need are being delayed by entrenched bureaucracies intent on maintaining their power and by the passivity of parents. Like the voters who rail at Congress, yet say their own representative is the notable exception, too many parents acknowledge the existence of a national school crisis, while insisting Johnny's school is doing fine.

But it isn't. And, while business does not have all the answers, we are the largest employer and we do educate, train and retrain millions of young Americans.

One point on which we might all agree—money alone is not the answer to better learning. We outspend all major industrial nations in education, but they outperform us in results.

Here, then, is a call to arms that stakes out fundamental steps to higher standards, brighter minds and greater achievement:

First, assessments. We cannot measure our progress toward the president's education goals without rigorous self-examination and testing. Yet, with the exception of two pilot programs, federal law prohibits voluntary state comparisons of test results. We need those restrictions permanently removed and comparisons permitted at the state, district and local school levels. To prohibit such a gauge of student achievement is to put America at the disadvantage of trying to tell the score without a scorecard.

Second, from assessments, we move

into a system that has almost none by rewarding successful schools, helping others achieve success, and penalizing those not carrying the mail.

Accountability is rooted in the idea of measurements. Business employees are constantly measured, trained and retrained, and it makes no sense to exempt education from this worthy principle. We are reaching for higher standards—a world-class education force—and accountability should threaten no conscientious instructor. Rewards for outstanding teachers today are money in the bank for America's tomorrow. On the other hand, to give a

passing grade to each and every educator, regardless of performance, is to fail the test of responsibility to our children.

Good educators need to be put on a pedestal. Those willing to improve need to be helped. Bad ones need to be put on notice.

Third, assessments and accountability lead to the issue of choice. Choice is not a self-contained educational policy. But, with better schools our driving priority, parents and students should be able to choose among schools and school systems. If American education is to produce more people who can compete in the domestic and international marketplace, our schools should respect and stand for competition in the educational marketplace.

Fourth, we cannot move toward higher standards, better assessments, greater accountability, and more competition and choice in our schools without giving teachers and principals more leverage, more power and more local control to run our schools. When schools can devote more time pushing administrators, teachers and students to raise expectations and achievement, and less time pushing paper, we will begin to see exciting breakthroughs.

Other CEOs and I have visited scores of schools. One successful district I found was New Haven, Conn., which is struggling with poverty and drugs. Despite enormous difficulties, New Haven has sharply cut its dropout rate and now sends 75% of its high-school graduates on to post-secondary

How? Through vigorous leadership from its superintendent, principals, teachers and parents, who have not only gone all out to get drugs and violence out of their schools, but also to infuse into their students a zeal to achieve and excel within a curriculum of core subjects.

Reforms like these cannot take root without support from the primary pillar of every child's education, the active participation of parents, both mothers and fathers. As then-Secretary of Education Bill Bennett put it, "Not every teacher is a parent, but every parent is a teacher."

Education must begin in the home, with parents putting in time getting children ready to enter kindergarten, reading to them, listening to them, answering their questions, making sure they do their homework, rationing TV, getting involved at school, working with their teachers, and extending their children's learning experiences. I also favor contracts between parents and teachers, where teachers pledge a certain amount of time each day to teach core subjects, and parents do the same with homework.

The Children's Advocates

Finally, we must remove obstacles that leave too many children entering kindergarten ill-nourished, ill-nurtured and ill-prepared to learn. Many come from unstable families set adrift by one or both parents who have gone AWOL on their responsibilities. Head Start has proved its ability to help more children begin their educational years on an equal footing, and it deserves to be fully funded.

All students can learn at significantly higher levels. Every child needs an advocate and every parent has a personal part to play in a great, national comeback for American education. American business has the resources, the people and the commitment to help this country's schools regain, and indeed surpass, their performance and prestige of old.

Our democratic system depends on a well-educated citizenry. So let's agree on what must be done, and work with America's students, their parents, teachers and principals, so that each school can, once again, become what it was always meant to be—a building that has four walls with tomorrow inside.

Mr. Akers is chairman of IBM Corp. and the Business Roundtable Education Task Force.

EDUC
3/28/91
A5-4



KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Jayhawk Tower, Suite 901 • 700 S.W. Jackson • Topeka, KS 66603

W. Merle Hill
Executive Director

Phone 913/357-5156
Fax 913/357-5157

To: Senate Committee on Education
From: Merle Hill
Date: March 28, 1991
Subj: Senate Concurrent Resolution No. 1610

Thank you, Mr. Chairman, and members of the Committee, for giving the Kansas Association of Community Colleges the opportunity to discuss Senate Concurrent Resolution No. 1610 with you.

I shall address only paragraph 2 (d), relative to the Legislature providing for "such other instrumentalities of governance, supervision or control of the schools, educational institutions and educational interests of the state as the legislature may deem necessary."

It is our understanding that this portion of SCR 1610 came from discussions among members of the Governor's Commission on Educational Governance relative to there being a separate board of control for the 19 Kansas community colleges. The community colleges have supported this position for a separate board in the past but are uncertain just what direction section 2 (d) may take as currently worded.

Currently, the position of the Association is to remain under the general supervision of the State Board of Education and to oppose any efforts to transfer this "general supervision" to the "control" of the State Board of Regents. Although the Association will continue to have an interest in a separate board, it does not believe 1991 is the time to implement this section of SCR 1610. Only if there were a serious effort to transfer the community colleges to the Board of Regents would the Association strongly support this concept of "other instrumentalities of governance."

EDUC
3/28/91
AG

Department of Social and Rehabilitation Services
Robert C. Harder, Acting Secretary

Testimony in support of H.B. 2163

AN ACT CONCERNING SCHOOL DISTRICTS;
PROHIBITING THE INFLICTION OF CORPORAL PUNISHMENT UPON PUPILS.

(Mr. Chairman), Members of the Committee, I appear today in support of this bill.

This bill has no direct effect on SRS operations. However we recommend support because it is right for children and does contain a fair balance between the prohibition of corporal punishment and the need to maintain order when students are causing a disturbance.

There is no fiscal impact for this department.

Carolyn Risley Hill
Acting Commissioner
Youth and Adult Services
Department of Social and
Rehabilitation Services
(913) 296-3284

EDUC
3/28/91
A7

Corporal Punishment in the Schools

By preventing the use of corporal punishment we sometimes put teachers into a position of feeling helpless and vulnerable. Some children can provoke situations that challenge even the best trained and most creative adult. They can incite rage in the most patient and compassionate person among us. Only through experiencing such provocation can one really understand what it feels like.

I have three points to make regarding this situation. First, who are the children who disrupt the orderliness of the school system and the composure of adults? They are children who have learned to expect violence from adults, who grew up with harsh physical punishment, who have been hit so much that they are filled with anger. That anger then leaks out everywhere they go. By and large it is that kind of violent background that produces problem children.

The second point is that these children need to learn constructive problem solving behaviors. They have been overexposed to adults who use physical aggression to respond to problems. They need exposure to adults who will model other kinds of problem solving strategies for them.

Finally, I would like to refer to the studies on the effects of corporal punishment. The research clearly indicates the following: 2) Behavior is best and delinquency least in schools where corporal punishment is used sparingly or not at all. 2) Permission of corporal punishment does result in frequent abuses that lead to physical injury. 3) Teachers who were not spanked as children tend not to hit in the classroom.

I want to emphasize that we do not advocate permissiveness. The research is also clear on that point. That is, children's behavior is worst when there is no discipline, somewhat better with aggressive discipline, but best of all when they are provided with non-aggressive but clear, firm, and consistent discipline.

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EDUC
3/28/91
AB

ACLU on H.B. #2163

I am Dr. Gordon Risk, representing the American Civil Liberties Union of Kansas. We support this bill.

There are a number of reasons for opposing the use of corporal punishment with children, some of which have to do with its violation of their civil liberties. Corporal punishment violates their right to equal protection of the laws. The state does not punish adults by beating them and should not beat children. Corporal punishment also violates their right to be treated with due process, since the individuals who decide on the punishment and inflict it are typically the aggrieved parties. In other contexts, when society thinks an individual has committed a punishable act, it attempts to make an impartial finding of fact, a judgement of culpability, and a decision about the proper punishment by enlisting individuals, who are not parties to the matter, to make these difficult decisions. This is not the case in schools. The aggrieved party is intimately involved in some or all of these decisions, and may even carry out the punishment. The decision to inflict corporal punishment will, thus, have much to do with the temper and idiosyncrasies of the aggrieved individual, e.g., whether he was beaten as a child, and much less to do with the infraction itself. The civics lesson that children learn in this context is that justice can be arbitrary, capricious, and brutal, not what we want to be teaching.

EDUC
3/28/91
A9

STATE OF KANSAS

JO ANN POTTORFF
REPRESENTATIVE, EIGHTY-THIRD DISTRICT
6321 E. 8TH STREET
WICHITA, KANSAS 67208-3611

STATE CAPITOL
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: APPROPRIATIONS
EDUCATION
TAXATION
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE
NCSL ASSEMBLY ON THE LEGISLATURE
TASK FORCE ON EDUCATION
EDUCATION CONSOLIDATION AND
IMPROVEMENT ACT (ECIA) ADVISORY
COMMITTEE
CHILDREN AND YOUTH
ADVISORY COMMITTEE

House Bill 2163 requires school district boards, prior to January 1, 1992 to adopt a policy prohibiting any officer or employee of the district from inflicting, causing or threatening to inflict corporal punishment on any pupil.

I believe Kansas should join the 21 other states in our nation that have abolished corporal punishment in their public schools. All school children in Kansas deserve the benefits of positive discipline policies.

Since 1951, the state of Kansas has had a policy of prohibiting corporal punishment in child care settings. Corporal punishment is also not allowed in mental hospitals, the military, in prisons, foster homes or any facilities under the supervision of SRS. The only state institutions in Kansas which allow corporal punishment are the public schools.

I feel corporal punishment sends a mixed message to children. It reinforces that it's O.K. to hit a child. Corporal punishment is only a short term solution for a long term problem. It stops disruption for the moment but it does not teach students better ways of solving problems.

Supporters of a ban on corporal punishment are not advocating the end of discipline; just the end of using physical force to control students.

Discipline is essential in the classroom. But children need to be provided with non-aggressive but clear, firm and consistent discipline.

Instead of school districts being opposed to HB 2163, they should work with teachers, parents and the community to find other ways to discipline children. On closing, I would like to leave you with this thought that my friend, John Valusek, made famous: "Kids are not for hitting."

EDUC
3/28/91
A10

STATE OF KANSAS

JOAN WAGNON

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIR: TAXATION
MEMBER: ECONOMIC DEVELOPMENT
FEDERAL & STATE AFFAIRS
LEGISLATIVE POST AUDIT

March 28, 1991

To: Education Committee
Re: HB 2163

People are not for hitting!

This legislation requires school districts to adopt a progressive statewide policy that prohibits the use of corporal punishment on school children. Corporal punishment is prohibited in child care centers, foster homes and state institutions. Why should we allow it in schools?

We need to teach today's children to be confident and build their self-esteem. The eradication of violent behavior is a widely held community value. Our teachers and school administrators need to employ positive measures of punishment to ensure a healthy learning environment, not reinforce behavior we would like to eradicate.

A letter from one of my constituents said it better.

Dear Joan,

Thank you, thank you, thank you for sponsoring bill # 2163 re: ban on corporal punishment in schools. Over and over again the kids I work with at Capital City can tell horror stories of being hit in front of their classmates and the humiliation that caused. Not once can they tell me what they had been doing to "deserve" the punishment. They learn to fear/hate the teacher, but they don't learn whatever point the teacher was attempting to make.

Sincerely
Vicki George

I would urge your favorable consideration.

EDUC
3/28/91
All

KATHLEEN SEBELIUS
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TOPEKA

HOUSE OF
REPRESENTATIVES

CHAIR: FEDERAL & STATE AFFAIRS
MAJORITY PARTY CAUCUS
MEMBER: ARTS & CULTURAL RESOURCES
JUDICIARY
SENTENCING COMMISSION

TO: Senate Education Committee
FROM: Representative Kathleen Sebelius
DATE: March 28, 1991
RE: HB 2163

Thank you for giving me the opportunity to appear in favor of H.B. 2163 on abolishing corporal punishment in Kansas schools. Following are some of the basic reasons for establishing this state policy.

1. Physical punishment is not allowed in mental hospitals, foster homes, child care facilities, the military or prisons. It is time to ban physical punishment in our schools.

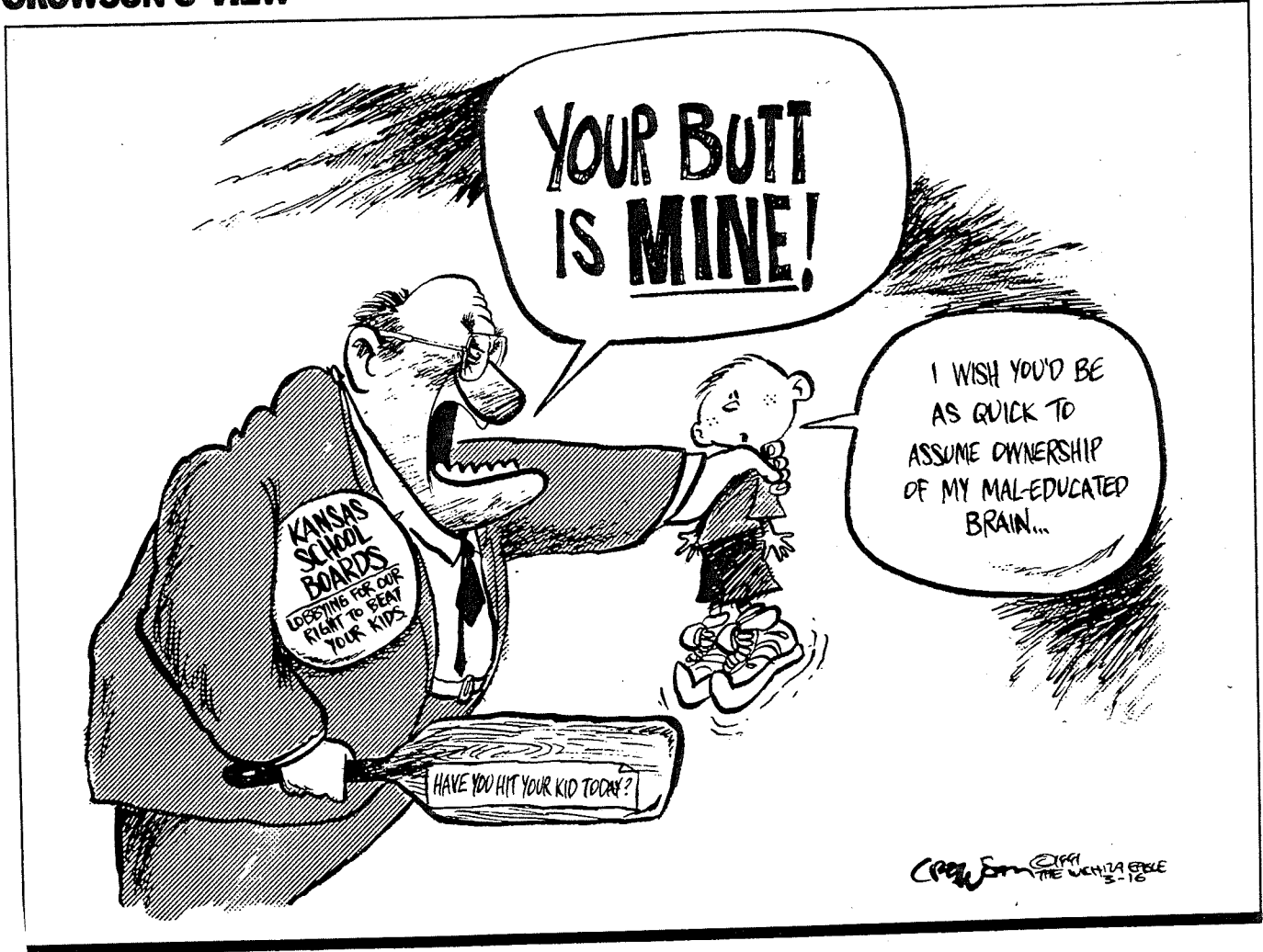
2. Local option is superceded by the state in many areas of school decisions: text books, curriculum, days in the school year and age of attendance. Surely the physical and psychological safety of our students is an issue that merits the same statewide policy considerations.

3. Local districts are risking considerable liability exposure with the continuation of this policy. Since a large amount of local school funding comes from the state, there is a compelling fiscal reason to prohibit this precarious legal arena.

4. Most importantly, children should be protected from physical abuse from their parents, from strangers, from teachers. If we, as a state, are serious about trying to change attitudes about physical punishment and violence, then children should not learn that it is OK for teachers to hit them in school.

EDUC
3/28/91
A12-1

CROWSON'S VIEW



EDUC
3/28/91
A12-2

Senate Committee March 27, 1991
Arthur Cherry, M.D.

Why Should the State of Kansas abolish corporal punishment in the Public Schools?

What is it? Corporal Punishment is punishment which employs the deliberate infliction of pain. Examples include striking with a hand, paddle or other instrument; excessive discomfort such as forced standing or confinement in an uncomfortable place; or forcing to eat obnoxious substances.

It is not: force or physical restraint used to protect from physical injury, obtain possession of a weapon or protect property from damage.

Where is it legal?

The United States is one of the few countries which still allow corporal punishment in public schools. Others include Iran, Uganda, parts of Australia, Canada and New Zealand. Kansas Law allows the local school board to use corporal punishment at their discretion.

Where is it not legal?

Corporal Punishment is banned by law in other countries and 21 states including our neighbors of Nebraska, Iowa, Minnesota and North Dakota. 140 school districts in Kansas including Topeka, Kansas City and Wichita have banned corporal punishment.

Is Corporal Punishment used?

There were over a million recorded cases in the U.S. in 1985-86. The actual incidence is probably 2 - 3 times that. We have documented reports of corporal punishment in Kansas Schools.

What other state institutions in Kansas allow corporal Punishment? Corporal punishment is not allowed in mental hospitals, the military, in prisons, foster homes or any facilities under the supervision of SRS. The only state institution in Kansas which allows corporal punishment is the public school.

Does abolishing corporal punishment mean no discipline?

It absolutely does not. Our responsibility as physicians, psychologists and educators is to help educators and parents teach children acceptable behavior using methods which are not harmful.

EDUC
3/28/91
A13-1

What is wrong with corporal punishment?
(documented in attached references)

1. Approval of corporal punishment teaches school children to use physical violence to control behavior. We are showing children that people in authority whom children respect and even love have not only a right but a duty to inflict pain to get desired results. Children who grow up in such an atmosphere become angry, frustrated adults who become violent and defy authority.

2. Corporal Punishment impairs the responsible development of children, interferes with learning, and increases vandalism and student aggression in schools. Learning does not occur in an atmosphere of fear of pain.

3. There is no moral justification for decriminalizing acts of physical force against a child when using force against an adult constitutes battery.

4. Data shows that corporal punishment is directed against the most vulnerable. The smallest children, those who live in poverty, those who have learning problems, and those who belong to racial minorities are punished in greater numbers.

5. Due process is denied. One person can judge that an offense has been committed, sentence the offender to punishment and execute the punishment. No one else in our society is denied due process.

6. Better alternatives exist. Most teachers never use corporal punishment. 90% is inflicted by only 5% of educators. The rest use methods of modifying behavior which are effective and do not result in traumatic stress. Our schools need to teach effective discipline techniques to parents and children.

What about "local option"?

Although it is important for local school districts to have the option to adapt their schools to local conditions, the State of Kansas needs to make a strong statement that hitting children in school is not an option.

What about a penalty?

We are only concerned that the state and its educational system make a statement which endorses effective and proper forms of discipline of school children and says that corporal punishment is wrong.

EDUC
3/28/91
A13-2

What other Kansas organizations support this position?
The Children's Coalition which includes the among others the
Kansas Chapter, American Academy of Pediatrics; Kansas NEA,
Kansas Child Abuse Prevention Council, and Kansas Association
of School Psychologists.

What state organization wants to continue corporal
punishment? The only opposition heard is from the Kansas
Association of School Boards.

References Hyman I, Wise, J: Corporal Punishment in American
Education Philadelphia: Temple University Press. 1979
Gil, David: Violence against Children. Cambridge
Massachusetts: Harvard University Press
Gordon, T: Teacher Effectiveness Training. New York, Wyden
1970
Taylor, L: Think Twice: The Medical Effects of Physical
Punishment. Berkley, CA. Generation Books 1985

Material on Discipline and Classroom Management is available
from The National Education Association Public Library P.O.
Box 509, West Haven, CT 06516.

EDUC
3/28/91
A13-3

CHILDREN'S COALITION

P.O. Box 5314
Topeka, Kansas 66605
913-232-0543

TESTIMONY BEFORE SENATE EDUCATION COMMITTEE

MARCH 28, 1991

RE: HB 2163 PROHIBITING CORPORAL PUNISHMENT

I am Sydney Karr, representing the Children's Coalition. The Children's Coalition was organized in 1984 to increase the power of children by joining many different voices into one strong, united voice. Currently, there are fifty-one member organizations.

The Coalition focuses its energies in five areas: **BASIC SURVIVAL NEEDS; ACCESS TO QUALITY HEALTH CARE; EDUCATION FOR FAMILIES AND CHILDREN; LEGAL RIGHTS FOR CHILDREN; AND PREVENTION AND INTERVENTION.**

This year, in the area of Legal Rights for Children, the Children's Coalition has chosen the elimination of corporal punishment in schools as its top priority.

Out of all the possible and worthy issues concerning children's rights, the elimination of corporal punishment in schools was chosen.

Our process of establishing priorities is not dissimilar to yours as you weigh competing interests and concerns. It is noteworthy that member groups of the Coalition from the areas of child health, child safety and abuse, education and child care all perceive this issue to be paramount. Coalition members agreed that the elimination of corporal punishment in schools is an important public policy position for Kansas. We feel it carries an important message about children and an important message to children.

The Children's Coalition urges you to act favorably on HB 2163.

EDUC
3/28/91
A14-1

CHILDREN'S COALITION MEMBERSHIP, 1991

American Association of University Women
CPC Great Plains Hospital
Catholic Health Association of Kansas
Catholic Social Services of Kansas City
Catholic Social Services of Topeka/Therapeutic Foster Care
Children's Mercy Hospital of Kansas City
Church Women United
Community Services Center, Inc.
Early Childhood Development Center
The Farm, Inc.
Ozanam Home for Boys
Junior League of Topeka
Kansas Chapter of American Academy of Pediatrics
Kansas Action for Children, Inc. (KAC)
Kansas Association of Child Care Workers (KACCW)
Kansas Association for the Education of Young Children
Kansas Association of Licensed Private Child Care Agencies
Kansas Association of Local Health Departments
Kansas Association of School Psychologists (KASP)
Kansas CASA Association (KCA)
Kansas Child Abuse Prevention Council (KCAPC)
Kansas Child Support Enforcement Association
Kansas Children's Service League (KCSL)
Kansas Division of Early Childhood Education
Kansas Kids
Kansas—National Education Association
Kansas National Organization for Women
Kansas State Head Start Directors Association
Kansas State Nurses' Association (KSNA)
Kansas Trial Lawyers Association (KTLA)
Keys for Networking
League of Women Voters of Kansas (LWV)
March of Dimes of Kansas City
March of Dimes Birth Defects Foundation
Martin Luther King Urban Center
Mental Health Association in Wyandotte County
Perinatal Association of Kansas (PAK)
Public Assistance Coalition of Kansas (PACK)
Reno County Youth Services
Roots & Wings, Inc.
S.O.S.
Shawnee Mission Medical Center
Temporary Lodging for Children, Inc.
The Shelter, Inc.
The Wichita Children's Home
Topeka Day Care Association
United Methodist Youthville, Inc.
K.U. Social Work Student Group
Wichita Association for the Education of Young Children



HAPPY BIRTHDAY
to the 104 children
born in Kansas
today!

P.O. BOX 5314, TOPEKA, KANSAS 66605 • 913-232-0543

EDUC
3/28/91
A14-2

CHILDREN'S COALITION

ADVOCATES FOR KANSAS CHILDREN

The mission of the Children's Coalition is to see that the basic needs of all children in Kansas are met by their families and/or their communities.

For 1991, the Coalition has targeted 27 needs within five basic areas which are not being met for Kansas children, as follows:

BASIC SURVIVAL NEEDS

REINSTATE THE 7.5% CUT IN AFDC GRANTS

- Add additional income-eligible child care slots
- Increase the reimbursement rate for child care providers
- Maintain the General Assistance program
- Index AFDC payments to inflation
- Pass a 3-year plan for AFDC grants to reach the "minimum need level"
- *Increase affordable housing for families
- *Act on the evaluation of KANWork

ACCESS TO HEALTH CARE

PROVIDE ADEQUATE FUNDING TO PROVIDE ALL NECESSARY IMMUNIZATIONS FOR CHILDREN

- Expand the adolescent health care program
- Add state money to expand the WIC program
- Expand the Maternal and Infant program statewide
- Expand Medicaid eligibility
- *Explore issues of access to health care, especially in rural areas
- *Provide health care to all children on a non-discriminatory basis

LEGAL RIGHTS

REMOVE CORPORAL PUNISHMENT FROM SCHOOLS

- Increase funding to enforce standards for child care
- Allow families to receive special health or mental health services for their children without relinquishing custody
- *Evaluate the child support collection program
- *Provide assistance to those adopting special needs children

PREVENTION/INTERVENTION

ASSIST SPECIAL NEEDS CHILDREN, ESPECIALLY **—FUND EARLY INTERVENTION FOR CHILDREN 0-2 WITH DISABILITIES** **—INCREASE FUNDING FOR FAMILY PRESERVATION SERVICES AND PROVIDE ADEQUATE FUNDING FOR FOSTER CARE INTERVENTIONS**

- Provide respite care for families with special needs children
- Develop a state family and medical leave policy

EDUCATION FOR FAMILIES AND CHILDREN

EXPAND PARENT EDUCATION PROGRAMS INCLUDING PARENTS AS TEACHERS AND HEALTHY START

- *Add state money to expand Head Start
- *Evaluate and expand the At-Risk Pupil Assistance grant programs

*Active research and study areas

EDUC

3/28/91

A14-3

KSNA

the voice of Nursing in Kansas

FOR MORE INFORMATION CONTACT:

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Executive Director
Kansas State Nurses' Association
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(913) 233-8638

March 28, 1991

H.B. 2163 - ELIMINATION OF CORPORAL PUNISHMENT IN KANSAS SCHOOLS.

Chairman and members of the Education Committee, my name is Terri Casey, ARNP, and I am an advanced registered nurse practitioner representing the Kansas State Nurses' Association.

Today, I am here on behalf of the Kansas State Nurses' Association to support House Bill 2163. The association has a formal position statement adopted by the KSNA membership at their annual meeting. A copy of that position statement is attached for your review. Corporal punishment should not be used as a means of disciplining students in Kansas schools. Schools are the only institution in America in which striking another person is allowed and condoned. It is not allowed in prisons, the military, nor in mental hospitals. As healthcare advocates we are concerned about the public policy statement that is reflected when such conduct is condoned.

We believe that the local control issue is important, but the public policy statement abolishing corporal punishment is of greater significance.

Corporal punishment brings with it the threat of uncontrolled violence. "Injuries occur, bruises are common. Broken tailbones, fingers, and other injuries are not unusual," (National Coalition to Abolish Corporal Punishment in Schools). Cases have been documented in which children have been roped together and tied to the teacher's motorcycle and dragged about the parking lot. A second grade boy had his nose slammed down onto a desk so hard that it was broken. More than one pre-schooler has been beaten to death for being unable to attend to the ABC's.

There have been seven deaths in this country as a result of school inflicted corporal punishment. Two deaths occurred in 1986; one, a kindergarten girl in 1985 (National Coalition to Abolish Corporal Punishment in Schools, p.3).

Research has shown that children learn by modeling adults behavior especially those whom they are most dependent upon. The use of corporal punishment does not teach children self-discipline. Corporal punishment does teach children that violence is socially acceptable. How can we ever hope that child abuse will be eliminated when it is a legally and socially sanctioned procedure in American Schools. We say that the United States is the greatest country of all. Yet, we are only one of four countries in the developed world that continues to allow teachers to hit children.

Kansas State Nurses' Association • 700 S.W. Jackson, Suite 601 • Topeka, Kansas 66603-3731 • (913) 233-8638

Constituent of The American Nurses Association
Joan Sheverbush, M.N., R.N., C.—President • Terri Roberts, J.D., R.N.—Executive Director

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3/28/91

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Currently, 20 states and over 21 countries have banned corporal punishment. We would encourage Kansas to be one of the states promoting a better and healthier form of discipline with the elimination of corporal punishment.

I would like to leave you with a poem to reflect on:

- A child hits a child
and we call it aggression.
- A child hits an adult
and we call it hostility.
- An adult hits an adult
and we call it assault and battery.
- An adult hits a child
and we call it discipline.

Gnott
(Paper by Norris E. Class)

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3/28/91
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Kansas State Nurses' Association Statement Against the Use of Corporal Punishment in Kansas Schools

Corporal punishment should not be used as a means of disciplining students in Kansas schools. Research has shown that children learn by imitating adults' behavior, especially those whom they are most dependent upon. The use of corporal punishment by adults is likely to teach children to use physical violence to control behavior rather than rational persuasion, education, or intelligent forms of reinforcement. Corporal punishment intended to influence desirable responses may create in the child the impression that he or she is an undesirable person. This impression lowers self-esteem and may have chronic consequences.

Nurses, in conjunction with Boards of Education, national and state education associations, and local affiliates must work toward developing policies and standards which will provide alternative methods of discipline within schools in order to promote effective physical, emotional, and social growth of children in Kansas. Educational programs should be developed which would provide knowledge of the alternative disciplinary techniques and their benefits to administrators, teachers, educational support personnel, and parents. Such programs should be supported by and attended by nurses, especially school nurses. Nursing's assistance with the development of such policies, standards, and programs and their support should be accomplished through formal and informal relationships, between nurses and persons/groups within the educational community.

The Kansas State Nurses' Association supports the prohibition of corporal punishment as a means of discipline in Kansas schools, public and private.

Maternal/child nurses, school nurses, public health nurses, psychiatric nurses and nurse educators should work with state legislators to educate them to the negative impact of the use of corporal punishment on children and to the availability of more positive alternative disciplinary techniques. Nurses should work with other child advocacy groups such as Kansas Children's Coalition, Kansas Action for Children, Kansas Children's Service League, and Kansas Child Abuse Prevention Council, via intensive lobbying and presenting testimony to support the establishment of a Kansas statute which would address the use of corporal punishment in Kansas schools. Also by ensuring public knowledge of specific abuse instances related to allowing corporal punishment in schools, nurses will heighten public awareness of the need for changing disciplinary techniques in schools and will potentiate the necessary legislative changes.

Prepared by the Parent/Child Conference Group October 1990
Adopted by the KSNA Convention Body October 1990

Resources:

Class, Norris E. and Norris, Shirley. "Prohibition of Corporal Punishment in Day Care Centers in the United States." A paper presented at the National Association for Education of Younger Children Annual Conference in Los Angeles, November 1984.

Class, Norris E. "A Policy Planning Paper on Issues in the Prohibition of Corporal Punishment on Child Day Care Licensing Standards." Presented at the National Association of Education for Young Children in Detroit, Michigan, November 1981.

Corporal Punishment in Schools: Its use is Abuse. Cryon, John R., Editor. The University of Toledo College of Education and Allied Professions. 1981 Educational Comment.

National Education Association present guidelines and regulations. pg. 221.

Kansas - NEA present guidelines and regulations. Subsection C-8, Discipline.

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3/28/91
A15-3



HB 2163: PROHIBITING CORPORAL PUNISHMENT

Testimony presented before the Senate Education Committee
by
Brilla Highfill Scott, Associate Executive Director
United School Administrators of Kansas

March 28, 1991

Mister Chairman and Members of the Senate Education Committee:

United School Administrators of Kansas supports HB 2163 which requires that school boards, prior to January 1, 1992, adopt a policy prohibiting corporal punishment in the schools. We appreciate the provisions of the bill which allow the school employee to protect him/herself and other students in volatile confrontations.

Today building-level administrators have access to support personnel (counselors, school psychologists, social workers, nurses, teachers, and special education staff) who can assist with positive interventions. Many districts have in-school suspension rooms and provide alternative schools for their non-traditional students.

Physical punishment of students models socially unacceptable ways for solving problems. United School Administrators supports your favorable action on this bill.

(t:hb2163.sen)

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3/28/91
A16



STATE OF KANSAS

CHILDREN AND YOUTH ADVISORY COMMITTEE

SMITH-WILSON BLDG.
300 S.W. OAKLEY
TOPEKA, KANSAS 66606-1898

(913) 296-2017

KANS-A-N 561-2017

TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE
Senator Joseph Harder, Chairperson
HB #2163 - March 28, 1991

Mr. Chairman and members of the committee, thank you for the opportunity to testify today. My name is Doug Bowman, and I represent the Children and Youth Advisory Committee.

In preparing our planning document, "Toward The Year 2000", we gathered information from many different sources. We found a growing consensus to abolish corporal punishment from schools. More people are recognizing the indirect effects of paddling our students. When adults role model the use of force to control behavior, the message to our young people is: "Might makes right".

We have an opportunity to make a positive impact upon the well-being of our children without expending any of our scarce fiscal resources. No job is more demanding, or more important, than teaching. Educators need access to every tool that furthers the learning process. The paddle is not such a tool. Corporal punishment should be abolished in every Kansas school.

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3/28/91
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NATIONAL ORGANIZATIONS THAT OPPOSE
CORPORAL PUNISHMENT IN SCHOOLS

Action for Child Protection
American Orthopsychiatric Assoc
American Civil Liberties Union
American Humanist Assoc
American Medical Assoc
American Public Welfare
American Prosecutors Institute
American Humane Assoc
American Assoc for Counselling
and Development
American Academy of Pediatrics
SCAN Assoc
American Bar Assoc
American Public Health Assoc
American Psychological Assoc
Americans for Democratic Action
Assoc of Junior Leagues
Assoc for Childhood Education
International
Assoc for Humanistic Education
Boys Clubs of America
Camp Fire, Inc.
Child Abuse & Family Violence
Child Welfare League
Childhelp USA
Children's Defense Fund
Council for Exceptional Children
Friends Comm. on National Legislation
General Federation of Women's Clubs
C. Henry Kempe national Center for
Prev and Treatment of Child Abuse
and Neglect
National Black Child Development
Institute
National Council of Teachers of
English
National Education Assoc
National Crime Prevention Council
National Assoc of Social Workers
National Child Abuse Coalition
National Assoc for Advancement
of Colored People
National Council of Jewish Women
National Mental Health Assoc
National Indian Education Assoc
National Assoc of School Psychologists
National PTA
National Exchange Club
Network of Runaway & Youth
Parents United
Parents Anonymous
Society for Adolescent Medicine
Unitarian Universalist Assembly

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1176 Warren, Topeka, Kansas
66604

Testimony of William J. Lucero
To Senate Education Committee
In support of HB 2163
March 28, 1991

Mr. Chairman and Members of the Committee:

I am Bill Lucero, State Coordinator of the Unitarian Universalist Service Committee Unit of Kansas, speaking in favor of passage of House Bill 2163. I also address you as a psychologist at the Youth Center at Topeka. (Parenthetically, I am not speaking on behalf of the Youth Center or S.R.S., but rather as a concerned children's advocate.)

Every day I am part of a delivery system that works with some of the most angry and disturbed teenage boys in the state. These fellows attend our institutional Lawrence Gardner High School. Corporal punishment is not only prohibited; it is considered absolutely detrimental to any form of therapeutic process we are trying to develop with these guys.

Let me explain. All adolescents who are assigned to my primary caseload upon admission to YCAT have been classified as violent offenders. They are adjudicated of such crimes as murder, aggravated robbery, aggravated battery, kidnapping, rape, etc. After a few weeks of orientation, these students are given personality inventories which include past history questionnaires. To the question, "Have you ever been abused?", approximately 90% will answer, "No."

Later when I ask how they were disciplined, nearly all will reveal that they were beaten with boards, whips, belts, cords, switches and/or paddles. Some show me scars left by hot lighters or cigarettes. Very few consider these measures abusive, but rather as just the way they were raised. And from the violence inflicted on them, they have learned violence as a way of life. I do not maintain that every child ever struck will become a criminal. But I will maintain the number of criminals or delinquents who were not battered children is close to zero.

Legislators and reporters constantly reveal their frustrations with the juvenile justice system. Concerned over having to make room in the front door, we have to shove others out the back, frequently much sooner than we would like. Later, we often hear that they have committed more violent crimes as adults, and we

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3/28/91
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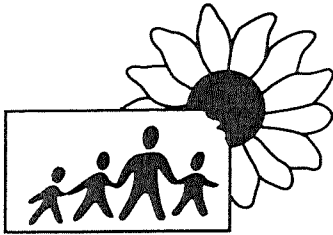
Testimony, William J. Lucero
Page 2

wonder why, in their few months stay, we can't undo the violent histories and attitudes with which these kids entered. As you are too well aware, we don't have the money or resources to work with these guys longer.

But we can do something. One good way to begin is to end the legitimization of hitting kids in the schools. The availability of corporal punishment in school sends a clear message to parents that hitting kids is okay. And as I earlier indicated, when these guys were hit, they later found a way to hit back.

Of course, by prohibiting corporal punishment in schools, we won't end child abuse in this state. But we will make a strong statement that we have no tolerance for it. Don't we owe our kids and ourselves this much?

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KAEYC

Kansas Association for the
Education of Young Children

Testimony on House Bill 2163
Presented to the
House Education Committee

by

Diane Purcell

Representing

The Kansas Association for the Education of Young Children

1611 Plass

Topeka, Kansas 66604

Ph. 913-232-8738

My name is Diane Purcell. I represent the Kansas Association for the Education of Young Children, (KAEYC) an organization of over 1000 members who nurture, educate and protect thousands of Kansas children who are in care away from their parents for part or all of the day.

Since 1951 the state of Kansas has had a policy of prohibiting corporal punishment in child care settings. Physical punishment has been continuously prohibited in child care centers, residential facilities, and family foster homes through licensing regulations promulgated by the Kansas Department of Health and Environment, and after a ten year hiatus, the prohibition was reinstated for day care homes and registered family day care homes in February, 1990.

Members of KAEYC have consistently supported the regulations banning corporal punishment because they believe that such punishment is not in the best interests of children. It is demoralizing, humiliating, and frightening, and has the potential for inflicting both physical and emotional harm. In addition, there are no reputable academic studies which support corporal punishment as an effective learning or disciplinary tool. Child Care providers have successfully demonstrated that other methods of behavior management appropriate to the age of the children enrolled can be effective means of discipline.

The state mandates other measures which protect children in public school settings including safe construction of the school buildings, adequate fire protection, and current immunizations. KAEYC believes that the state should extend to these same children protection against corporal punishment.

KAEYC supports the passage of HB 2163.

EDUC
3/28/91
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Testimony before the
Senate Education Committee
in Support of HB 2163

March 28, 1991

**Kansas
Child Abuse
Prevention Council**

715 West 10th Street
Topeka, Kansas 66612
(913) 354-7738

428 S. Broadway, Suite 204
Wichita, Kansas 67202
(316) 262-8434

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Great Bend

EXECUTIVE DIRECTOR
James McHenry, Ph.D.

KCAPC is proud to join many other organizations in support of HB 2163. We believe that Kansas should join the 21 other states in our nation that have moved to abolish corporal punishment in their public schools. As a state with an international reputation for pioneering our understanding of mental health, it behooves us to bring our discipline practices into line with what available research confirms about the benefits of positive discipline.

The most eloquent spokespersons for this point of view are individual teachers. I attach to my testimony a recent letter and information I received from Ms. Kim Desmarteau, an elementary school teacher in a small school just south of Hays. According to Kim, a significant number of the students she works with are considered at-risk. She believes strongly that her district's positive discipline plan has worked to the advantage of everyone.

I would also draw the Committee's attention to the remarks of Shawnee Heights USD 450 Superintendent Stephen McClure. In recommending to his Board on February 4, 1991 a ban on corporal punishment, Mr. McClure noted that some insurance companies won't write insurance for school districts that allow corporal punishment. We understand that Ins. North America (INA) is one such firm.

We believe the testimony of these two Kansas educators illustrates the reasons why the staff of the Kansas Association of School Boards routinely advise school districts to ban corporal punishment for both philosophical and liability reasons.

KCAPC believes that all school children in Kansas deserve the benefits of positive discipline policies already in existence in the 92 districts that have moved to ban corporal punishment. If the study of Kansas History can be mandated, then it is not unreasonable to suggest that a mandate banning an outmoded and potentially harmful form of punishment is similarly in society's interest. Arguments based upon the notion of "local control" should, in this instance, take a back seat to the pursuit of effective methods of positive discipline.

We thank the sponsors of HB 2163, and we urge the Senate Education Committee to recommend the measure favorably.

Testimony submitted by James McHenry, Ph.D.
Executive Director

KANSAS AFFILIATE, NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE
and PARENTS ANONYMOUS, INC.

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RECEIVED FEB 2 1991

Schoenchen Elementary School
Schoenchen, Kansas 67667
(913) 625-5391

Feb. 22, 1991

Dear Dr. McHenry,

I enjoyed visiting with you on your recent trip to Hays. Enclosed you will find a copy of the Behavior Contract we use in our school. Our policy is that student, teacher, and principal sign the contract for each problem and then every third contract requires parent involvement. We use this as part of our Positive Discipline Plan. By using this contract, we hope to make students aware of their behavior problems and help them become more self-disciplined.

I do believe that as educators, we send a mixed message to children and adults, if we allow corporal punishment to be used in our schools and then instruct our students about child abuse. I do affirm that teachers and administrators can use positive discipline methods to make an effective example to children and parents.

Enclosed you will also find a copy of our U.S.D. 489 Policy on Discipline. Our policy states: "Paddling or other corporal punishment is not to be used as a corrective measure."

Thank you for the opportunity to share my experiences with you. I would be honored to assist with testimony concerning this corporal punishment issue. In addition, I have visited with my Principal and Superintendent and both are in favor of my possible testimony and support of this important issue for all Kansas children. Please let me know if I can be of any further help now or in the future.

Sincerely,

A handwritten signature in cursive script that reads "Kim Desmarteau".

Kim Desmarteau

EDUC
3/28/91
A20-2

BEHAVIOR CONTRACT

NAME: _____ Date: _____

Please answer the following questions as honestly and carefully as possible. Use complete sentences.

1. Where and when did the problem happen? _____

2. Who was involved? _____

3. Explain what happened during the incident. _____

4. Did your behavior break our class rules? _____

Which one(s)? _____

5. Did your behavior help you or anyone else? _____

6. What steps do you think should be taken as a result of this problem? _____

7. How do you plan to change the problem and your behavior?

Student's Name/Date

Parent's Name/Date

Teacher's Name/Date

Principal's Name/Date

EDUC
3/28/91
A20-3



SECTION III

PUPIL PERSONNEL

3.100 ROLE OF THE PROFESSIONAL STAFF IN PUPIL PERSONNEL ADMINISTRATION

3.110 DISCIPLINE

3.111 Introductory Statement

The Board of Education recognizes that corrective measures are sometimes essential to maintain an atmosphere conducive to learning in our schools. It will be the practice in the District to administer discipline that is student welfare oriented.

The professional staff is expected to maintain a positive approach in aiding students in their development of acceptable behavioral patterns. The Board affirms the competency of teachers in administering the classroom effectively and reinforces the concept that the individual teacher is not only capable of handling matters of discipline, but is the person most likely to have the best judgment concerning the type of discipline necessary in a given situation.

The Board realizes that fairness, consistency, and mutual support of the entire professional staff in its treatment of student misbehavior are major factors in the maintenance of acceptable student behavior. Whenever disciplinary action is taken to correct a student's behavior, such action will be supported by all professional staff members and the Board of Education so long as this action is not cruelly harsh or outside the guidelines set forth in the Board of Education Policies or unless the action is appealed and replaced with a more appropriate disciplinary action. (Adopted 5/9/81)

3.112 Specific Corrective Action

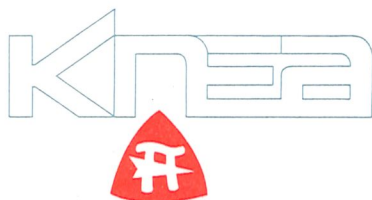
The following are guidelines for the professional staff in the employment of corrective actions:

EDUC
3/28/91
A20-4

- A. **Deprivation of privileges.** This form of discipline is encouraged. It is particularly encouraged when the student has developed a pattern of repeating minor offenses.
- B. **Detention.** After school detention is encouraged, however, parents are to be notified before a student is kept after school. The building Principal will determine supervisory responsibilities when detentions are assigned.
- C. **Parent-School Conferences.** The need of close cooperation between the parent and the school is obvious. This type of communication is highly encouraged. When the Principal or teacher becomes concerned that the student is developing a potentially serious behavioral problem, the parent-school conference should be held. Ideally, the parent would be informed of all accomplishments and/or problems experienced by the student. However, parents should not expect a report on each and every problem that arises.
- D. **Restitution.** When a problem of destruction of property is noted, restitution is highly recommended.
- E. **Suspensions.** Student suspension procedures will be conducted in accordance with K.S.A. 72-8901--06 together with any amendments thereto.
- F. **Restraint.** The District fully recognizes that in some instances the use of special restraint or force may be necessary to prevent injury to the students or teachers, and to protect District property or maintain a good learning environment. Nothing in this policy is to be construed as limiting that use of force or restraint.
- G. **Corrective Measure.** Paddling or other corporal punishment is not to be used as a corrective measure.
- H. **Other Forms of Discipline.** The professional staff is encouraged to develop other effective means of correction within the following guidelines:
 1. All methods of discipline should refrain from promoting an attitude unfavorable to academic or other school work.

2. The academic grades are not to be lowered as a punitive measure for disciplinary reasons.
 3. Methods of discipline that would tend to ridicule the student are not permitted.
- I. **Specific Corrective Action.** Each building Principal shall develop rules of conduct for students on an annual basis. These rules of conduct shall be made available to all students and parents. (Revised 1/15/90)

EDUC
3/28/91
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Craig Grant Testimony Before The
Senate Education Committee
Thursday, March 28, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about HB 2163.

Kansas-NEA supports HB 2163. At our Representative Assembly in April of 1989, our delegates overwhelmingly added the following paragraph to our resolution on discipline:

K-NEA further believes that corporal punishment should not be used as a means of disciplining students.

When added to the preceding paragraph and the paragraph after, one can get the true flavor of our position. The three paragraphs state:

Kansas-NEA believes discipline is essential in promoting optimum learning in the school, and K-NEA recognizes the concern for the discipline problem.

K-NEA further believes that corporal punishment should not be used as a means of disciplining students.

K-NEA also believes that boards of education, in conjunction with local affiliates (teachers' associations), should develop policies which would provide necessary administrative support to the teacher for the maintenance of a positive learning environment.

In essence, our local delegates believe that the local boards should be able to exercise local control in developing policies on discipline, but that those policies should not include hitting children.

Because of our policies, Kansas-NEA supports HB 2163 and hopes the committee acts favorably on the bill.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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

ROBERT T. STEPHAN
ATTORNEY GENERAL

March 28, 1991

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

Senator Joseph Harder, Chair
Senate Education Committee
Room 143-N, State Capitol
Topeka, Kansas 66612

RE: House Bill 2163

Dear Senator Harder:

On behalf of my Victims' Rights Task Force, I encourage your support of House Bill 2163 which prohibits corporal punishment in all school districts.

According to the National Association of Social Workers, corporal punishment permits violence and aggression as a method of problem solving. These actions are performed by teachers who are the role models of the children. Children are reinforced to use physical violence to resolve conflicts.

Corporal punishment is a quick response to a behavioral problem, but it has short-term effects. Children punished physically do not learn how to act or behave in a positive manner.

Children in Kansas have a right to education without being subjected to physical violence or aggression. Corporal punishment should be banned in all school districts in Kansas. House Bill 2163 will allow this to take place.

Sincerely,

Robert T. Stephan
Attorney General

RTS:mr

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