

Approved April 12, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

11:00 a.m. ~~pm~~ on Friday, April 5, 1991 in room 527-S of the Capitol.

All members were present except:

Senator Anderson, excused
Senator Steineger, 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:

HB 2163 - School districts, corporal punishment prohibited.

Opponents:

Mr. John Koepke, Executive Director, Kansas Association of School Boards
Ms. Jacque Oakes, Schools for Quality Education
Mr. Rex Fuller, Administrator, Knollwood Baptist School, Topeka

After calling the meeting to order, Chairman Joseph C. Harder recognized Mr. John Koepke, Executive Director, Kansas Association of School Boards. Mr. Koepke explained that HB 2163 is a bill which requires school boards to adopt policies abolishing corporal punishment. Mr. Koepke stated that the Delegate Assembly of his organization has "overwhelmingly reiterated its position that the issue of corporal punishment in the public schools is one that is best determined by local boards of education and not by state statute".

Should the Committee decide to pass HB 2163, Mr. Koepke said, he is recommending consideration of amendments to HB 2163 as described in his written testimony found in Attachment 1.

Mr. Koepke pointed out that to his knowledge no school board member has ever personally paddled a school child under any school district policy of which he is aware, and no school board has ever required an employee to paddle a child or compelled them to do anything other than allow employees to exercise their professional judgment on that issue.

Mr. Koepke objected to the fact that the bill requires school boards to adopt policies regarding corporal punishment and that they also must adopt, prior to January 1, 1992, a method of discipline for those who violate such policy. Mr. Koepke noted that this date creates some time problems, for if, as some people believe, the discipline of employees is a mandatorily negotiable item, the date for this negotiation issue to occur this year has lapsed.

Mr. Koepke noted that to his knowledge, this is the first time the corporal punishment issue has come before the legislature.

During Committee questioning, Mr. Koepke responded that the Kansas Association of School Boards does not believe HB 2163 is necessary. He also replied that the amendments which he has recommended to the Committee would return the bill to its original form as proposed by the sponsors of the bill.

In further response Mr. Koepke informed members of a survey his organization has conducted relating to corporal punishment. Of 253 districts which responded, he continued, 92 school districts indicated they had abolished corporal punishment by local school district policy; and these 92 school districts represent 49 percent of the school children in the state.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 527-S, Statehouse, at 11:00 ~~xx~~ a.m./p.m. on Friday, April 5, 1991

Responding to a question relating to decreased insurance rates for districts which abolish corporal punishment, Mr. Koepke replied that he does not think the insurance costs would be less, because many school district liability policies have an exclusionary clause for corporal punishment. He said he is not aware of any suit that has been filed in Kansas relating to corporal punishment, but such suits have been filed in other states.

The Chair next recognized Ms. Jacque Oakes, an opponent representing Schools for Quality Education. Ms. Oakes said she reaffirms the testimony presented by Mr. Koepke and stated that Schools for Quality Education agrees with the amendments recommended by Mr. Koepke. (Attachment 2) She then related that in her experiences as president of the school board at Yates Center, the board continues to vote to retain the option of using corporal punishment if necessary. In reality, she said, corporal punishment has been used in her district perhaps three times over the past seven years, as the district has a very stringent policy on this matter.

The Chair informed members that Mr. Rex Fuller, Administrator of the Knollwood Baptist School in Topeka, who also had intended to testify when the bill was heard originally, had been contacted regarding today's meeting but was out of town. He said Mr. Fuller's written testimony has been distributed to the Committee (Attachment 3).

When the Chair asked the Committee's pleasure, Senator Langworthy moved that HB 2163 be recommended favorably for passage. The motion was seconded by Senator Walker.

Senator Montgomery made a substitute motion to hold the bill in Committee. The motion was seconded by Senator Allen, but the Chairman ruled the substitute motion had failed due to a tie vote.

When the Chair called for a vote on the primary motion made by Senator Langworthy and seconded by Senator Walker to recommend the bill favorably for passage, the Chair ruled that the motion had failed due to a tie vote.

Senator Parrish moved that the Committee adopt the amendments as proposed by Mr. John Koepke of the Kansas Association of School Boards. Senator Karr seconded this motion, but the Chair ruled that the motion failed to pass due to a tie vote.

Senator Montgomery moved that the Committee approve minutes of the meetings of April 1 and April 2. The motion was seconded by Senator Frahm, and the minutes were approved.

The Chair informed members that it may be necessary for the Committee to meet again regarding some resolutions upon which it had not yet taken action. He then adjourned the meeting.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony on H.B. 2163
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 on behalf of the member boards of education of the Kansas Association of School Boards with regard to the provisions of H.B. 2163. The issue of corporal punishment in the public schools is one that has been the subject of intense study and debate within our organization during the past year.

As a result of those discussions, our Delegate Assembly overwhelmingly reiterated our position that the issue of corporal punishment in the public schools is one that is best determined by local boards of education and not by state statute. Members of our organization who have themselves prohibited corporal punishment by policy still believe that it is an issue they should decide and not one that should be dictated by the legislature.

We find the manner in which H.B. 2163 proposes to abolish corporal punishment to be particularly offensive. If the state wishes to abolish corporal punishment by statute, it should do so directly and it should prescribe appropriate penalties for those who violate the statute. We have prepared a draft of the bill which would accomplish the goal in what we believe is the appropriate manner and it is attached to my testimony.

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It is still the view of our members, however, that this matter is one that is best left in the hands of locally elected public officials and we would ask that you report H.B. 2163 adversely. Thank you for the opportunity to express our views and I would be happy to answer any questions.

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HOUSE BILL No. 2163

By Representatives Wagon, Blumenthal, Fuller,
Pottorff and Sebelius

2-6

9 AN ACT concerning school districts; prohibiting the infliction of
10 corporal punishment upon pupils.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) No officer or employee of a unified school district
14 shall inflict, cause to be inflicted, or threaten to inflict corporal
15 punishment upon any pupil. For the purpose of this section corporal
16 punishment means the willful infliction of, the willful causing of
17 infliction of, or the willful allowance of infliction of physical pain or
18 bodily harm upon a pupil. Physical pain or bodily harm incurred by
19 a pupil during the course of athletic competition or other recreational
20 activities voluntarily engaged in by the pupil does not constitute
21 corporal punishment.

22 (b) This section does not prohibit the use of force against a pupil
23 by a school district officer or employee when and to the extent it
24 appears to such officer or employee and such officer or employee
25 reasonably believes that such force is necessary: (1) To quell a dis-
26 turbance or activity which threatens physical injury or bodily harm
27 to the officer or employee or to another person or which threatens
28 damage to property; (2) for the preservation of order or the pre-
29 ventation of conduct which substantially disrupts, impedes or interferes
30 with the operation of school or which substantially impinges upon
31 or invades the rights of others; (3) to compel obedience of an order
32 of the officer or employee or another school district officer or em-
33 ployee when disobedience of such order can reasonably be antici-
34 pated to result in disruption or interference with the operation of
35 school or in substantial impingement upon or invasion of the rights
36 of others; or (4) to obtain possession of weapons or other dangerous
37 objects within the control of the pupil.

38 ~~Sec. 2.~~ This act shall take effect and be in force from and after
39 its publication in the statute book.

ADD:

Sec. 2. The State Board of Education shall adopt rules and regulations which identify the use of corporal punishment by teachers or administrators as grounds for a complaint to the Professional Practices Commission.

Sec. 3. Upon a determination by the Professional Practices Commission that a teacher or administrator as defined in K.S.A. 72-8501 has violated the provisions of Section 1, the Professional Practices Commission may recommend to the State Board that such teacher or administrator shall have his/her teaching certificate suspended for a definite or indefinite period or cancelled.

Sec. 4.

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Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

March 28, 1991

TO: SENATE COMMITTEE ON EDUCATION

SUBJECT: H.B. 2163--PROHIBITING CORPORAL PUNISHMENT

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 92 rural schools.

We enter this written testimony in opposition to H.B. 2163 prohibiting corporal punishment in local school districts.

We believe that elected school board members should decide policy according to their own district's philosophy. Statistically, about 50% of the districts prohibit corporal punishment and 50% still continue this policy.

As we understand this bill, the inclusion of a disciplinary procedure would take in teachers and could become a negotiable item. This is a concern.

We believe that we should have the right to make this decision at the local level.

Thank you for your time and consideration.

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"Rural is Quality"

Kansas Senate Education Committee
Testimony in Opposition to HB 2163

M. Rex Fuller, Ed.D.

March 28, 1991

Mr. Chairman and Members of the Committee:

I wish to speak in opposition to HB 2163. As an educator with thirty years of teaching and administrative experience in public and private schools in Kansas, I am very concerned about the long term effects of a law of this type. I, along with every proponent of this bill, am very much opposed to child abuse. However, as a first grader, I was a victim of abuse. The school bully, who was a sixth grader, dragged me by my feet across a graveled school parking area until my favorite plaid shirt and much of my skin was in shreds. Modern teachers in the forties didn't practice corporal discipline, so the bully wasn't spanked. The last I heard of him, he was in prison. I support corporal discipline. I am not talking about corporal punishment which is administered in anger as a last resort. I believe the best way to teach a child not to touch a hot stove is to slap his hands so he will know that hot stoves cause pain. I believe a child who inflicts pain upon another child does not need to be protected from appropriate discipline. I have administered an average of fewer than one spanking per year during my career in education. However, a law that would prohibit the suggestion of corporal

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discipline would open the door to more rebellion among children. Our schools need more discipline, not less. Teachers need to know that the lawmakers of this great state are behind them as they endeavor to educate children. When they are in a crisis situation, breaking up a fight between two unruly students, they should not have to worry about being called into court facing a charge of threatening to use corporal punishment. We have all heard that children are people and people are not made for hitting. However, I am sure you agree that children need an occasional pat on the back. Once in awhile it needs to be low enough and hard enough to get their attention and help them do right. Please vote against HB 2163.

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