

Approved: 3-7-95
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Rochelle Chronister at 3:30 p.m. on February 15, 1995 in Room 519-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Dale Dennis, Department of Education
Lois Thompson, Committee Secretary

Conferees appearing before the committee: Ben Barrett, Legislative Research
Representative Tom Sloan
Christine Ross-Baze, Director, Child Care Licensing and
Registration, Bureau of Adult and Child Care
J. Kenneth Hales, Director, Sedgwick County Department of
Corrections
Anne Spiess, Kansas Association of Counties
Jacque Oakes, Schools for Quality Education
Representative Andrew Howell
Representative John Ballou
Tony White, teacher, Rose Hill Middle School
Dr. Ron Wimmer, Olathe School Superintendent
Sue Chase, KNEA
Representative Horst
Representative Bill Reardon
Joan Wagnon, former representative
John W. Koepke, KASB

Others attending: See attached list

Ben Barrett, Legislative Research discussed various aspects of the truancy issue to acquaint committee members with the general approaches states historically have used in addressing the truancy problem. (Attachment 1)

Hearings opened on **HB 2389 allowing schools to send pupils expelled or suspended to a juvenile detention facility to attend school classes.**

Representative Tom Sloan, sponsor of **HB 2389** stated many parents, school personnel and public safety officers are concerned that students who are expelled or suspended simply become problems on the streets. Utilizing the secure education resources that exist at juvenile detention centers will provide true "at risk" students a final opportunity to reassess their priorities and future. (Attachment 2) Representative Sloan shared a copy of a memo from District Judge Jean F. Shepherd supporting **HB 2389**. (Attachment 3)

Christine Ross-Baze, Director, Child Care Licensing and Registration, Bureau of Adult and Child Care testified in opposition to **HB 2389**. The Bureau of Adult and Child Care recognizes the problems the school districts have with the increasing number of juveniles ejected from school. However, inclusion into a juvenile detention center is not the answer for three reasons: 1) Currently, and for the foreseeable future, it is not possible for juvenile detention facilities to successfully carry out the mission reflected in the bill. 2) The bill will neutralize and then aggravate the measures being taken to control population in our detention centers. In fact, the inclusion of additional students will seriously exacerbate the near-critical conditions many detention centers currently face, 3) It is not in the interest of the juveniles to be placed in a maximum security juvenile

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 15, 1995.

correctional facility with the most violent and predatory offenders. (Attachment 4)

J. Kenneth Hales, Director, Sedgwick County Department of Corrections, appearing in opposition to HB 2389. He stated, "I recognize the problems the school districts have with how to service the increasing number of juveniles ejected from school. . . However, inclusion into a juvenile detention center is not the answer." (Attachment 5)

Anne Spiess, representing the Kansas Association of Counties, spoke in opposition to HB 2389. KAC's two main concerns were: 1) Mingling of children who have been expelled from school for relatively minor offenses with juvenile offenders who may be detained on felony charges, 2) Additional financial and administrative burden on the juvenile detention facilities. (Attachment 6)

Jacque Oakes representing Schools For Quality Education voiced a concern for HB 2389 in which the board of education may require a pupil with an extended term suspension or an expulsion to attend classes at a juvenile detention facility which contains other students that have experience in criminal activity. A second concern relates to the difficulty for a district to bus a student daily to a juvenile detention facility which might be some distance from the school. (Attachment 7)

Hearings opened on HB 2273 requiring school employees to report crimes occurring on school property.

Representative Andrew Howell testified in support of HB 2273. As a former Law Enforcement Officer, Representative Howell stated he had heard school faculty infer they were more worried about "PR" and public perception of a police officer in the school than about a safe learning environment where state law was enforced. (Attachment 8)

Representative John Ballou testified in support of HB 2273. Not all schools in Kansas report fights and other dangerous criminal activity in their schools to the police. Because of this, the students causing these problems are not fearful of punishment or held accountable for their actions. (Attachment 9)

Tony White, teacher, Rose Hill Middle School, stated in Kansas while there is increased violence the statute book seems to end at the schoolhouse door. Many administrators refuse to protect the kids and the learning environment. They err on the side of public relations rather than student and staff safety in reporting acts of violence in the schools. He cited examples occurring in his school building. (Attachment 10)

Dr. Ron Wimmer, Superintendent of Olathe USD 233, stated in August 1993 the Olathe school district adopted a Safe Schools Policy. The policy was adopted in cooperation with the Olathe Police to establish expectations for appropriate conduct on school premises. The policy assures students, staff, parents and the community that Olathe school officials will take proactive steps to maintain a safe environment for all. This policy requires school administrators to report to local law enforcement agencies all alleged criminal acts occurring on school property. School administrators take appropriate disciplinary action in addition to filing a report with the police department. Police officers file reports with the District Attorney for their information and subsequent action. (Attachment 11)

Sue Chase, representing Kansas National Education Association, offered comments on HB 2273, HB 2293 and HB 2359. (Attachment 12)

Hearings opened on HB 2359 concerning Kansas school safety and security act.

Representative Deena Horst, as a teacher and sponsor of HB 2359 spoke of her concern for the alarming increase in the number of and the intensity of the violent acts being committed by students in her school building and in other buildings in her community. This bill designates at least one employee as a school safety officer, requires a report to the school safety officer when an employee knows or believes an act has been committed or will be committed at school; requires school districts clearly define the procedures they will follow in such cases and the policies which pertain to school safety; requires an annual school crime report and makes a deliberate non-reporting or interference with the reporting of a violent act a Class B nonperson misdemeanor, as well as protecting those who make such reports. (Attachment 13)

Representative Reardon stated the differences between HB 2273 and HB 2359.

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Joan Wagnon, former Kansas House representative, stated her support of **HB 2359**. She had introduced a similar school safety bill in 1994.

Written testimony was received from Edward C. Redmon, Kansas State Fire Marshal relative to **HB 2293**. The State Fire Marshall's Office recognizes the safety and security issues facing schools today. They want to insure that existing fire and life safety requirements and issues do not get overshadowed or overlooked by this proposed legislation. (Attachment 14)

John W. Koepke, Executive Director, Kansas Association of School Boards, appeared in opposition to **HB 2273, HB 2293, HB 2359** and **HB 2389**. Although these bills differ in subject matter and contents, the KASB remarks on these measures are similar since they have significant reservations about each of these proposals. (Attachment 15)

Chairman Chronister presented committee members with brochures on the Sixth Annual Education Technology Fair which showcases learning through technology sponsored by the Kansas State Board of Education in cooperation with Mid-America Association for Computers in Education. (Copy filed with secretary of House Education)

A "gray card" requested by committee members listing the criteria on which the Kansas State Board of Education says school accreditation should be based was distributed. (Attachment 16)

The meeting adjourned at 5:25 p.m.

The next meeting is scheduled for February 16, 1995.

GUEST LIST

Committee: Education

Date: 2-15-95

NAME: (Please print)	Address:	Company/Organization:
Anne Spiess	Topoka	Ks. Assoc of Counties
Don Hales	905 N main Wichita	Sebequick County Corrections
Chris Rex Bze	Topoka	KDHE
Joseph Kocel	Topoka	KDHE
HAROLD Potts	Topoka	CITIZEN
John Koepke	Topoka	KAESP
Harold E Howard	Caney,	USD 436
Timothy P. Burns	Baxter Springs	USD 508
Michael Miller	Topoka	City of Topoka
Jim HARRIS	USD 508 Baxter Springs	USD #508
Jim Yauvally	Overland Park	USD #512
Don Ryan	Emmett Ks	USD 321
Bob Johnson	Topoka	WV Law School
Phil Johnston	Eureka	KAESP
Hershel Boer	Wellsville	Cit
Carolyn Ward	Topoka	A.G. Office
HARVEY P. Indurich	Liberal	USD #480
Sally Caulth	Liberal	USD 480
W B Samy	Synapse	Ks St Bd of Ed
Jerry White	Rose Hill	USD 394
Kristen Day	Topoka	Capital Journal
Susan Chase	Topoka	KNEA
Ron Wimmer	OLAThe	USD 233
Linda Ann Wimmer	Olathe	Citizen
Robin Lehman	Olathe	USD 233

MEMORANDUM

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February 15, 1995

To: House Education Committee
From: Ben F. Barrett, Associate Director
Re: Truancy

This memorandum touches on various aspects of the truancy issue. It is designed mainly to acquaint Committee members with the general approaches states historically have used in addressing the truancy problem and to mention some of the more recent innovative truancy prevention approaches. Also included are some research related evaluations of a couple of truancy prevention approaches.

As the issue is probed, it quickly becomes apparent that truancy is not an isolated problem. It is just one part of the broader picture that begins at conception. A vast array of "intervention" strategies, many of which are located in the schools, have as their goal the successful growth and development of children to adulthood. Examples include countless dropout prevention strategies; nutritional, health-related, and counseling services; special supplements to the education program; school climate improvement strategies; and many other well-intended efforts that, if successful, would reduce truancy problems.

Traditionally, the states have used sanctions against parents, such as small fines or jail sentences, as a way to address truancy. Generally, these approaches have not been considered to be inordinately successful. Penalties against children, such as taking them into custody and engaging in some kind of judicial or social service procedure, may have produced successes, but, still, for a number of reasons, have not been considered adequate remedies.

(See Attachment 1 for a compilation of state sanctions available for compulsory attendance enforcement. While the listing is nearly ten years old, it is reported still to be quite reflective of the practices in many of the states. Attachment 2 discusses the issue of penalizing parents for the behavior of their children for things such as truancy.)

Some of the more recent state innovations for attacking the truancy issue include approaches such as:

1. learnfare -- programs in which AFDC benefits may be lost if school age children do not attend school regularly;
2. withheld or canceled driving privileges;
3. "beefed-up" truant or attendance officer functions and truant student "sweeps";
4. special schools for habitual truants;

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5. interagency cooperative arrangements;
6. special attendance review committees;
7. intensive school initiated strategies involving a team of school personnel, the child, and the family; and
8. rewards, such as financial incentives for staying in school or offering financial support for participation in postsecondary education.

(See Attachments 3 through 7.)

Some research has been supplied regarding the effectiveness of the "hostage" driver's license and learnfare approaches. One article discussing the West Virginia driver's license law a year after its enactment concludes that it has been quite effective (Attachment 8). In contrast, a summary of an evaluation of the Wisconsin learnfare experiment suggests that program has had little impact (Attachment 9). However, an analysis of the Ohio Learning, Earning, and Parenting (LEAP) program, which involves increases in welfare grants for pregnant women and custodial parents under age 20, was effective in helping these persons gain a high school certificate or a GED (Attachment 10).

About school dropout prevention programs, the General Accounting Office (1986) observed:

Considerable research has been done on the dropout issue, and many dropout-related programs have been undertaken. Yet, based on our review of the literature and other literature summaries, it is not generally known "what works" in terms of specific interventions to prevent youth from dropping out of school or to encourage their reentry.

There is much anecdotal information about successful dropout prevention programs, but, to date, there has emerged no "magic bullet." This observation applies equally to another member of the family of problems of troubled youth -- truancy prevention.

A final item, not strictly on the point of the central theme of truancy prevention, is included because it probably will be of some interest to Committee members. It is an analysis of the impact of one provision of the 1984 Texas school reform legislation -- that which became popularly known as the "no pass/no play" requirement. Generally, the law mandates that pupils maintain a grade of at least 70 in each class in order to remain eligible to participate in extracurricular activities. Many who opposed this requirement were concerned that it would cause a significant reduction in participation in extracurricular activities and that it would exacerbate the school dropout problem due to the belief that the lure of participation in school activities is important in keeping some potential dropouts in school. A decade later, the research suggests that the rule has not led to increased dropouts. (In 1983-84, the grades 9-12 dropout population was 15.03 percent; in 1991-92, it was 14.6 percent.) These results must be understood in the context of implementation of various school reform elements in the 1984 Texas legislation (Attachment 11).

Handwritten signature/initials

Attachment 1

**COMPULSORY EDUCATION LAWS AND THEIR IMPACT
ON PUBLIC AND PRIVATE EDUCATION**

WITH SUGGESTED STATUTORY LANGUAGE

**by Patricia Lines, Director
Law and Education Center
Education Commission of the States**

LEC-84-11

March 1985

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Exceptions and Alternative Ways to Meet Requirements: Flexibility often takes the form of alternative ways to meet the education requirement, or exceptions. Completion of a particular grade is often accepted in lieu of an upper age limit. Seventeen jurisdictions exempt children from the requirement, regardless of age, after they graduate from grade 12. Another 20% exempt children after they complete a specified grade, from 8th through 10th grade. Exemptions based on walking distances (often only two miles), work requirements, and handicap are also frequent. A wide range of other exemptions is shown in Table 2. Home instruction, discussed below, is often officially recognized in state statutes and presents yet another alternative to school attendance.

Sanctions: Table 3 outlines the sanctions available for violation of compulsory education laws. As can be seen, most states impose a fine and a jail sentence for noncompliance. Kansas is an exception, with no penalties for parents. Seventeen states provide for a fine alone. Mississippi has the longest jail term, at one year, and, with Vermont, the highest cash fine, \$1,000. Mississippi had no sanctions until two years ago, and seems now to be compensating for this. While Mississippi does not yet have complete data on truancy statewide, its data on "dropouts" (i.e. children who were once enrolled and then became fulltime truants) indicates no significant changes in the dropout rate among children in the age range covered by the law, after one year of the new law. When asked, one official in that state expressed an opinion that the new sanctions were not too important in preventing truancy, but that a provision for attendance officers should prove to be extremely helpful. Attendance officers in Mississippi have a legal mandate to obtain compliance through student and family counseling and similar alternatives before initiating criminal proceedings. Michigan, with the second-longest jail term, imposes a 90-day maximum.

Among states that have both fines and jail sentences as sanctions, Pennsylvania has the least severe penalties — \$2 for the first offense, \$5 for subsequent offenses, and a jail sentence of five days if the fine is not paid. An attorney in the office of the attorney general in Kansas reported no problem with the lack of criminal penalties for parents; another disagreed. The officials interviewed in Pennsylvania said that the light penalties posed no problem. None of the officials interviewed in states with no or few penalties believed that the lack of sanctions led to increased truancy. In contrast, in other states, some officials and prosecutors were reluctant to enforce the law against parents, especially where parents were making an effort to educate their children.

Sanctions against the child typically focus on declaring the child truant, or delinquent, or assigning the child to a special school. A few states specify expulsion. Texas has recently adopted a new law that states that the child "may not" receive credit for classes if he or she has more than five days of unexcused absence in a semester. This provision is causing some problems, because it limits excused absences to religious holidays, and does not take into account out-of-school educational programs, such as organized travel with other students.

All in all, most of the officials interviewed were of the opinion that the severity of the sanction had little impact on truancy. Further, jailing a parent because the parent has failed to meet the law's requirements always runs the danger of injuring the one to be protected — the child. Expelling the child seems equally futile. A few states have developed other alternatives, such as student or family counseling in California and Mississippi and alternative programs in Tennessee.

ECS Compulsory Ed. Laws

TABLE 3
STATE COMPULSORY EDUCATION LAWS; SANCTIONS

	What sanctions does a parent face for violating compulsory education laws?			What sanctions may be applied to a child for violating compulsory education laws?			Other persons subject to sanctions for violation of compulsory ed. laws? Note: not all sanctions are criminal in this group.		
	Fine (Maximum Amount)	Jail Sentence (Maximum Days)	Other	Declared Truant	Declared Delinquent	Other	Public School Officials	Private School Officials	Any Person
Alabama	x (\$100)	x (90)		x		Taken into custody			
Alaska	x (\$200)	x (1 day per \$2 fine)							
American Samoa	x (\$15)	x (1 mo.)							
Arizona	x (\$500)								
Arkansas	x (\$10)	x ("subject to arrest")			x				x
California	x (\$100 1st off. \$250, subseq.)			x		referred to juvenile court			
Colorado		x (held in jail until he or she complies)				held in contempt of court			
Connecticut	x (\$5 for each week of viol.)			x		subject to arrest \$20 fine			
Delaware	x (\$5 1st off. \$20, subseq.)	x (2 days 1st off., 5 days subseq., if fine not paid)		x		expulsion if truant over 3 times per year			
District of Columbia	x (\$10)	x (5)					x	x	
Florida		x (60)	2nd degree	x		treated as a dependent child	x	x	
Georgia	x (\$100)	x (30)		x	x	taken into custody			x
Guam	x (\$50)			x					
Hawaii	x (\$500)	x (30)							

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TABLE 3 Continued

	What sanctions does a parent face for violating compulsory education laws?			What sanctions may be applied to a child for violating compulsory education laws?			Other persons subject to sanctions for violation of compulsory ed. laws? Notes: not all sanctions are criminal in this group.		
	Fine (Maximum Amount)	Jail Sentence (Maximum Days)	Other	Declared Truant	Declared Delinquent	Other	Public School Officials	Private School Officials	Any Person
Idaho			"conditions" may be imposed on any person encouraging truancy	x		expulsion			x
Illinois	x (\$500)	x (30)		x					x
Indiana	x (\$500)	x (6 mos.)				reported to intake officer of the juvenile court	x	x	x
Iowa	x (\$100)	x (30)		x		placed in special school or class			x
Kansas				x		placed on probation or in youth residential center			
Kentucky	x (\$10 1st off.; \$20, subseq.)			x		subject to jurisdiction of juvenile court	x	x	
Louisiana	x (\$15 for each day of viol.)	x ²			x		x	x	
Maine	x (\$200 - 500)			x					
Maryland	x (\$50)			x		committed ³ to a parental school			x
Massachusetts	x (\$20)					declared ⁴ in need of services; in some cases, a fine of \$5			x

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TABLE 3 Continued

	What sanctions does a parent face for violating compulsory education laws?			What sanctions may be applied to a child for violating compulsory education laws?			Other persons subject to sanctions for violation of compulsory ed. laws? Notes: not all sanctions are criminal in this group.		
	Fine (Maximum Amount)	Jail Sentence (Maximum Days)	Other	Declared Truant	Declared Delinquent	Other	Public School Officials	Private School Officials	Any Person
Michigan	x (\$50)	(90)	x	x		sent to ungraded schools for instruction			
Minnesota	x	x		x	x	sent to ungraded classes and disciplined by the court			
Mississippi	x (\$1000)	x (1 yr.)							
Missouri	x (\$25)	x (10)		x		subject to arrest and placement in school, home or place of detention			
Montana	x (\$20)	x (30 - if fine not paid)	give bond with sureties of attendance				x	implied	
Nebraska	x (\$500)	x (3 mos)							x
Nevada	x (\$1000)	x (6 mos)		x					x
New Hampshire	x (\$100)		probation conditional discharge	x		districts determine discipline of truant			x
New Jersey	x (\$25 1st off., \$200 subseq.)				x				
New Mexico	x (\$500)	x (6 mos)	guilty of a "petty misdemeanor"			child considered neglected or in need of supervision	x	x	

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TABLE 3 Continued

	What sanctions does a parent face for violating compulsory education laws?			What sanctions may be applied to a child for violating compulsory education laws?			Other persons subject to sanctions for violation of compulsory ed. laws? (Notes: not all sanctions are criminal in this group.)		
	Fine (Maximum Amount)	Jail Sentence (Maximum Days)	Other	Declared Truant	Declared Delinquent	Other	Public School Officials	Private School Officials	Any Person
New York	x (\$10 1st off.; \$50 subseq.)	x (10, 1st off.; 30 days subseq.)		x		suspension, transfer	x		x ⁵
North Carolina	x (\$50)	x (30)					x	x	
North Dakota	x (\$500)	x (30)					x		x
Ohio	x (\$20)	x (30 days if fine not paid)	give bond with sureties of child's attendance		x	classified as a dependent child			
Oklahoma	x (\$25 1st off.; \$50, 2nd off.; \$100, subseq.)					reported to district attorney ⁶			x
Oregon	x \$100	x (30)	x						
Pennsylvania	x (\$2 1st off.; \$5 subseq.)	x (5 days if fine not paid)		x	x	subject to arrest; declared incorrigible	x	x	
Puerto Rico	x (\$5, 2nd off.; \$10, subseq.)								
Rhode Island	x (\$20)					deemed a wayward child			
South Carolina	x (\$50)	x (30)							
South Dakota	x (\$50 1st off.; \$100, subseq.)	x (30 days, 2nd off.)							
Tennessee	x (\$10)					reported to county or juvenile judge	x		

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TABLE 3 Continued

State	What sanctions does a parent face for violating compulsory education laws?			What sanctions may be applied to a child for violating compulsory education laws?			Other persons subject to sanctions for violation of compulsory ed. laws? Notes: not all sanctions are criminal in this group.		
	Fine (Maximum Amount)	Jail Sentence (Maximum Days)	Other	Declared Truant	Declared Delinquent	Other	Public School Officials	Private School Officials	Any Person
Texas	x (\$25 1st off- \$50 2nd off- \$100 subseq.)			x		sent to state training or other school; no course credit			
Utah	x (\$25)	x (6 mos.)		x		juvenile court has jurisdiction after age 14 expulsion from school			
Vermont	x (\$1000)						x		
Virginia	x (\$100)					proceeded against as a child in need of services			
Virgin Islands	x (\$25)					taken into custody	x		
Washington	x (\$25 each day for viol.)					matter brought before juvenile court	x	x	
West Virginia	x (\$50 + cost of prosecution)	x (30)					x		
Wisconsin	x (\$50)	x (3 mos)				court exercises jurisdiction	x		
Wyoming	x (\$25)	x (10)		x					

Sources: Private Education Tables 110FN(1), 110FN(2), 110FN(3), and 110FN(4).
 ABBREVIATIONS: "Off." is for "offense." "Viol." is for "violation."

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TABLE 3 Continued

FOOTNOTES:

- 1 The parent is not liable if unaware of child's absence, or if unable to provide clothing.
- 2 Jail sentence only applies if absence is due to participation in an unauthorized demonstration.
- 3 Limited to truancy.
- 4 In Massachusetts, literate minors age 16 and 17 are subject to fines; in Oklahoma children 16 and over subject to fine.
- 5 Applies only to making a false statement regarding any matter required under the compulsory attendance law.

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Legislating Parental Involvement



School Officials Try Penalizing Parents for Their Aberrant Children

BY PRISCILLA PARDINI

Eva Wilkinson of Guyandotte, W. Va., was jailed last summer for her eight-year-old daughter's truancy from Guyandotte Elementary School. Her 14-year-old daughter also missed an excessive amount of school. Photo by Michele Katz/The Herald Dispatch, Huntington, W. Va.

Several years ago, Principal Gloria Walker tried to put in place a program that would require parents of chronically truant students at Chicago's Bowen High School to serve Saturday detentions with their children.

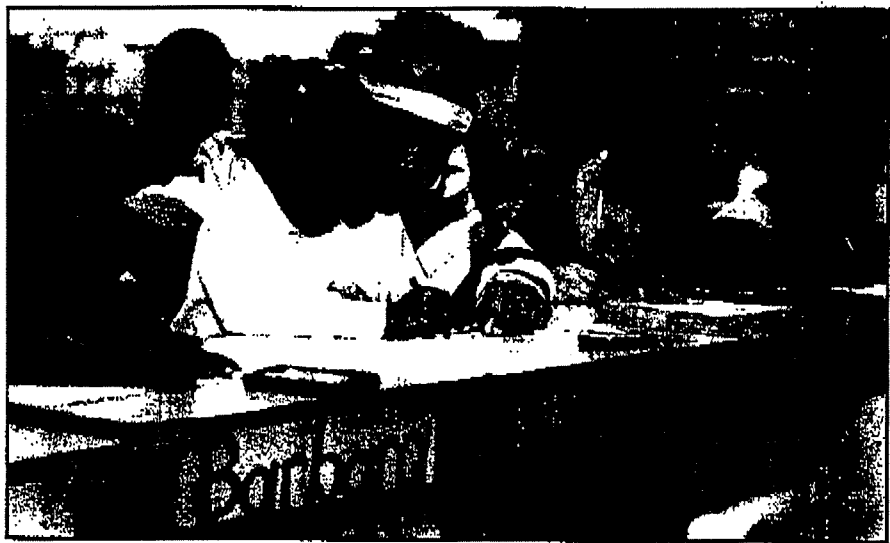
Under the plan, aimed at getting parents more involved in their children's education, the adults would have taken parenting classes that Walker says would have helped them better understand "what their children are here for and what their role as parents is all about."

She adds: "I think we could have been successful, but we never even got to try it."

The program was sandbagged by local criticism fueled by an avalanche of sensational publicity, Walker says. "It became too controversial. And the media ... why I got calls from as far away as London. It got to the point where it wasn't worth the hassle."

Frustrated Responses

Despite her experience, Walker is one of a growing number of school administrators who, with the help of sympathetic state legislators, school board members, and local judges, are attempting to deal with chronically disruptive and truant students by cracking down not just on the students, but also on their parents.



Patricia McKinney was sentenced to work at Paterson, N.J., Elementary School 6 in spring 1992 after her two daughters were absent for 42 and 63 days. Photo by Klaus-Peter Seltz/The Bergen Record, Hackensack, N.J.

"Do I still think parents should be punished in some way for what their kids aren't doing?" Walker asks. "Yes I do. Whose responsibility are they anyway?"

But Walker and her allies—some of whom run programs in which parents are fined, jailed, or forced to work in schools when their children break the rules—are taking the wrong approach, according to a number of national experts on parenting issues.

"It's a reaction borne out of frustration," says Linda Page, manager of ed-

ucation policy for Focus on the Family, a conservative Christian organization based in Colorado Springs, Colo., dedicated to the preservation of family and home. "Many parents are not adequately involved and school people have grown desperate, so they turn to punitive measures. But what they're really doing is reinforcing in the parent the feeling that he or she is not succeeding."

Even as the debate rages, the programs, which vary widely, proliferate. Some examples:

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• In Paterson, N.J., parents of truant students not only are forced to come to school, they're also "sentenced" to tasks in the building ranging from clerical to supervisory duties. Officials say the move has met with little resistance, cured repeat offenders, and boosted attendance districtwide by 0.3 percent.

• In Wisconsin, under the state's ballyhooed Learnfare program, welfare payments are reduced to those families whose teen-age children miss more than two days of school a month. Similar programs are in place in Minnesota, Florida, New Jersey, Illinois, Maryland, and Ohio.

• In North Carolina, California, Illinois, and elsewhere, parents have been sentenced to jail when their children miss school repeatedly. In other states, including Tennessee and Texas, parents are fined for their children's poor attendance. Texas courts also have the option of requiring parents whose children skip school to perform community service work.

• In Alabama, parents must pay for the destructive acts of their children, and in Florida and Michigan, parents are held accountable for their children's access to guns.

• Under South Carolina's Schoolhouse Safety Alliance Act of 1994, parents determined by schools to be lacking in child-rearing skills must attend parenting classes. The law also requires employers to grant them leaves in order to attend.

• In Baltimore, parents are subject to fines ranging from \$50 to \$300 and a possible 60-day jail term if their children violate the city's curfew laws.

Other efforts directly target aberrant students. "No Pass, No Drive" laws that suspend drivers' licenses of high school students who skip school regularly are on the books in more than a dozen states. West Virginia passed the first such law in 1988.

Enforcing Policies

In state after state, parents are more likely than ever before to be punished for the sins of their children. Kathy Christie, coordinator of the Education Commission of the States' information clearinghouse, says the trend began two or three years ago, with states beefing up compulsory attendance laws that usually never had been enforced.

She says the rush to strengthen attendance policies could be traced to concerns about "more students on the street and an increase in student violence and more kids dropping out of school."

But while attendance laws traditionally required parents to send their children to school until they reached a certain age, they did not spell out the number of times a student had to be truant before sanctions were imposed. Recently, states have begun defining what they mean by the "habitual truant," a move that makes it more likely that compulsory attendance laws will be enforced.

In Colorado, for example, a "habitual truant" is a child between 7 and 16 who has more than four unexcused absences from public school in a month or 10 unexcused absences in a school year. The law also requires local school boards to implement



A suburban Chicago judge ordered Maria Hernandez to attend Rolling Meadows High School in Arlington Heights, Ill., for two months last fall after her daughter cut nearly three dozen classes. Photo by Jerry Tomaselli/The Chicago Tribune

policies and procedures to deal with students who are habitually truant.

Parents Sentenced

That's been the case for the last three years in the Paterson, N.J., Public Schools, where the district's In-School Service Program has replaced more traditional punishments—fines and jail sentences—for parents of truant students.

"Every year we would bring parents to court for not sending their chil-

dren to school," says Hector Santos, Paterson's student attendance coordinator. "And year after year, they were the same parents."

Santos says the \$25 fines weren't working because so many targeted families were too poor to pay. His alternative? Bring the parents to school.

In February 1992, Santos convinced then Municipal Court Judge Nestor F. Guzman of the merits of his idea, and over four months Guzman "sentenced" about 25 parents to serve time in their children's schools. During 1993-94, another 43 parents received similar treatment.

In the schools, the parents attend classes with their children the first two periods of the day, before being assigned to kitchen duty, supervision of halls or bathrooms, or clerical work. Parents receive 30- or 60-day sentences, depending on the severity of the case. Judges continue to impose fines on those working outside the home who cannot leave their jobs.

Santos says that although some parents "gripe" about their sentences, the program has enjoyed strong community support and good results. Not one parent sentenced to school duty under the program has been back to court.

"These parents had become lazy, but by coming to school, they wake up and see how important education is for their children," he says.

Shadowing Experience

But truancy isn't the only front on which the battle with parents is being waged. In the Charleston County, S.C., School District, parents of children deemed "consistent disciplinary problems" may opt to attend school with their children rather than have them suspended.

Under a program the district calls "Shared Responsibility," parents spend between a half day and five days at school shadowing their children. They stay with their children all day, sitting next to them in class and eating lunch with them in the school cafeteria. Economic hardship and loss of pay are not considered extenuating circumstances that exempt a parent from the program.

Administrators report positive re-

sults from the program in 79 percent of the cases. They cite improvement in student behavior and greater involvement and cooperation among parents as they get a better understanding of discipline problems.

Mike Casey, principal of Birney Middle School in Charleston, S.C., says once parents participate in the program they tend to do whatever it takes to help their children get an education. He says he doesn't consider the program demeaning to parents, noting the same approach was put into effect at his school at the request of some parents, long before the program was formalized districtwide.

"Sometimes you have to push a little bit," he says.

Tough Manifesto

Stephen Wallis, a Howard County, Md., school administrator, agrees. Wallis became a local folk hero in November 1993 when he proposed charging parents a fee whenever teachers were forced to work overtime with their unruly children. The idea, which has not been put into practice, was part of Wallis's 11-point manifesto aimed at curbing school disruption.

"My point is that we genuinely need to return to the schoolhouse a sense of integrity, pride, and self-respect," he says. "The way to do that is to hold all our constituencies accountable, including parents."

Wallis, who was interviewed on National Public Radio and wrote a paper on the issue for the Heritage Foundation, says too many students suffer from what he calls PDD—parental deficit disorder.

"Kids simply are not getting the kind of support and guidance that parents ought to be giving their kids," he says.

An assistant principal at Howard High School in Ellicott City, Md., Wallis believes that public schools have contributed to the problem by gradually taking on more and more of the responsibilities—such as sex education and values clarification—that once were assumed by parents.

"We've in essence told parents it's not that important that they get involved, that the schools will handle it," he says.

Now, Willis and other administra-

tors increasingly find themselves in confrontations with parents he describes as "openly obnoxious and uncooperative" and who don't support education. "On a daily basis, parents come in and throw a fit," he continues. "And what is our response? Generally we back down. I'm saying we ought to stop that."

Wallis insists he isn't out simply to punish parents. But he says there ought to be a role for parents to play and there is nothing wrong with making that role a forced one.

Misguided Direction

But Alan Fine, a professor of sociology at the University of Georgia who has studied the issue, disagrees.

"Is forcing parents to get involved by coming to school when their kids are truant or disruptive going to make a difference?" he asks. "Maybe for a few. But will it solve the problem entirely? Absolutely not. While there are very few parents who don't care about their children, there are many who are unable to control them."

Fine says the trend toward legislating parental involvement reflects society's increasing willingness to criminalize poor parenting. Such heavy-handed measures are likely to become more common given the electorate's sharp move to the right in the November elections. House Speaker Newt Gingrich even has suggested a national revival of orphanages for children of unwed mothers.

"We live in a very uncertain parenting age, with very few good role models, and because we don't have a lot of answers, we're willing to criminalize things that in the past the state would not have been involved in," Fine says.

Daniel Safran, director of the Center for the Study of Parent Involvement located at John F. Kennedy University in Orinda, Calif., believes the use of punishment to change parent behavior is regressive and, in the long run, ineffective.

"I know of no evidence that suggests that punishing people for not parenting adequately is the answer," he says. "You may force people to behave differently and may even knock them about so they'll think differently, but that kind of behavior is intimidating and punishing and doesn't really speak to the objectives of engag-

ing families in ways that support their children and their children's education."

Much more effective than blame and punishment, Safran says, are efforts to understand the obstacles that make it difficult for parents to be involved in their children's schooling.

"What I have found through my own experience is that when people get respect and appreciation and opportunities for learning about themselves and being the better parent that virtually everyone wants to be, they respond to that. It's harder and probably costs more, but if the objective is [to] support parents in their efforts to raise children effectively, it's worth it."

Safran says some parents do not support their schools because they are not convinced the schools do an adequate job of educating their children. "When that happens in the business world—when people aren't buying our product—we don't put them in jail. We redouble our efforts to entice them. It's called advertising, personal communication, outreach."

But Safran also agrees with other researchers that many parents simply have lost control over their children. "We're not in the '50s anymore, and the notion that we are and that total responsibility for kids lies with the immediate family does a real disservice to parents and kids. There's less support out there, more TV, more working mothers." The more appropriate response, he says, is to involve the larger community and to admit that, "Yes, this is hard work. How are we going to help each other?"

Temporary Gains

Deborah Weinstein, who directs the Children's Defense Fund's Family Income Division, says her organization is uncomfortable with the 1990s' tactics of forcing parental responsibility.

"Certainly, there are times when asking a parent to participate in a school activity—as long as it doesn't risk the livelihood of the family—is not such a bad thing," she says. "But where do you go from there? Just punishing a parent when you don't know what problems exist in that family doesn't seem to be such a good solution."

continued on page 33

Alternatives to Penalizing Parents

Joyce Epstein, one of the nation's leading experts on parental involvement in schools, passionately believes that parents want to be strong partners with their children's schools.

"What we know from data is that most parents don't have the information they need in order to be involved from year to year with the schools as their children grow up," says Epstein. "Relatively few parents know how their children are changing, how the schools are changing, what kinds of activities they should be doing at home with their children."

Filling this void would help avert the discipline and attendance problems that in turn prompt school officials to resort to punitive measures she described as "drastic, dramatic, and draconian."

To help schools develop true partnerships with parents, Epstein and her staff have identified six types of parent involvement:

- *Parenting:* The school helps parents create supportive learning environments at home.
- *Communicating:* The school reaches parents

through effective, jargon-free communication written in the language the parents speak.

- *Volunteering:* The school recruits and organizes parent help.
- *Home Learning:* The school provides parents with ideas for helping children at home.
- *Representing Others:* The school recruits and trains parent leaders.
- *Community Collaboration:* The school identifies and uses resources from available community groups and agencies.

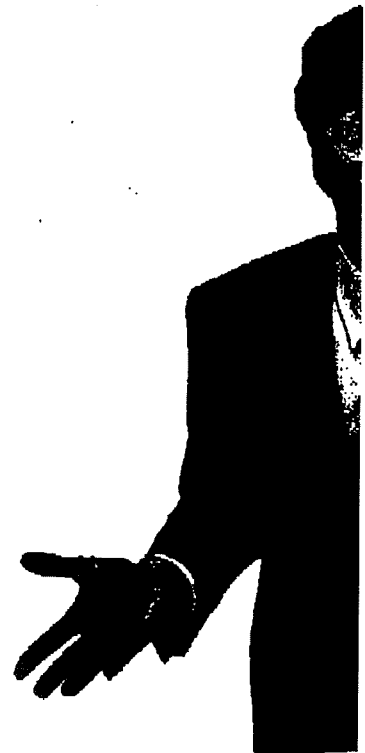
Epstein recommends that administrators assess their parent involvement efforts and be prepared to spend as long as three years developing outreach programs.

"The goal is to help parents understand what is going on in their children's lives and how they can help.

The projects don't have to be complex or fancy. "It can be something as simple as making perfectly clear a school's attendance policy."

— Priscilla Pardini

AVOID
GETTING
STUCK
IN THE MIDDLE.



For more information, circle 1 on Reader Service Card

continued from page 30

Over the short term, Weinstein says, Learnfare-type programs that reduce welfare benefits to parents whose children miss too much school might appear to work because some students do return to school. But studies also show the gains do not last. "And ultimately, you have a loss, since increased poverty means students will miss more school and be more likely to drop out of school," she says.

The type of programs that force parents into schools are too new to have been fully evaluated.

Less Punitive

Joyce Epstein, co-director of the Center on Families, Communities, Schools, and Children's Learning at Johns Hopkins University, argues that school officials should not necessarily be encouraged when punitive mea-

sures appear to succeed.

"Sometimes it will look as if some of these draconian measures have worked because there was no earlier, systematic way of involving these families in more gentle and continuous ways," she says. "And who knows, that might have worked, too."

Page, with Focus on the Family, urges administrators to take a positive rather than punitive approach.

She advocates getting parents involved with their children's schools when their children are young, then maintaining that connection with strong outreach efforts every year.

"It's much more effective if you don't wait until you're in the middle of a crisis—before you have to remind the child that he or she is not succeeding," she says. "That makes the parent feel he or she is not succeeding either."

As a former parent involvement consultant at a middle school in the

migrant community of King City, Calif., Page devised ways to involve even reluctant parents.

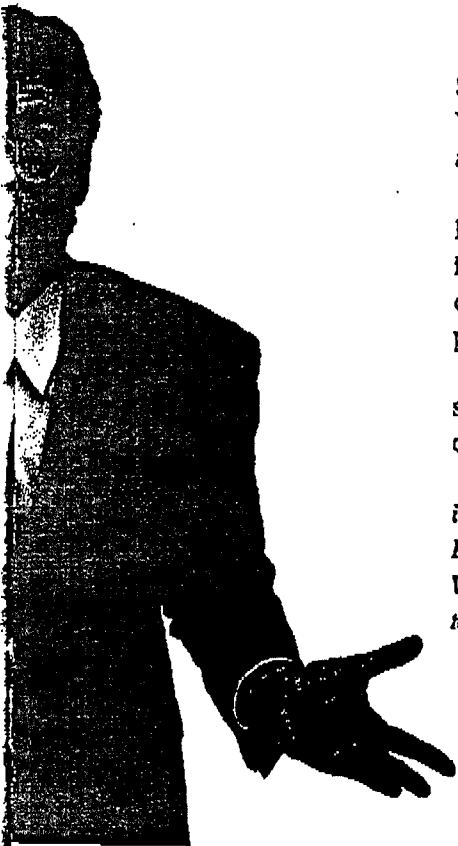
"If necessary, bribe the kids," she says. "Kids know how to get their parents out."

Page once asked students how school officials could boost attendance at a back-to-school night that typically drew only 5 percent of the school's parents.

"The students told me they could get their parents to come if they didn't have to run laps in PE on Friday," she says.

She worked it out with their teacher, and sure enough, 85 percent of the parents were there. Even better, once they got there and felt welcome, many kept coming.

Priscilla Pardini is a free-lance writer in Shorewood, Wis., who specializes in education.



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Clearinghouse notes

Attachment 3

TRUANCY

Education Commission of the State
707 17th Street, Suite 2700, Denver, Colorado 80202-3427

303-299-3600
FAX 303-296-8332

State/District Truancy Prevention Programs (as of April 24, 1994)

"LEARNFARE"

Requires teen parents or school-age children between 16 and 19 attend school until they receive a high school or equivalent diploma in order to receive AFDC benefits (welfare).

Recommendations for such a program:

- Districts should designate staff to monitor student progress, coordinate services and help respond to needs for changes in a student's curriculum or placement, etc.
- Need to construct a uniform definition of excused absences
- Students should not be placed in schools that do not meet standards of educational quality
- Remedial steps such as family counseling and educational modifications should be taken before sanctions are imposed
- A wide range of education options and settings should be provided
- services should be coordinated and integrated.

Wisconsin (the first state to adopt such a plan, implemented in 88-89): AFDC recipients who are minor parents or teenagers between the ages of 13 and 19 must attend school regularly in order for their families to continue to qualify for the full AFDC grant. Students can have no more than two full days of unexcused absences per month.

Minnesota

Florida

(part of Project Independence)

New Jersey

(Newark and Camden, NJ only - demonstration projects)

Illinois

(Chicago only - demonstration project)

Maryland

(applied for federal approval - not sure if approved)

Ohio:

Went into effect in 1989; state pays for day care and transportation, but otherwise similar to Wisconsin's program. Teen parents receive \$62 grant reduction if excessive absences or drop out, but if meet the attendance requirement, receive a \$62 bonus each month.

"NO PASS NO DRIVE"

Typically, if a high school student under the compulsory school age misses a certain number of consecutive days (i.e., 10 in WV) without an acceptable excuse or 15 unexcused days in one semester, the school notifies the Motor Vehicle Department. This department then sends a notice of license suspension to the student. If the student does not surrender the license by the 30th day following notification, a police officer picks it up. To qualify for reissuance, student must pay a fee and fulfill a probationary attendance period, usually from 4 weeks to one semester.

States with No-Pass No-Drive Laws:

Arkansas

Florida

Indiana

Kentucky

Louisiana

Mississippi

New Hampshire

Ohio

Tennessee

Texas

Virginia

West Virginia (first

state, 1988)

Illinois

TRUANT STUDENT 'SWEEPS' or other Truancy Prevention Initiatives

New York City: Police will seek out and return school-age children to school. They will not necessarily be taken to their own school, but will meet with attendance officers, interviewed to determine whether his/her school assignment is suitable. (Done since 1983 in Times Square area)

Philadelphia, PA: (Note: this program now on hold because of objections.) Similar program that uses regional centers. Meant to discourage students from "hanging out." Has drawn criticism about the policy of handcuffing students (most other programs don't). Has decreased crime.

Atlanta, GA: In January 1994, picked up more than 450 truants (Operation Clean Sweep). 67 students were from six school districts outside the city system. Plan periodic followup sweeps.

Oklahoma City, OK: Truancy law was strengthened in 1989, allowing police to act as attendance officers. Maintains attendance center called THRIVE (staffed by professionals on loan from cooperating agencies).

Cincinnati, OH: Since March 18, 1994, police have rounded up truants, taken them to local police stations and called parents.

Minneapolis, MN: A consortium of governmental bodies from Minneapolis and Robbinsdale passed a resolution to improve the school-truancy system.

Salt Lake City, UT: Implemented January 94. Similar to program in 1983, when burglaries decreased as much as 50%. Cooperative program with the policy department, Dept. of Youth Services and the school district. Truants are picked up by policy officers, taken to a Truant Receiving Center that is staffed with an off-duty officer and volunteers from the community. Parents are contacted and pick up student before 3:00. If not picked up by that time, the student is taken to the Dept. of Youth Services and parents are contacted.

Milwaukee, WI: Truancy Abatement and Burglary Suppression program is a partnership of the police department, school district and the Boys and Girls Clubs of Greater Milwaukee.

Others (details unknown)

St. Louis, MO

San Jose, CA

New Orleans, LA

Washington, DC

Criticisms: Fear of students' rights violations and discrimination.

Alabama's Early Warning Truancy System

Each education agency electing to participate develops policies and procedures conforming to state law and recommends them to the board of education for adoption. The policies identify the role and responsibilities of courts and schools and govern the operation of the early warning program. Students with unexcused absences are reported weekly to the superintendent. Generally, after the first truancy, the student is counseled by the homeroom teacher or principal. After the second, the school notifies the parents or guardians of the absence and informs them of the procedures to be followed if another unexcused absence occurs. After the third unexcused, the parents or guardians must participate in the early warning program in the judge's chambers at the county courthouse; if there is failure to appear, a complaint or petition is filed against the child and/or parents. After a fourth unexcused absence, a complaint is filed against the student and/or parents. (SREB, Reaching the Goal to Reduce the Dropout Rate, 1991)

Tennessee HB 1876

Authorizes judges to assess fine of up to \$50 on parent or legal guardian of K-6 children if child absent more than five days during each six-week period (allows parent to show proof of illness); allows govt. benefits to be reduced under same conditions. Enacted April 1994.

Mississippi HB 1750

Creates an appropriation for Chancellors, Judges and District Attorneys and expenses of school attendance officers employed by Youth Court and Family Court Judges. Enacted April 1994.

North Carolina HB 229

Authorizes law enforcement officers to stop and check school-age minors not in school during regular school hours and to escort a minor to the minor's school. March 1994.

Nebraska L 1250

Provides for services related to truancy through the School Discipline Act. Authorizes additional disciplinary actions; changes provisions related to giving notice; provides for reassignment agreements among schools; changes provisions relating to grounds for long-term suspension, expulsion, or reassignment. Enacted April 1994.

Wisconsin S 25

Relates to permitting persons designated by school boards to take truants into custody. Enacted Nov. 1993.

"HABITUAL TRUANT" Definitions

For the most part, compulsory attendance laws do not specify the number of times a student must be truant before sanctions (also part of the compulsory attendance laws) are enforced. The "Learnfare" and "No-Pass No-Drive" types of legislation are able to address the "acceptable" numbers of absences more specifically. Another way to address the issue is to define an "habitual" truant.

Florida: 228.041 (28) A habitual truant is a student who has been absent from school with or without the knowledge or consent of his parent or legal guardian and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 230.2313(3)(c), 232.17, and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a dependent child according to the provisions of chapter 39.

Although the definition still does not address a specific number of absences, the definition allows consequences to be set for those students other than those specified in the compulsory attendance laws.

HOLDING PARENTS ACCOUNTABLE

North Carolina: In Wake and Johnston counties, judges have given jail sentences to parents whose children have missed school repeatedly.

Paterson, New Jersey: Judge serving the area has sentenced at least 30 parents of habitual truants to spend between a week and a month serving as hall monitors, filing papers, and even scrubbing graffiti off walls.

SPECIAL PROGRAMS OR SCHOOLS

Missouri (167,091) allows districts to set up special truant or parental day schools for students who are habitual truants or are incorrigible, vicious, etc. and may require such students to attend those special schools. Or the district may establish a parental school for the care and education of any child resident committed to it by a juvenile court.

"Boot camp" type of programs

Alternative schools, etc.

In a 1991 report, *Structuring Schools for Student Success: A Focus on Discipline and Attendance*, the Massachusetts Board of Education noted that school organizational change is the most effective intervention for students who are at risk, discipline problems, truants or dropouts. They cite a study of seven schools in Charleston, SC, that did the following:

Implemented shared decision making
Reviewed/revised the curriculum
Increased staff development on effective instruction
Added programs in study skills, reading, peer counseling and career education
Took more field trips.

The schools showed improvement on 90% of school disruption measures, while comparable schools improved on 28%.

A-2000-1

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

**300 S.W. 10th Avenue
Room 545-N – Statehouse**

Phone 296-3181

January 27, 1995

TO: Representative Deena L. Horst

Office No. 180-W

RE: Truancy – School Attendance Enforcement

You requested information on statutory provisions of the states surrounding Kansas pertaining to truancy, *i.e.*, compulsory attendance enforcement mechanisms. The statutes of those states are enclosed. You will notice that provisions for attendance officers, juvenile court involvement, and some sort of action against parents – fines or imprisonment – are vestiges of the approaches to which states historically have resorted. Some of the more noteworthy variations include:

- **Colorado.** Recently, the law has been changed to identify and define the term “habitual truant.” In this regard, this law has established procedures for reviewing with the parents the reasons for truancy and provided for increased monitoring of the attendance behavior of such students, including use of school volunteers for this purpose.
- **Oklahoma.** The law provides for agreements between boards of education and police departments to perform the duties of attendance officers. In this connection, the law provides for temporary detention and custody of children who are not attending school when they should be. In addition, a provision enacted in 1992, authorizes the Director of Human Services to withhold assistance payments to the payee of a child who is not present for instruction at least 80 percent of the time, unless the child has a valid excuse for absence from school.

You will note a provision of the Oklahoma law that provides for fines to be assessed against parents of children who are truant. This is not a new or novel approach. I think the spotlight has shown on Oklahoma recently because a local court has received some publicity for actually having applied this sanction.

- **Missouri.** Some distinction has been afforded Missouri for the provision of its law which provides for the operation of special truant or parental schools. Another interesting provision is one that makes the Commissioner of Education, school superintendents, public welfare superintendents, and school attendance and probation officers responsible for enforcing the compulsory attendance law.

- **Nebraska.** Legislation enacted in 1994 establishes new procedures for helping to resolve truancy problems. This involves meetings with the school attendance officer and school social workers, educational counseling and evaluation, and investigation into the reasons for truancy. In this regard, an effort is made to identify services the family may need in order to address the attendance issue and to engage in referrals to such services. Nebraska law addresses special schools within districts to serve problem children, including truants. (Alternative school programs in Kansas school districts probably are similar in nature.)

In addition, I have contacted the Education Commission of the States (ECS) concerning information that organization might have assembled on the truancy issue. ECS provided an April, 1994 memorandum which addressed truancy prevention programs. A copy of that memo is included. In response to a suggestion, I also have included a copy of the Pennsylvania law, interesting features of which are penalty provisions applicable to persons who are required to report trancies and the threat of loss of state aid to school districts that fail to enforce provisions of Article 13 of the law (which includes the truancy provision).

As you know, much of the effort in recent years has been oriented more toward dropout prevention strategies than to compulsory attendance enforcement mechanisms. The school attendance and school completion issues have proved very difficult to resolve.

I hope this information is useful. Please contact me if I may be of further assistance to you.

Ben F. Barrett
Associate Director

BFB/pb

Enclosures

cc: Representative Rochelle Chronister

on appropriations of the house of representatives at the beginning of the 1992 regular session of the legislature. The secretary shall submit additional reports and information regarding the pilot project as requested by such committees during such legislative session.

History: L. 1990, ch. 92, § 11; July 1.

39-1612. Act does not require mental health centers to make expenditures not approved by governing board of center. Nothing in the mental health reform act shall authorize the secretary or the department of social and rehabilitation services to require that mental health centers make expenditures other than expenditures approved for the mental health center by the governing board of the center.

History: L. 1990, ch. 92, § 12; July 1.

39-1613. Catchment areas for state psychiatric hospitals; rules and regulations, guidelines. (a) The secretary of social and rehabilitation services is hereby authorized to adopt rules and regulations to define and redefine the Osawatomie state hospital catchment area, Topeka state hospital catchment area and Larned state hospital catchment area as may be necessary in the opinion of the secretary of social and rehabilitation services to accommodate shifts in populations in need of mental health services within available community mental health facility and state institution capacities and resources and in accordance with the following:

(1) Each such catchment area shall be defined by contiguous counties that are designated by name;

(2) no county shall be included in more than one such catchment area;

(3) each county shall be included in the Osawatomie state hospital catchment area, Topeka state hospital catchment area or Larned state hospital catchment area; and

(4) No designated community mental health center shall be included in more than one such catchment area.

(b) Each rule and regulation adopted, amended or revived under this section shall be published in its entirety in the Kansas register in the first issue published after such adoption, amendment or revival.

History: L. 1993, ch. 225, § 1; April 22.

Article 17.—CHILDREN, ADOLESCENTS, FAMILIES; INTERAGENCY PROVISION OF SERVICES

39-1701. Interagency provision of services for children, adolescents and families act; purpose and intention of act. This act shall be known and may be cited as the interagency provision of services for children, adolescents and families act. It is the purpose and intention of this act to provide for regional interagency councils which will collaborate in the provision of services for children and adolescents in this state who require multiple levels and kinds of specialized services which are beyond the capability of one agency. Such services shall be provided in accord with the identified needs of each such child or adolescent, and in the least restrictive environment.

History: L. 1992, ch. 264, § 1; July 1.

39-1702. Definitions. As used in this act:

(a) "Children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency" means children and adolescents who are residents of Kansas, and with respect to whom there is documentation that: (1) Various agencies have acknowledged the need for a certain type of service and have taken action to provide that level of care; (2) various agencies have collaborated to develop a program plan to meet the needs of the child or adolescent; and (3) various agencies have collaborated to develop programs and funding to meet the need of the child or adolescent, and that existing or alternative programs and funding have been exhausted or are insufficient or inappropriate in view of the distinctive nature of the situation of the child or adolescent.

(b) "Agency" means and includes county health departments, area offices of the department of social and rehabilitation services, district offices of the department of health and environment, local offices of the department of human resources, boards of education of public school districts, community mental health centers, community facilities for the mentally retarded/developmentally disabled, district courts, county commissions, and law enforcement agencies.

(c) "Authorized decision makers" means agency representatives who have the authority to commit the resources of the agency they represent in the provision of services to any

child or adolescent whose needs are brought before a regional interagency council.

(d) "District court" means the administrative judge for a judicial district.

(e) "Parent" means a natural parent, an adoptive parent, a stepparent, a foster care provider of a child or adolescent for whom services are needed from more than one agency, or a person acting as parent of a child or adolescent for whom services are needed from more than one agency.

(f) "Person acting as parent" means a guardian or conservator, or a person, other than a parent, who is liable by law to maintain, care for, or support a child or adolescent, or who has actual care and custody of the child or adolescent and is contributing the major portion of the cost of support of the child or adolescent, or who has actual care and control of the child or adolescent with the written consent of a person who has legal custody of the child or adolescent, or who has been granted custody of the child or adolescent, by a court of competent jurisdiction.

History: L. 1992, ch. 264, § 2; July 1.

39-1703. System of regional interagency councils; establishment; purpose; rules and regulations. There is hereby established a system of regional interagency councils to coordinate or assure delivery of services for children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency. The secretary of social and rehabilitation services shall adopt rules and regulations to implement the provisions of this act.

History: L. 1992, ch. 264, § 3; July 1.

39-1704. Regional interagency councils; convening of; purpose; chairperson; composition; procedure and meetings; duties; confidentiality. (a) Subject to the provisions of subsection (b), the director, or an appointed designee of the director, of each area office of the department of social and rehabilitation services shall convene a regional interagency council to coordinate or assure delivery of services at such area office to children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency. The director, or the appointed designee of the director, shall serve as chairperson of the council convened by such director or designee.

(b) In those areas where the secretary of social and rehabilitation services determines that councils or committees already exist for the purpose of enhancing interagency cooperation and collaboration of service delivery, a regional interagency council as described in subsection (a) need not be convened.

(c) Each regional interagency council shall consist of: (1) Authorized decision makers who are representative of agencies; (2) parents; (3) community business representatives; and (4) such other persons as directors of area offices of the department of social and rehabilitation services may determine.

(d) Each regional interagency council shall establish its own internal procedures and shall meet as often as needed to:

(1) Review all cases referred to them by one of the agencies represented or by a family member;

(2) develop a plan, negotiated with a family member and, where appropriate, the child or adolescent, for the provision of services to the child or adolescent and family whose case has been referred. This plan shall include a description of each needed service and shall specify the agency responsible for providing the service within the timeline specified by the council;

(3) maintain information sufficient to assess the effectiveness of the interagency council in meeting the service needs of children and adolescents and their families;

(4) make an annual report to the joint committee on children and families and to the Kansas commission on children, youth and families regarding the local assessment;

(5) determine what service needs are not being met in their region and develop and plan to meet these service needs;

(6) make an annual report to the joint committee on children and families and to the Kansas commission on children, youth and families regarding the service needs which are not being met and the plan to meet these service needs;

(7) establish interagency agreements as necessary for coordination of services to children and adolescents and their families who are served by more than one agency;

(8) refer any problems with service coordination to the joint committee on children and families and to the Kansas commission on children, youth and families; and

(9) ensure that members of the council receive training in collaborative teaming as needed.

(e) Each regional interagency council and

its members are confidentiality by organizations from a par

its members are responsible for maintaining confidentiality by securing appropriate authorizations from a parent or person acting as par- ent of a child or adolescent for release of confidential information received by the council.

History: L. 1992, ch. 264, § 4; July 1.

HOUSE BILL No. 2015

By Joint Committee on Children and Families

I-11

8 AN ACT requiring the establishment of school attendance review
9 boards in school districts; providing for the powers and duties
10 thereof.

11

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

13 Section 1. (a) The board of education of each school district in
14 this state shall establish a school attendance review board or by
15 interlocal agreement establish a school attendance review board in
16 cooperation with one or more other boards of education. Each school
17 attendance review board shall include, but need not be limited to,
18 one or more persons representing each of the following: (1) Parents
19 of pupils of the district or districts; (2) the department of social and
20 rehabilitation services; (3) the superintendent of schools of each par-
21 ticipating school district; (4) teachers of the school district or districts;
22 (5) school guidance personnel; (6) law enforcement agencies having
23 jurisdiction in the district or districts; (7) community-based agencies
24 providing services to youth; and (8) other interested persons.

25 (b) The superintendent of schools of the school district, at the
26 beginning of each school year, shall convene a meeting of the school
27 attendance review board for the purpose of adopting plans to promote
28 interagency and community cooperation and to reduce the dupli-
29 cation of services provided to youth who have serious school atten-
30 dance problems. If more than one board of education is participating
31 in a school attendance review board, the superintendent of schools
32 of the school district having the most students shall convene the
33 meeting provided for by this subsection.

34 (c) The school attendance review board may elect from among
35 its members a chairperson having responsibility for coordinating the
36 services of the board and may elect such other officers as determined
37 by the board.

38 (d) The school attendance review board may adopt rules and
39 regulations as necessary to govern its procedure and to enable the
40 board to carry out the provisions of this act.

41 Sec. 2. (a) When a pupil has been referred to a school attendance
42 review board under section 5, the board, for the purpose of making
43 a proper disposition of the referral, may request the district court

1 having jurisdiction to issue subpoenas requiring the attendance of
2 the following:

3 (1) The pupil;

4 (2) the pupil's parents, guardians or other person having control
5 of the pupil;

6 (3) the school authority referring the pupil; and

7 (4) any other person the school attendance review board may
8 require as a witness in the matter.

9 (b) The district court may issue subpoenas requiring the atten-
10 dance of witnesses or the production of pertinent written materials,
11 subject to K.S.A. 60-245 and amendments thereto.

12 (c) The district court shall not have jurisdiction to order detention
13 in any secure facility or other confinement for failure to comply with
14 a subpoena issued pursuant to this section.

15 Sec. 3. The school attendance review board shall maintain a con-
16 tinuing inventory of community resources, including alternative ed-
17 ucational programs, and make recommendations for the improvement
18 of such resources and programs or for the creation of new resources
19 and programs where none exist.

20 Sec. 4. Each entity represented on a school attendance review
21 board may assign personnel to represent the entity on a continuing
22 basis in accordance with the intent of this act. The duties, obligations
23 or responsibilities which may be imposed on entities by this act are
24 such that the related costs are incurred as a part of the entities'
25 normal operating procedures. The minor costs of such services may
26 be borne by each entity and each or all of the participants may
27 apply for and utilize state or federal funds as may be available.

28 Sec. 5. (a) If a pupil is required by law to attend school and is
29 irregular in attendance at school, the pupil may be referred to the
30 school attendance review board. Each board of education shall des-
31 ignate one or more employees to make such referrals. Upon making
32 a referral, the employee shall notify the pupil and the pupil's parents
33 or guardians, in writing, of the name and address of the school
34 attendance review board and of the reason for the referral. The
35 notice shall indicate that the pupil and parents or guardians of the
36 pupil will be required, along with the referring person, to meet with
37 the school attendance review board to consider a proper disposition
38 of the referral.

39 (b) If the school attendance review board determines that avail-
40 able community services can resolve the problem of the referred
41 pupil, the board shall direct the pupil or the pupil's parents or
42 guardians, or both, to make use of those community services. The
43 school attendance review board may require, at such time as it

requiring the attendance of

other person having control

pupil; and
attendance review board may

provisions requiring the atten-
pertinent written materials,
its thereto.

jurisdiction to order detention
for failure to comply with
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board shall maintain a con-
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and creation of new resources

school attendance review
the entity on a continuing
act. The duties, obligations
on entities by this act are
as a part of the entities'
costs of such services may
all of the participants may
funds as may be available.

child who fails to attend school and is
pupil may be referred to the
board of education shall des-
cribe such referrals. Upon making
referral, the board shall advise the
pupil and the pupil's parents
of the location and address of the school
to which the pupil is referred. The
parents or guardians of the
referred person, to meet with
the board to consider a proper disposition

board determines that avail-
able community services cannot resolve the problem of the referred
pupil or if the pupil or the pupil's parents or guardians, or both,
have failed to respond to directives of the school attendance review
board or to services provided, the school attendance review board
may notify the secretary of social and rehabilitation services or the
appropriate county or district attorney. If the case is referred to the
district court, the school attendance review board shall submit to
the district court documentation of efforts to secure attendance as
well as the board's recommendations on what action the district court
shall take in order to bring about proper disposition of the case.

1 determines proper, the pupil or parents or guardians of the pupil,
2 or both, to furnish satisfactory evidence of participation in the avail-
3 able community services.

4 (c) If the school attendance review board determines that avail-
5 able community services cannot resolve the problem of the referred
6 pupil or if the pupil or the pupil's parents or guardians, or both,
7 have failed to respond to directives of the school attendance review
8 board or to services provided, the school attendance review board
9 may notify the secretary of social and rehabilitation services or the
10 appropriate county or district attorney. If the case is referred to the
11 district court, the school attendance review board shall submit to
12 the district court documentation of efforts to secure attendance as
13 well as the board's recommendations on what action the district court
14 shall take in order to bring about proper disposition of the case.

15 Sec. 6. This act shall take effect and be in force from and after
16 its publication in the statute book.

HOUSE BILL No. 2223

By Representatives Allen, Baker, Brown, Flottman, Fuller, Lawrence, Pottorff and Samuelson

2-13

9 AN ACT establishing the KanLearn program; providing for admin-
10 istration thereof by the secretary of social and rehabilitation serv-
11 ices; establishing eligibility standards for participation in such
12 program and providing for certain payments and assistance there-
13 under; authorizing the adoption of rules and regulations relating
14 thereto.

15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. (a) This act shall be known and may be cited as the
18 KanLearn act.

19 (b) An individual who is a recipient of assistance known as aid
20 to dependent children under subsection (b) of K.S.A. 39-709 and
21 amendments thereto may participate in the KanLearn program under
22 this act if all of the following apply:

23 (1) The individual is 13 to 19 years of age;

24 (2) the individual has not graduated from a high school or ob-
25 tained a declaration of equivalency of high school graduation;

26 (3) the individual is not exempted from attending school under
27 state law;

28 (4) the individual is a parent or is residing with such individual's
29 natural or adoptive parent;

30 (5) if the individual is the caretaker of a child, the child is at
31 least 90 days old;

32 (6) if child care services are necessary in order for the individual
33 to attend school, licensed or registered child care services under the
34 provisions of article 5 of chapter 65 of the Kansas Statutes Annotated
35 and amendments thereto are available for the child and transportation
36 to and from child care is also available;

37 (7) the individual is not prohibited from attending school while
38 a suspension or an expulsion under K.S.A. 72-8901 *et seq.* and
39 amendments thereto is pending;

40 (8) if the individual was expelled from a school under K.S.A. 72-
41 8901 *et seq.* and amendments thereto, there is another school avail-
42 able which the individual can attend; and

43 (9) if the individual is 16 to 19 years of age, the school district

1 does not determine that the individual will fail to graduate from
2 high school before reaching age 20.

3 (c) (1) An individual who fails to meet the requirements under
4 subsection (b) shall not be eligible to participate in the KanLearn
5 program established under this act.

6 (2) Within the limits of appropriations therefor and subject to
7 guidelines established by the secretary of social and rehabilitation
8 services by rules and regulations, the secretary may provide one or
9 more special financial assistance payments to an individual who is a
10 participant in the KanLearn program when it is determined that
11 such payments are necessary to make it possible for the individual
12 to continue attending school when specific needs or circumstances
13 of the individual would otherwise cause the individual to discontinue
14 attending school on a temporary or permanent basis.

15 (3) Within the limits of appropriations therefor, upon completion
16 of two semesters, or the equivalent, each year of school and en-
17 rollment to attend the ensuing semester of school, an individual who
18 is a participant in the KanLearn program shall be eligible to receive
19 an incentive payment in an amount fixed by rules and regulations
20 of not more than \$100.

21 (4) Within the limits of appropriations therefor, upon graduation
22 from high school and receipt of a high school diploma, an individual
23 who is a participant in the KanLearn program shall be eligible to
24 receive an additional incentive payment in an amount fixed by the
25 secretary of social and rehabilitation services by rules and regulations
26 of not more than \$250.

27 (5) An individual who is a participant in the KanLearn program
28 shall be exempt from work projects, community work and training
29 programs, job requirements under the KanWork program and other
30 work requirements for eligibility for receipt of public assistance.

31 (d) In accordance with the provisions of this section, the secretary
32 of social and rehabilitation services shall adopt rules and regulations
33 which establish KanLearn program requirements as a condition to
34 participation therein and which fix incentive payment amounts for
35 the KanLearn program. The rules and regulations shall specify how
36 the department of social and rehabilitation services determines that
37 a KanLearn participant has attended school for the requisite periods
38 to be eligible for incentive payments.

39 (e) Within the limits of appropriations therefor, if the KanLearn
40 participant demonstrates the need to purchase child care services in
41 order to attend school and these services are available, child care
42 services shall be provided to each such participant in the KanLearn
43 program through reimbursement of private child care providers or

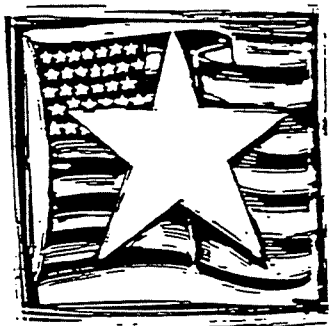
1 through state child care centers. Reimbursement to private child
2 care providers shall not exceed the fee charged to private clients for
3 the same service and may be lower than such fee if the private child
4 care provider agrees to charge a lower fee.

5 (f) The secretary of social and rehabilitation services shall imple-
6 ment the KanLearn program beginning with the fall 1991 school
7 term.

8 (g) The provisions of this act shall be implemented in the same
9 counties or areas of this state in which the program established under
10 the KanWork act is implemented.

11 Sec. 2. This act shall take effect and be in force from and after
12 its publication in the statute book.

STATELINE



The Quick Fix or A Lasting Solution?

THE BANE OF educators is the quick-fix legislative solution to any one of education's enduring problems. Because they are viewed as misinformed, insensitive to the real problems of education, or a nightmare to implement, some legislative solutions are upsetting to the education establishment. In fact, if opinion polls could probe the depth of this concern, they would probably find that, at one time or another, most educators have been completely frustrated by legislative actions. At a recent meeting I attended, one educator offered the opinion that "there should be a law against legislators passing laws like this!"

Having watched the state legislative process for some time, I am able to characterize the "quick-fix" bill:

- First, a quick-fix bill identifies a problem that needs fixing. The problem is preferably one that everyone in education recognizes and has wrestled with unsuccessfully. A variation on this step is to find a new problem first or to redefine an old problem in a completely new way. The problem should be framed in such a way that the average citizen will be able to nod approval and explain it to a friend, while a television or radio broadcast can cover it in a two-minute sound bite.

- Second, a quick-fix bill suggests a solution that will not cost very much and that does not establish a new governance structure to manage the program. Ideally, the solution should be viewed as the responsibility of an existing agency, as a part of its regular budget.

- Third, the bill should be brief, so

that those testifying against it are able to offer only a few amendments to cover the needs of special populations. Anyone testifying against the bill can be portrayed as demonstrating insensitivity to the problem and as standing in the way of progress.

- Fourth, the bill should have some chance of doing good. At least, opponents should find it difficult (if not impossible) to prove that the bill won't do any good.

While educators would regard these characteristics from one point of view, legislators — even those who are advocates of education — might simply view them as the characteristics of good legislation. The gap between what educators want legislators to do and what legislators can do — or think they have to do — is wide. However, the presumption that all quick-fix ideas are bad and that all proposals offered by the education establishment are good is not a foregone conclusion. What happens when a quick-fix idea works — or at least does more good than harm?

NO PASS/NO DRIVE

Recent legislation that falls into the quick-fix category is the "no pass/no drive" idea. These bills attempt to fix the dropout problem — or at least to spark a quick reduction in the dropout rate. The solution is so deceptively simple that the person on the street will probably wonder why no one thought of it before. Students who drop out of school, students who can't pass a minimum competency test, and students who don't make satisfactory progress in school either are not issued a driver's license or have their current license taken away. In 1987 the idea was proposed in Illinois and North Carolina, but it did not pass in either state. In

1988 the idea was considered — but not passed — in California, New Hampshire, Nevada, Virginia, and Louisiana. It was enacted in West Virginia and, with some variation, in Wisconsin.

The West Virginia rule was part of S.B. 14, that state's education reform law, enacted in the summer of 1988. The no pass/no drive provision requires the state department of motor vehicles to deny a driver's license to anyone under the age of 18 who fails to prove enrollment in or graduation from high school. Anyone under age 18 who acquires a driver's license and then drops out of school will have that license suspended. Ten consecutive days of unexcused absence from school or a total of 15 unexcused absences in one semester are grounds for suspending a teenager's license.

According to Teresa Wilson, acting director of educational support services for the West Virginia Department of Education, this provision in the reform law caught the school districts and the state department by surprise. When school opened last fall, there were no provisions in place for implementing the law. By October some 150 students had dropped out of school. Their names, addresses, social security numbers, and birth dates were submitted to the department of motor vehicles, and their licenses were withdrawn.

The state board of education had to quickly come up with a uniform list of excused absences for the school districts to use. At least 12 types of absences that school districts would have to keep track of were included on the list. The usual events, such as illness, medical appointment, death in the family, family emergency, and so on, were all covered, but the limits of some of these excused absences were defined more specifically

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than is customary. For example, three consecutive days of illness require a note from a doctor, absence because of a death in the family is limited to three days, and requests for "educational leave" have to be approved in advance by the school district and are strictly governed. In other words, a trip to grandmother's house doesn't count. The rules also allow parents to request that a student stay at home — but for no more than three days in a single semester. Eventually these rules all come together to form a mosaic that leaves certain days as unexcused absences.

When asked how the system is working, Wilson replied that "it is working wonderfully." School districts have increased their attendance rates dramatically, and most districts have few complaints about the law because the public views it as an honest attempt to get students and parents to take education seriously. Most districts use computerized attendance procedures, and turning a list over to the department of motor vehicles is a simple matter that removes the school from the final act. Whenever students don't comply, the state police are called in to enforce the law.

The first reaction from students was that the law would never be enforced. But now that the message from the courts and from the state agencies involved is clear, students are coming to school. School districts are even contacting students who dropped out of school last year and are still under the age of 18 but not currently enrolled in school. These students are also losing their driver's licenses, and they are reentering school in record numbers.

One positive feature of the new law is that the public generally endorses the idea. The first reaction on the part of some students and parents was to threaten the school district or the state with legal action. But it appears that the state courts are upholding the law, and public opinion favors the law by a wide margin.

The state board has gone further in its definition of rules and regulations governing the process for getting a driver's license back once it has been withdrawn. This includes a student's returning to school and logging no more than five unexcused absences during the semester in which he or she reentered. Students get their driver's licenses back at the end of the semester, not on their first day back in school.

Public school officials, the state depart-

ment of education, and the state board all seem to be saying positive things about the program. When attendance figures are released at the end of the school year, everyone expects to find a dramatic increase in attendance in West Virginia.

Wisconsin enacted S.B. 245 in 1988, which creates a penalty for habitual truancy and for contributing to or encouraging truancy. The law includes provisions for suspension of a student's license.

Both houses of the California legislature passed a similar bill last year. But Gov. George Deukmejian vetoed it because he felt that the bill would infringe on parental responsibilities.

PROPOSED LEGISLATION

An example of the legislation proposed this year is H.B. 1030 in Colorado. This bill was assigned to the transportation committee and cleared that hurdle with little difficulty. If enacted, H.B. 1030 would require that any person under 18 years of age who applies for a "minor's" driver's license or an instruction permit must supply written evidence that he or she 1) has graduated from high school, 2) has obtained a high school equivalency certificate, or 3) is making satisfactory progress toward graduating from school within four years of enrolling in ninth grade and is conforming to the attendance policies of the school, the school district, and the state department of education. The bill would also require that a minor who ceases to make satisfactory progress toward graduating or who is not conforming to attendance policies would have his or her driver's license revoked.

Advocates of the bill speculate that it could reduce by 5% to 10% the current statewide dropout rate of 25%. One of

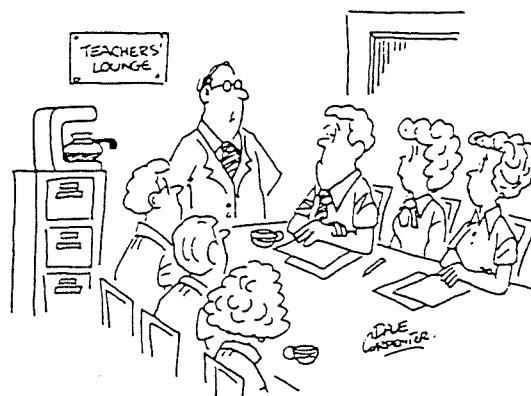
the more difficult provisions — a definition of satisfactory progress — would be left to the state board for specification. The state board would also have to write provisions to cover high school equivalency programs and home-schooling.

Opposition to the bill came from a teacher/legislator who said that he would not want to have to teach a class full of dropouts who were back in school only because they wanted to drive. Another legislator was concerned about rural teenagers who have to drive to work or help with activities on family farms or ranches. Another legislator called the bill an unnecessary government infringement on family matters. Funding for the program is to come from a fee for restoring a revoked driver's license, which is now \$40 and would be increased to \$42.

THE BOTTOM LINE

One of the most important features of quick-fix legislation is that it sometimes has unintended outcomes. For example, West Virginia's no pass/no drive law may be contributing more to changing public opinion about education than any other event in recent history. If legislators and educators had been told to improve the public's opinion of the schools, neither group would have been likely to begin by tying school attendance to driver's licenses. Yet the simple message to young people — "Stay in school if you want to drive" — carries an even more important message to adults: "School is important."

Now that the ball is back on the educators' side of the net and would-be dropouts are coming to class, can teachers turn these students into eager learners? Or are we back at step one on the quick-fix plan? ☐



"It's exam week, and they're not in a good mood. Let's be careful out there."

Executive Summary

EVALUATION OF THE IMPACT OF WISCONSIN'S LEARNFARE EXPERIMENT
ON THE SCHOOL ATTENDANCE OF TEENAGERS RECEIVING
AID TO FAMILIES WITH DEPENDENT CHILDREN

submitted to the
Wisconsin Department of Health and Social Services
and the U.S. Department of Health and Human Services

by the Employment and Training Institute
University of Wisconsin-Milwaukee

February 5, 1992

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Copies of the full report are available for \$15.00 including postage and
handling from the Employment and Training Institute, University of Wisconsin-
Milwaukee, P.O. Box 413, Milwaukee, WI 53201.

Executive Summary

The Wisconsin Learnfare experiment requires teenagers in all families receiving AFDC to attend school regularly until graduation or face the threat of financial sanctions for their families. The Learnfare policy was enforced for younger teens and teen parents in March, 1988 and fully implemented in the Fall of the 1988-89 school year. The stated goals of the experiment were to increase self-sufficiency through participation in education and to ensure that more teenagers on AFDC complete high school. On June 1, 1990, the federal government required that the State provide an impact analysis on the effect of Learnfare on the school attendance of AFDC teens by September 1, 1991. Delays on the part of the state Department of Health and Social Services (DHSS) resulted in a thirteen month delay in securing the state and local records required for the evaluation. On January 25, 1991, the federal government granted an extension on the required study until December 31, 1991. In July of 1991, the state contracted with the Employment and Training Institute to provide the required evaluation.

Evaluation Issues

A major strength of the evaluation is in its creation and use of a data base detailing the school experience of all AFDC teens and former AFDC teens enrolled in six representative school districts of the state over a six year period, and including the entire school population of teenagers subject to the Learnfare requirement in the districts. In Milwaukee school attendance patterns were examined for over 50,000 teens. The Milwaukee study represents the largest analysis of the AFDC teen student population in the city and provides first-time data on patterns of school attendance and high school graduation rates for AFDC and former AFDC teens. In the five representative school districts outside Milwaukee the school performance of nearly 6,000 teens was studied. The five schools representative of the balance of the state are designated by size as Schools A through E, with School A representing the largest.

Prior to entering into contract with the evaluators, state officials were faced with serious data limitations due to missing attendance files for Milwaukee Public Schools in the year before Learnfare, and definition of an adequate comparison group. The approved research design addresses these limitations by extending the pre-Learnfare period to include the 1984-85 and 1985-86 school years in Milwaukee to provide sufficient pre-Learnfare experience. In the balance of the state the pre-Learnfare period begins with the 1985-86 school year. Differences in attendance reporting practices for Milwaukee regular high schools and alternative education programs required a separate analysis of these populations, and hypothesis testing could not be conducted for the Learnfare teen parent population.

A variety of methods were used to assess the impact of Learnfare on the school attendance of AFDC teens. These methods included descriptions of attendance patterns over a five to six year period before and during Learnfare, analysis of the performance of Learnfare students one year after participation in the program, a statistical regression model to test for improvements in attendance controlling for changes in the population over time, and a cohort survival analysis on the Class of 1991 in high school for three years of Learnfare.

Description of Outcomes

Using lagged regression models which controlled for differences in age, grade level, sex, race, and months on AFDC, the school attendance of AFDC teens under the Learnfare policy was compared to school attendance of former AFDC teens and teens receiving AFDC prior to the Learnfare experiment. In all six school districts the models used did not show improvement in student attendance which could be attributed to the Learnfare requirement. Similarly, the regression models used did not show any impact of the Learnfare requirement on reducing semester absences among eighth grade Learnfare students in Milwaukee or School A, where middle school records were available.

Given the limitations of the control group populations and problems of identifying AFDC and non-AFDC teen parents, the Learnfare hypothesis testing lacks the strength of an experimental design using random assignment. Descriptive statistics support, however, the basic conclusion that AFDC teens have not shown improved attendance under the Learnfare experiment. After one year of Learnfare about one-third of Learnfare students had improved their attendance while over half showed poorer attendance. In each year the two largest school districts showed dropout rates well over 20 percent. After a second year of Learnfare the percentage of students with worse attendance increased in three of the four districts studied.

The percentage of Milwaukee high school students with excessive absences continued to increase during the three years of Learnfare. Over 30 percent of Milwaukee AFDC teens subject to Learnfare missed more than 20 out of 90 days of school in the fall semesters and over 40 percent had excessive absences in the spring semesters. School A showed similar patterns. In School B, which had the lowest absentee rates in the pre-Learnfare period of the districts studied, increases in absenteeism were still noted during the Learnfare period. In School C the percentage of Learnfare teens with more than 20 absences a semester exceeded 30 percent in four of the six Learnfare semesters. Schools D and E recorded transcript attendance by the school year. In School D the percentage of Learnfare teens with excessive absences climbed dramatically during the three years studied. By the third year of Learnfare over 60 percent of AFDC teens studied had more than forty absences a year. In School E, 23 percent of Learnfare teens in 1988-89 had more than 40 days absent and 16 percent had excessive absences in 1990-91.

The Senior Class of 1991 was examined throughout its high school experience to assess school enrollment and completion rates. Graduation rates for Milwaukee teens subject to Learnfare who entered high school as Freshmen in the 1987-88 school year and a control group of their classmates were the same with 18 percent of each group actually finishing their senior year and graduating. The graduation rates for School A, the next largest district studied, were 48 percent for the Learnfare group and 49 percent for the control group.

Nearly half of teen parent non-graduates in Milwaukee were never required to attend school under threat of Learnfare sanctioning. Of Milwaukee Public School teen parents required to attend school under the Learnfare policy and threatened with financial sanctions, less than half were enrolled in school. Subsequently, well over half (51 to 57 percent) of this population was sanctioned each semester.

N6A
social issues / 11
Attachment 10

High Marks For California's GAIN, Ohio's LEAP

California's GAIN program of education and training for welfare recipients receives another upbeat review by Manpower Demonstration Research Corp. (MDRC), which found annual earnings averaging \$519 more per single parent than members of a control group who did not receive GAIN services. The figure was nearly double the \$266 increase recorded in the first year of the study. Average welfare grants were \$347 per year lower per person than those received by control groups members -- a 20 percent improvement over the first year. The reports is based on two years of follow-up data for 33,000 individuals who entered GAIN between early 1988 and mid-1990.

→ The Learning, Earning, and Parenting (LEAP) program implemented in Ohio has reduced school dropout rates and increased high school graduation and GED certification among teenage parents, MDRC found in seven Ohio counties where it is conducting an evaluation of the program. Under the program, participation is required of all pregnant young women and custodial parents under the age of 20 if they are receiving welfare and do not have a high school graduation certification or equivalent. Welfare grants are increased \$62 per month for those who attend school regularly and cut \$62 for those who fail or refuse to meet participation requirements. Among teen welfare mothers, MDRC found 61 percent stayed in school, 10 percent more than a control group, and 47 percent of the dropouts returned to school, 14 percent more than control group members. Copies of the LEAP and GAIN reports (or executive summaries) can be obtained by calling MDRC (212/532-3200).

JTPA IMPLEMENTATION

Final JTPA Regulations Delayed Until September

The Labor Department postpones the target date for issuing final JTPA regulations from June 1 to September 1, saying more time is needed to analyze the large volume of comments on proposed regulations. To date, the department has received over 400 comment letters.

The decision means interim rules issued last December will govern the JTPA programs beginning July 1, but with some minor changes and clarifications. Revised transition rules (issued March 8 in TEGL 7-92) will be polished a bit and published in the Federal Register as an amendment to the interim rules. This official treatment is expected to minimize confusion about which rules will be in effect when the new program year begins.

USDOL To Clarify Two Knotty Issues, Work On Two Others

Labor Department officials tell state JTPA liaisons that they are prepared to clear up a pair of vexing problems caused by interim JTPA rules, but need more time to resolve two others.

Meeting with the Executive Committee of the liaisons' national association, department officials said that they will clarify that the term "out-of-school youth" includes high school graduates. They also will advise that so-called "Governor's seventeen guidelines" on allowable costs (20 CFR 627.435(i)) do not require numerical standards for SDA staff compensation, are not intended to be more complex than existing guidelines, and can be met by adopting federal circulars.

The two issues still unresolved were transition of PY 1992 funds into PY 1993 on July 1 and methods of allocating administrative costs for purposes of quarterly and annual reports. Department officials said they would address these issues in the upcoming Federal Register notice on transition, but could not guarantee that they can be finally decided that soon.

Directions / instructions

Author
RACHEL ISGAR

Attachment 11

**CHAPTER 5
SUMMARY OF FINDINGS, CONCLUSIONS
AND RECOMMENDATIONS**

Introduction

Increasing academic standards has become a very important issue in the United States. In 1984 the Texas legislature hoped to increase the academic performance of students by passing House Bill 72, a comprehensive school reform bill which encouraged students to concentrate first and foremost on academics. One component of that bill, No Pass/No Play, was to encourage students to concentrate first and foremost on academics. Texas was the first state in the United States to mandate the policy statewide. No Pass/No Play mandates that students who participate in extracurricular activities must maintain a grade of least a 70 in each class to maintain their eligibility to participate in the activity. This issue is important to districts because large numbers of students participate in extracurricular activities. In AISD 35.1% of the students participated in some type of extracurricular activity in 1991-92.

The implementation of a state policy in local districts depends largely on what strategies can be used to make local practitioners experts in the effective practices they need to apply (McLaughlin, 1987; 1991). There is little data which documents how effectively school districts have implemented mandates. The research on No Pass/No Play, and how the policy has been

implemented is scant. However, there is a growing body of literature about what works and what does not work in the implementation of federal, state, and local policy (i.e., Odden, 1991; McDonnell and Elmore, 1991; Firestone, Fuhrman, and Kirst, 1989). The need for research showing the impact of No Pass/No Play on students has been documented in chapter 2.

In chapter 2, four policy instruments used in implementation were identified. The use of mandates, rules governing the action of individuals and agencies intended to produce compliance, has worked well in the case study schools as a policy tool. One measure is how districts comply with the law.

This chapter summarizes the research conducted to investigate these issues within one school district in Texas. The purpose of this study was to analyze: a) the components of effective local implementation; b) how mandates have worked as a policy tool to create uniform implementation; and c) the effects the policy has had on students.

The Problem

This study reviewed and analyzed the local implementation process of No Pass/No Play and the effects that this policy has had on students in terms of dropouts, honors class enrollments, and other variables. Its main purposes were to analyze implementation at the local level to see: (a) if implementation has been consistent at the local level; (b) if there are uniform levels of

compliance across the district; (c) what role the state has taken in overseeing No Pass/No Play; (d) if the number of students dropping out has increased; and (e) if students are taking less challenging classes for fear of failing more difficult classes.

The data for this study were derived from two sources: (a) case studies conducted in person at five high schools with 28 interviewees, composed of principals, assistant principals, teachers, coaches, and athletic coordinators. Data was also obtained from the district office for the case studies; and (b) interviews done at the state level with representatives from the Texas Education Agency (TEA), University Interscholastic League (UIL), Texas Coaches Association (TCA) and a staff member to the House Public Education Committee.

The interviews were conducted at five schools in AISD. AISD was chosen because it is an urban school district with a good mix of ethnicity, wealth, and athletic programs. The criteria for selecting schools were based upon socioeconomic status, ethnic mix, and the varsity football win/loss record (note that Austin is considered relatively wealthy for an urban district). Five of the ten comprehensive high schools in the district were selected to participate in the study. The sample district included two relatively high socioeconomic schools and three medium ranged socioeconomic schools. One school was composed predominantly of white students and one of a majority

of black students. The other schools were mixes of white, black, and hispanic students. Only one school had a winning football record for the 1992 season. Two schools had break even records for the season and two schools had losing seasonal football records.

Results

Based upon the results of the case studies and interviews at the state level, the research shows that a mandate was effective in getting full implementation. Furthermore no money was allocated by the state legislature to help districts implement the mandate. At the local level a cost for implementing No Pass/No Play cannot be determined because no staff people are hired specifically to deal with No Pass/No Play. Instead compliance of No Pass/No Play has become a part of the job of many personnel, such as the registrar, coaches, teachers, who would be hired by the school district regardless of the No Pass/No Play policy. Thus, the major research hypothesis, that because No Pass/No Play evolved as a mandate from the legislature to local districts, there are uniform levels of compliance across the district, was confirmed. This study shows that a mandate is a powerful tool to produce compliance with implementation.

- 1) First, we can understand from mandates that: local government is in a paramount position to respond in diverse ways to issues affecting

it. To implement No Pass/No Play, many different formal and informal support systems have been put in place at school sites to help students pass their classes.

2) Second, the use of a mandate has resulted in consistent compliance of the rule because there are never any exclusions allowed for extenuating circumstances. Administrators at the local and state level hold firm to the 'no exceptions' rule.

3) Third, because the mandate was handed down to the local districts whether or not they agreed with the policy, everybody has had to deal with the same restrictions in planning extracurricular programs. The controversy over No Pass/No Play has caused some people to forget its original goal, which was to encourage students to concentrate first and foremost on academics.

4) Finally, although No Pass/No Play is still a highly controversial policy, it appears to be a manageable reform and costs very little to the state, and because of that it has stayed in place.

The research reported here shows that the implementation of a state

policy in local districts works well when there is a penalty for noncompliance. This is evident by the fact that many schools turn themselves in for violations to the TEA or UIL in order to avoid further embarrassment or sanctions, in essence creating a free market reporting and violation system. Furthermore, because the staff at TEA and UIL provide technical assistance whenever requested by the schools, schools take advantage of seeking out assistance with No Pass/No Play. Finally the implementation of No Pass/No Play has not been affected by any of the criteria which were considered by this study, ethnicity, socioeconomic status, and the varsity football record had little affect on how schools implemented No Pass/No Play. The only apparent effect was that the schools which were classified as mid-range socioeconomic status did once a week grade checks and the schools which were classified as high socioeconomic status checked grades once every three weeks.

Recent theories on effective local implementation (Odden and Marsh, 1984) advise a vision and commitment of the central office and of each school to change. Likewise, the local implementation of No Pass/No Play has been demonstrated by a vision shared by the district and the school that focuses on complying with No Pass/No Play regulations and developing a wide variety of tutorial and remedial programs to offer assistance to students. The development of implementation plans at individual schools in AISD is enhanced with the use of cross-role teams - consisting of site administrators,

the registrar, teachers and coaches. Training does not occur presently; however, when the plan was implemented in 1984 formal training was provided to principals and informal training was available for teachers/coaches, sponsors and other school staff members. School administrators continue to provide symbolic administrative leadership by stressing the importance and seriousness of No Pass/No Play. Finally, No Pass/No Play has worked as a top-down reform initiative because district and state leadership has been significant in launching local reform and in backing its implementation since the law was passed. The leadership of the state is significant because it presents a threat for non-compliance to schools. Furthermore schools feel that there is an authority they can call for interpretation of the policy. District leadership is significant because there is an athletic office and a district athletic director to provide leadership to the schools both through interpretation of the rules and symbolically. District leadership has also been significant because the central office is responsible for implementation of a district plan for coordinating and linking the data needed to produce an ineligibility or F list, every six weeks. The quick turn around of the district to produce a computerized list that is easy for schools to read and interpret demonstrates commitment and leadership at the local level.

A formal legislative oversight committee was not established in Texas

to deal with policy implementation and evaluation. Consequently, evaluation and reporting requirements were not included in the legislation, (in fact part of the mandate of HB 72 was to create less paperwork) nor was a schedule for oversight through reauthorization or sunset clauses. Informally the TEA and UIL have played oversight roles, however the UIL wields more power to penalize schools for non-compliance than the TEA. Basically most cases brought to the attention of TEA are solved with a slap on the wrist, schools might be told to provide an in-service to review No Pass/No Play rules. In the worst case, accreditation could be taken away from a district by TEA, although this has never happened. UIL, however, may sanction teams for ineligibility, the minimum penalty being forfeiture of a game. Other punishments given by UIL are on a case by case basis and could be directed towards either the individual, coach/sponsor, or the school. In a minor case a coach could be suspended for a game, in a major case a coach could be suspended for up to three years from coaching. However, the strategies of the TEA and UIL generally are ad hoc and reactive, such as when they receive complaints by telephone through self-reporting or the grapevine. The authority of TEA and UIL to provide punishment, implies that schools do not want to forfeit games or face stricter penalties, so they follow the law.

The interviews were structured by predetermined questions based upon key areas that this study hoped to explain.

Summary of Findings

Based upon the results of the research, it can be seen that implementation is widespread throughout the district and presumably the state. Not only are districts complying with No Pass/No Play, but they have also developed creative ways to monitor student grades and offer tutorial programs. This study has contributed to implementation theory by investigating the implementation of a state mandate at the local level and developing some generic characteristics of local policy implementation when mandates are used as a policy tool to produce compliance.

Regarding state policies this research found that:

- 1) At the state level the role has been to provide interpretation and technical assistance to schools and to function in a reactive manner. Two agencies at the state level, the TEA (public) and the UIL (private), have mainly functioned in a reactive manner to local districts. The main role of these agencies has been to provide technical assistance in the implementation of the rule and to provide penalties for non-compliance of No Pass/No Play.

- 2) In spite of the state press for reform during the 1980s, the powerful athletic culture of Texas has affected the way No Pass/No Play was implemented. Principals, teachers, and coaches have gone out of their

way to implement an extensive network of support services at the school level to help students that participate in extracurricular activities remain eligible.

- 3) Because the implementation of No Pass/No Play has been manageable, it has stayed in place.

The district actions in response to the state initiative have concluded that:

- 1) There was a lot of resistance to a reform which might negatively impact the extracurricular programs at the school level in 1984 initially. The resistance, although not as loud today, is still quite vocal. The 1993 legislature has considered changing the 1984 policy to make the penalty less restrictive.
- 2) Much of the progress made in achieving the goal of the policy has resulted from school initiatives.
- 3) The district implemented the policy fully.

The use of a mandate as a policy tool led to successful local policy implementation. Characteristics of successful local policy implementation

using a mandate showed that:

- o the financial cost of implementation was low. The only money allocated by the state was for staff people at the TEA and UIL. No money was appropriated by the state to help local districts with implementation.
- o cross role teams worked well together. The teams, composed of teachers, coaches, and the registrar, worked well to meet the needs of each student that was in need of extra academic help.
- o Compliance was evident at the local level because a penalty existed for non-compliance.
- o Technical assistance is available free of charge to all schools and districts to help with interpretation and implementation of the policy.
- o No Pass/No Play is a manageable policy and because of that has stayed in place.

- o The AISD Athletic office supports the schools and also helps to provide clarification and interpretation of the policy. The district office demonstrated leadership by insisting upon compliance with the law.

- o The top down policy has resulted in consistent compliance with the policy from school to school.

- o Training was provided when the law was passed to school principals. Principals then instructed their staffs about the policy. Each year, and in many cases every six weeks, the school staff is reminded about the policy, its implications, and how to comply with it.

At the district level grand results have not been produced as a result of No Pass/No Play (see Figure 5.1). The intent of the policy, to keep students from participating in extracurricular activities that are failing, has been met. Other findings show that the dropout rate remained fairly consistent between 1984 and 1992. Furthermore the percentage of all students participating in extracurricular activities has not fluctuated much. The most significant findings have shown that students are receiving fewer F's and

students are participating in honors classes at a higher rate. It is important to note that the results obtained from the interviews contradicted the district data. This shows that public perception is not matching the hard data. It is clear from the sample that No Pass/No Play has succeeded in keeping students from participating in extracurricular activities if they are ineligible. However the supplemental effects have been harder to explain. Part of this could be that No Pass/No Play was implemented along with many other education reform. In sum, the results of No Pass/No Play have been marginal but positive.

Figure 5.1

The Effects of No Pass/No Play on F's, Students Dropping Out of School, and Students Participating in Extracurricular Activities. Fall 1983-84 vs. Fall 1991-92, described by percentages.

	Before No Pass/No Play <u>1984</u>	After No Pass/No Play <u>1992</u>
F's	60.1	49.9
dropouts	15.03	14.46
participation	33.9	35.1

When state legislatures enter into the arena of implementing state policies, they must consider the implications of these policies on local school districts. Legislatures must also consider how the policies will be best implemented, i.e., which policy instrument will provide the best compliance with the law. In the case of No Pass/No Play a mandate is a powerful tool to

produce compliance with implementation. Full implementation is consistent amongst the sample schools because no exceptions to the law are allowed.

The research shows that school districts must follow state requirements when implementing state-wide legislative policy: however local autonomy is provided to schools to develop their own support services. In the case of No Pass/No Play:

1) All students must maintain a minimum grade of 70 in each class the student takes. If the student falls below 70 in any class, then the student is not allowed to participate in extracurricular activities for at least the next six week grading period until the student has raised his/her grade above 70.

2) Effective implementation will not work without good coordination among a cross-role team, composed of teachers, the registrar, and coaches. Cross role teams are teams formed to develop the specifics for the implementation of programs. The teams are informal and are developed as teachers approach coaches and coaches approach teachers. The team's ongoing role is to engage in data collection, determine problems, needs and a search for potential solutions. Formally all of these parties have responsibilities to comply: a) teachers are required to fill out grading sheets and progress reports; b) the registrar is responsible for certifying all eligible athletes; c) coaches are accountable to make sure that ineligible players are not practicing

or playing. Informally, coaches and teachers work together to provide support services for athletes where needed, i.e. tutorials, and to warn each other when potential students may fail or need extra help.

Cross role teams come together to provide preventative maintenance, such as making sure that students don't fail. The things that the members of the cross role team do, varies from informal discussions of a student's progress, to actually having teachers or coaches stay after school to provide students with extra help. Although these teams communicate regularly, they are informal and act on a case by case basis.

3) Support varied for the policy. It was hypothesized that coaches would oppose the policy and all others would support the policy (i.e. principals, teachers). However, many of the coaches interviewed in fact did support the policy if the ineligibility period was shortened. All teachers supported the policy, but all of the principals did not support the policy. Schools admitted that the main way they demonstrated commitment to the policy was by following the law, secondly, by providing academic support services.

Teachers, coaches, the principal and the registrar comply with the law and are able to affect a student's grade through the cross role teams. These factors help make the implementation of No Pass/No Play work because the

schools staff is coordinated in their actions and the law is made very clear to the staff by the principal.

These issues and the related conclusions gathered from this research are addressed below.

The major roles of the staff people to No Pass/No Play at TEA are to provide leadership to school districts to help interpret the law. According to a TEA representative, if the legislation was amended "it would help to take out **staff interpretation** and put in legal rules." This is in response to some confusion in the state over what was legislative intent. TEA and UIL cooperate in a side-by-side effort to enforce No Pass/No Play. Both TEA and UIL determine if schools are in compliance when an infraction is called to their attention. Another role of the TEA and UIL staff people to No Pass/No Play is to inform school districts through the mail about recent interpretations of the law. The process generally is to send 3,000 copies of notices to school superintendents (3 copies per superintendent) and to ask districts to copy and pass information on to the schools.

Although at the state level the TEA and UIL are responsible for enforcement issues associated with No Pass/No Play, the focus of the Commissioner of Education in the state is to concentrate on academic reforms and not on No Pass/No Play. Nonetheless, because No Pass/No Play is still controversial in Texas, whenever it is brought up in the media it overshadows

other education reforms. The perception in Texas is that if there is more staff to No Pass/No Play it is important, and because the state wants to de-emphasize the controversial policy, there are no plans to increase staff size. At the state level, TEA employs two half-time people to handle questions regarding No Pass/No Play. No money at the legislative level is involved. UIL employs five people to deal with a broad array of eligibility questions, not solely No Pass/No Play. Approximately 50% of one UIL employee's time is spent on No Pass/No Play during the year.

At the local level, the implementation system for No Pass/No Play is consistent at all schools in the study. Although schools differ on the tutoring programs they offer, a routine system for implementation emerged. At the end of every six-week grading period teachers must fill out grading reports. In these grading reports teachers indicate the grades that a student currently has in each of their classes. These grading reports are used to compile a list of ineligible students to participate, this list is commonly known as the 'F list.' There is coordination between the schools and the district to produce the F list. The schools hand in computerized scantron sheets to the district and the district central data processing unit produces the F list and redistributes it back to the individual schools in a two or three business day turn around process. It is the extracurricular activity sponsor's responsibility to check that list and to tell the students on their team that they are ineligible. There is a

seven day period following the end of the six week grading period called a waiting or grace period. Coaches and sponsors must check the F list as soon as possible because students are not allowed to practice or compete any time after the seven day grace period if they are failing a class. The main responsibility of the teachers is to get grades turned in on time.

Schools varied on procedures for monitoring grades during the six week grading period. Not only do schools know the progress of their students at the end of each six-week grading period, but all schools send out a progress report to students failing classes at the three week mark, a requirement of the district. Some coaches/sponsors have gone even farther and check grades weekly. In these cases it is the student's responsibility to fill out all information concerning their schedules on the forms provided by the school administration or their coach or sponsor. Forms are carried around by students and given to teachers on Wednesday's. Teachers determine pass/fail criteria by asking themselves "If the student were to drop my class today, would he/she be passing or failing?" At the end of the day the student returns the completed form to the sponsor/coach.

Accountability systems have been established both formally and informally at all of the schools. Formally, the registrar is critical for checking eligibility of students. The role of the registrar is to: certify the list for teams; determine eligibility by grades; determine whether students are in the

appropriate attendance area; count the number of credits students are taking; and determine the age of students to make sure they are not older than 19. After the registrar has certified the list, the coaches look through the list to determine which of their players are ineligible.

Informally, accountability systems have been established to create two or three check point systems to investigate the F list. A three point check system sometimes involves a coach or sponsor, the registrar, and the athletic director. Nearly all interviewees emphasized the good cooperation at school between teachers, coaches/sponsors, and administration. Coaches/sponsors and teachers felt that the principal makes it very clear who is eligible and who is not. An informal network between teachers and coaches/sponsors also exists in many cases where a teacher may say to a coach/sponsor that a student is not doing well.

The impact of No Pass/No Play on extracurricular programs has affected activities at all schools. The vast majority of the respondents felt the effect was negative. However the district data contradicts this and shows that two percent more students were participating in extracurricular activities in fall 1991-92 than in fall 1982-83.

Some common trends emerged with regards to district wide tutorial programs. Schools provide very few mandatory tutorial programs. One school established a mandatory tutorial program for students failing classes. Their

plan, extended learning period (ELP), was established at the beginning of the 1992-93 school year. Any student receiving a progress report for low grades three weeks into a grading period or failing one or more courses is required to attend mandatory tutorials on a daily basis. Students passing all courses have the option of attending a variety of enrichment activities during the tutorial or ELP time. District wide examples are: a Content Mastery Program which is mandatory for students to attend when assigned; and mandatory study hall/tutorial sessions run by coaches.

Schools also provide many different types of tutorial and remedial programs which are voluntary for students to attend. Examples are: Teachers tutor students before school, during lunch, and after school; District wide tutorial services offered at community schools around Austin which are open at night; Students inducted into the National Honors Society tutor other students needing and wanting extra help; and study halls. One of the more unique programs is called Project Man. In this program black professionals come to school and mentor (many of the students-athletes they mentor are black) and do activities with students outside of school. Another school offers a staffed computer lab opened every day for students to use. Another example is a program for students that are failing called the ZAP program, meaning 'zeroes aren't permitted.' The ZAP program enables teachers to 'zap' a student that needs extra help and asks students to come to their classroom

during the last 30 minutes of the one hour and fifteen minute lunch period. The consensus of the interviewees is that before and after school programs don't work when students: are bussed and do not have transportation to come earlier or stay later; work after school; don't want to wake up so early. The biggest challenge with the tutorial programs is getting students to seek help. Nearly all of the participants agreed that the students that really need the tutorials don't come.

Overall teachers and coaches couldn't remember much formal training associated with the implementation of No Pass/No Play. Most of the respondents agreed with the policy but advocated changing the penalty for failing a course from 6 weeks of non-participation to three weeks. Many also advocated allowing students one 65 or one F each grading period. Only a few respondents thought the policy needed no changes.

It appears as if No Pass/No Play has not had any substantial effect on the dropout rate, contrary to the secondary hypothesis of this research. The data shows that the greatest percentage of dropouts in AISD has occurred at the 9th grade level over the past decade. Dropouts accounted for 15.03 percent of the student population 1983-84. By 1991-92 that number had decreased to 14.46%. When No Pass/No Play was implemented in 1984 it appeared that the dropout rose 1.4% in the first year.

The overwhelming majority of respondents felt that overall students

tend to avoid the more difficult classes for fear of failing them. However, the numbers show that students that participate in extracurricular activities take honors classes at a higher rate than the overall student population. No Pass/No Play has had the effect of decreasing ineligibility to participate in extracurricular activities.

The number of students that participate in extracurricular activities and receive at least one F has decreased over the past ten years. When comparing students that participate with the student body as a whole it is apparent that students that participate are receiving fewer F's across all ethnicities. One might speculate that because of No Pass/No Play students that participate are studying harder, possibly due to increased academic support services, and receiving fewer F's, or that teachers are grading with different standards than they did pre-No Pass/No Play. The issues of cheating and grade inflation were not brought up as major issues during the case studies because the interviewees did not volunteer the information.

When reading these statistics bear in mind that No Pass/No Play was implemented as part of HB 72 which included many other reforms.

Finally, there are many issues of the law which provide barriers to implementation that were presented over and over during the interviews which deserve some attention. Some of the issues are:

1) Hostility that some sports are unfairly penalized by No Pass/No Play. For example, football players must be on grade level to participate but this is not true for basketball players. This discrepancy exists because students that begin school in the fall are eligible to participate as long as they are on grade level, No Pass/No Play doesn't extend across summer meaning that if a student has failed all of his classes during the spring semester his slate is wiped clean for the fall, provided that he is on grade level for the first six weeks. However, spring sports need not be on grade level, their only requirements is that they have passed the prior six weeks. For example, James, a basketball player whose season begins in January, can fail the first six weeks in the fall semester of algebra, fail the second six weeks of algebra, do just well enough to have a 70 average for the third six-weeks, but a combined average from the three six-week grading periods below a 70, thus failing the semester, yet be eligible for basketball season in the spring season because he passed the third six-week grading period, the grading period prior to the start of his season.

2) UIL has a strict interpretation of what constitutes pressure on a teacher. Even inquiring about a grade constitutes pressure.

3) A loophole exists where a student can fail the first two grading periods, pass the third grading period of the semester, fail the semester, not have enough credits to be on grade level, yet be eligible for the next grading

period when the sport is in season, e.g. basketball.

4) HB 72 stipulated that districts have the option of allowing students that take honors courses to receive one F. AISD however has waived the honors exception rule, against wishes of many of those interviewed, although quantitatively this has not made a difference.

5) There has been much confusion as to when an I can be given for an incomplete, and often they are given out incorrectly.

Finally, as of April, 1993, several bills had been proposed in the legislature changing the required penalty for ineligibility due to failing grades from six weeks to three weeks. These bills are currently being reviewed by subcommittees. Although the proposal to shorten the ineligibility period has been proposed in previous years and died in committee, this year could have been different because there is a totally different makeup of the state legislature now from the legislature that authorized No Pass/No Play in 1983-84. However, as April progressed the legislature has been forced to spend the majority of the remainder of the legislative session dealing formulating a new school finance plan for Texas school districts. As of early May it was likely that No Pass/No Play would have to remain on the back burner for the next two years until the Texas State Legislature reconvenes, unless the bills are addressed in a special session of the legislature.

Major Findings

This chapter explains the major findings and conclusions of the study.

- o Dropouts accounted for 15.03 percent of the student population, grades 9-12, in 1983-84. By 1991-92 that number had decreased to 14.6%. Thus No Pass/No Play has not led to increased dropouts.

- o Students that participate in extracurricular activities have taken honors classes at a higher rate than the overall student population over the past ten years.

- o No Pass/No Play has had the effect of decreasing ineligibility to participate in extracurricular activities. The number of students that participate in extracurricular activities and receive at least one F has decreased over the past ten years.

- o Students that participate in extracurricular activities receive fewer Fs then the student body as a whole.

The use of mandates to implement No Pass/No Play have not accounted for any dramatic improvements in test scores or grade outcomes. The only tangible outcome that mandates have produced is the policy that students cannot play when they fail a class. In sum, nothing bad nor great, in terms of student achievement, has occurred from the mandate. The district data, for the most part, contradicted the data from the interviews at the school level.

Recommendations for Future Research

1) Investigate successful mandatory tutorial programs in other parts of the state and the effects that these tutorials have had on student achievement to see if any of these programs are successful in helping students raise their grades. If successful programs are detected, they should be introduced to AISD because most schools in AISD do not have mandatory tutorial programs and could use them. Mandatory tutorial and/or remedial programs should be required for students that are failing classes because the consensus from the interviewees is that the students that need tutorials the most don't take advantage of them. Part of the reason for this is currently most programs are voluntary on a students behalf and students choose not to attend, despite the fact that extra help is generally offered at three different times per day- before school, during lunch, and after school. School # 3's extended learning

program should be evaluated at the end of this academic year to determine any success the program might have had. If it proves effective in helping students to pass classes, then the extended learning period program should be implemented at all schools.

2) Compare the differences in the amount of Fs received at schools that do once a week grade checks, with those that do not. This study looked only at overall district numbers. If it is shown that students in schools which do once a week grade checks receive fewer Fs, then once a week grade checks should be implemented at all schools. This would do several things: First, it would reduce the amount of Fs students receive. Second, it would motivate students to do well because they know their coaches and sponsors will be looking at their grades once a week. Third, it would eliminate many bad surprises for coaches, sponsors, and the students in preparing for competition at the end of the six-week grading period.

3) Evaluations of No Pass/No Play in poor urban socioeconomic districts across the state should be conducted to see if implementation has occurred as smoothly. The data on dropouts, honors classes, and the number of students receiving Fs should also be compared. This would be justified because although Austin is an urban district, it is relatively wealthy in comparison

with other urban districts.

4) Study the classes students take, the dropout rate, and the amount of classes students fail on certain student populations by separating out data, such as comparing the statistics on football players versus marching band members. The reason would be to see if the types of students that compete in athletics and non-athletic extracurricular activities perform differently academically in school.

Summary

This study surveyed and analyzed the implementation of No Pass/No Play, a state policy implemented in local districts as a mandate, and the effects that the policy has had on students, i.e. the drop out rate, the level of classes students take. Implementation is uniform throughout the schools in the sample. Implementation is successful because: the policy is easy to understand; there is a penalty for non-compliance; technical assistance is available to schools, the knowledge is provided at the state level from the TEA and UIL; schools do not require additional money to implement No Pass/No Play. No Pass/No Play has worked well as a mandate because: there have been no exceptions to the rule; there is statewide compliance; schools have been given flexibility to develop their own academic support services in

response to their population's needs. The reporting of violations of No Pass/No Play to the state, has evolved as a free market tool.

Surveys were conducted with representatives at the State level including UIL, TEA, the House Committee on Public Education, and the Texas Coaches Association. Based upon qualitative responses from case studies at five high schools conducted with principals, assistant principals, teachers, coaches, and sponsors, the district data were collected and compared and contrasted.

Chapter I outlined the context of the study. It set forth the statement of the problem, gave the significance of the study and reviewed the investigative procedures.

Chapter II presented a review of the literature that was relevant to the definition and development of the study problem and which summarized major concepts and principles generally associated with implementation, extracurricular activities, and No Pass/No Play.

Chapter III detailed the methodology and procedures of the study. It explained the description of the population and the methods for collecting the data and research design.

Chapter IV reported findings on the ease of implementation and the effects that No Pass/No Play has had on students

Chapter V summarized the major findings, and stated the conclusions.

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HOUSE OF
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Testimony on HB 2389

Representative Tom Sloan

A previous legislature correctly gave school districts the authority to expel or suspend students whose dangerous conduct placed other students, faculty, and the educational process at risk. **HB 2389** provides school districts with the next step in balancing school and community safety and educational opportunities for those students who otherwise would be suspended or expelled.

HB 2389 permits school districts to "assign" juveniles to attend school at juvenile detention facilities and requires that state assistance for those pupils follow the child. Juveniles assigned to the detention facilities for educational purposes will not mingle with the residents of the detention centers.

Concern has been expressed by many parents, school district personnel, and public safety officers that students who are expelled or suspended simply become problems on the streets. Utilizing the secure educational resources that exist at juvenile detention centers will provide true "at risk" students a final opportunity to reassess their priorities and future. The juvenile detention centers may also act as a mini "scared straight" educational program.

If this approach to providing a secure educational facility is adopted, the Committee may also wish to address the legal age at which students may quit school. Increasingly there are few employment opportunities for 16 year olds and others who have not completed at least a high school education. Many of the students who quit school at 16 are disruptive within the normal classroom. The availability of a secure alternative classroom environment and the realization they must stay within the educational system for at least another year, may serve to protect the public AND increase the likelihood such students will have a better educational opportunity.

HB 2389 will not solve many of the problems confronting local school districts, but it is an option that may balance education and safety interests. I ask for your support.

*House Education
 Attachment 2
 2-15-93*

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JEAN F. SHEPHERD, Judge
Third Division

PATTY HOBBS
Administrative Assistant

MEMO TO: State Representative Tom Sloan
Kansas House of Representatives
State Capitol
446-W
Topeka, Kansas 66612-1504

MEMO FROM: Jean F. Shepherd
District Judge

RE: House Bill 2389

DATE: February 15, 1995

This proposed legislation appears to me to be excellent for several reasons. First, it uses existing resources to meet a current unmet community need. Secondly, it provides a safe and secure educational environment for youth who have been suspended from school for serious violations and who would otherwise be loose on the streets during the school day. Third, it offers the opportunity to more economically provide education to those students who have been suspended from school. Some school districts, our district included, do provide homebound teachers to certain of these students who meet the school districts' criteria. By providing the opportunity for this education for these students in one location, these school districts would be able to reduce their homebound student population.

Since the 1994 legislature passed the suspension law, many of us who see these students have been concerned about the amount of free time the suspension allows to youth who are least able to use it in any constructive way. Not only are these students not receiving any education; in some ways they may also see a school suspension for 180 days as a reward, one which gives them the opportunity to meander around the community and look for other less constructive activities to occupy their hands and minds. It appears to me that a structured, intensive, and perhaps longer school day than that provided by the traditional school setting might be an appropriate alternative. These students certainly need to be checked daily by metal detectors and frisked for weapons and controlled substances. They need to be in a secure environment which they cannot leave should they choose to do so. In addition, they should be in an educational setting which they

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must be required to attend. This particular bill dovetails nicely with House Bill No. 2109 which would allow law enforcement to pick up youth who are supposed to be in school and transport them to their schools. Certainly a youth who has been assigned specifically to attend school at a detention facility and who does not appear at the facility is one whom law enforcement could quickly assist to get to his/her school setting.

I realize that this educational option might only be feasible for those school districts or counties which have a local detention facility and then only for a limited number of students. Some of the counties in the detention region will be too far away to make this a viable plan. However, for those counties for which it is available, this could be a superb solution. I also realize that, for some of our counties, the number of students suspended might be too high to make this a feasible educational program. However, since the statute has directory rather than mandatory language, for those areas for which this option would work this legislation would allow for excellent utilization of available resources for appropriate students.

Again, I believe that this legislation meets the needs of public school students for a safe educational environment, the needs of some students for a secure educational setting, and the needs of communities to not have these students strolling around unsupervised and unmonitored. I thank you for your courtesy in reviewing this testimony and I am available to answer questions if you would like to call me at (913) 841-7700 Ext. 230.

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

TESTIMONY PRESENTED TO
THE HOUSE EDUCATION COMMITTEE

by

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

HOUSE BILL 2389

The Kansas Department of Health and Environment regulates Juvenile Detention Centers for Children and Youth. These facilities are highly restrictive and are designed for the secure holding of the most serious juvenile offenders awaiting adjudicatory or criminal processing. The Kansas Juvenile Offender Code and the Child In Need of Care Code governs the placement of juveniles in these centers. These codes authorize the courts and law enforcement to place juveniles in a juvenile detention facility. Youth can be only be placed under certain specific circumstances for a specified period of time.

The proposed legislation addresses the problem of providing school to non-offender youth who have been suspended or expelled from a public school program. The goal of providing alternative school programs for this group of youth is a laudable goal, however, juvenile detention centers were not created for this purpose. While these centers have education programs for youth in the facility, education programs and an appropriate curriculum for the day students would need to be developed and staff needs addressed.

In the currently licensed juvenile detention centers the classrooms are located in the housing unit and within the secure perimeters of the center. It would be impossible to separate the day students from the juvenile offenders without building separate classrooms. Further the classrooms are a required part of the licensed space. Utilization of this space is used in part to determine the licensed capacity. If additional classrooms are not built this proposal could severely overtax the physical and educational resources available to existing detention centers, many of which are consistently filled to maximum capacity. There would be no classroom space in most existing facilities to accommodate these additional students.

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(913) 296-1240

FAX: (913) 296-1266

Current philosophy in education and placement of children is that children should be in the least restrictive environment appropriate to the child's needs. The placement of non offender children into a highly restrictive, locked, secure setting with juvenile offenders contradicts this philosophy. By definition, access by the public to this type of facility is severely restricted. To admit and release community students daily would compromise security. The escape risk of youth charged with serious offenses could increase, and contraband such as weapons and drugs could be brought into the facility. Availability also becomes an issue as there are only 11 Detention Centers in the entire state.

Juvenile Detention Centers are the most secure and restrictive of all the residential options for children and youth. The physical surroundings, procedures and policies are all designed to provide secure holding of youth being held on charges of serious juvenile offenses that in most cases would be felonies if committed by an adult. These policies and procedures would be inappropriate if applied to non-offender children. Day students would be placed at risk for their safety in this potentially hostile environment and stigmatized by association with juvenile offenders.

The Department does not support passage of this legislation as written and requests that other educational alternatives be explored for youth suspended or expelled from school.

Presented by: Christine Ross-Baze, Director
Child Care Licensing and Registration
Bureau of Adult and Child Care

Date: February 15, 1995

**HOUSE EDUCATION COMMITTEE
HEARINGS ON HB 2389**

15 FEB 95 - 10:00 a.m.

*Testimony: J Kenneth Hales, Director
Sedgwick County Department of Corrections*

Chairwoman: Representative Rochelle Chronister
Vice-Chair: Representative Eugene Shore
Members: Representatives Ballou, Franklin, Hayzlett, Horst, Morrison, O'Connor, Powers, Swenson, Tanner, Tomlinson, Weber, Reardon, Ballard, Larkin, Luthi, Pettey, Timesch, Toelkes and Wells

PREFACE:

Good afternoon, representatives, I'm Ken Hales, director of Sedgwick County Department of Corrections. This department includes all the county's community corrections programs, a pretrial services program (jail diversion) and the county's four youth facilities; one of which is the Sedgwick County Youth Residence Hall, the county's juvenile detention center. Prior to coming to Sedgwick County I ran the juvenile detention center in Shawnee County. In fact, I began my career in corrections 20 years ago in juvenile detention. Before leaving to run a number of adult programs in the mid-80s, I worked closely and directly with the school program at the Shawnee County Youth Center.

I recognize the problems the school districts have with how to service the increasing number of juveniles ejected from school. In my work with Deputy Superintendent Longhofer, we have discussed this problem. I can recall discussions in 1991 with then Superintendent Livingston (USD #501) about this problem. A theme in the discussions was the need for a special secure environment with particular staffing and facility requirements to provide education services to these troubled juveniles. **However, inclusion into a juvenile detention center is not the answer.** I assert this belief with clear and certain conviction for three simple reasons:

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- ▶ Currently, and for the foreseeable future, it is not possible for juvenile detention facilities to successfully carry out the mission reflected in HB 2389.
- ▶ The bill will neutralize and then aggravate the measures we are taking to control population in our detention centers. In fact, the inclusion of additional students will seriously exacerbate the near-critical conditions many detention centers currently face.
- ▶ Ideologically, I sincerely believe it is not in the interest of the juveniles ejected from public schools to be placed in a maximum security juvenile correctional facility with some of the criminal justice system's most violent and predatory offenders.

MISSION & STATUS:

Juvenile detention centers are maximum security correctional facilities for the most problematic and dangerous youth in our communities. Yesterday at the Youth Residence Hall we had 54 juveniles in population. This is 63% over our licensed capacity. This past summer, simply put, we went through a period of crisis. Since then we have reorganized management, we have developed new interventions and new plans. We now have the facility under control. However, population problems are still acute and if not resolved in the future will continue to impact and overshadow all of our operations. If this bill were to become law, I could have 60, 80, 100 additional youth at the front door awaiting school services. I don't have enough standing room for 70 additional youth. We don't have enough room for the juveniles in the center as it is.

Sedgwick County is more fortunate than most detention centers because we have two classrooms. In the Shawnee County detention center there is only one classroom and it is the size of a child's bedroom. Nevertheless, at Sedgwick County we still are two classrooms short of servicing the current population we have. We're forced to move teachers in and out of the dining room and gym to do classes. Some centers have no classrooms. Keep in mind that school services in most detention centers are not a primary element of a the center's mission. The educational services in a detention center do not equate to that provided in a regular school. The bill specifies that detention centers shall establish plans to educate juvenile offenders as well as special students sent to the facility. I assert that the primary responsibility for this is not the detention center's but is the school district's.

Additionally, the bill requires that the detention center provide for minimum contact between juvenile offenders and the special pupils. Unless we engage in facility construction or remodeling, I don't have the space or facility design to do this properly. It is an ever-tenuous challenge now to apply a classification system for the offenders currently in population or to minimize the contact between the most predatory of our offenders and those who are likely to be victimized. Short of an open checkbook for staff and facility construction, there is no plan I can devise to ensure the violent juveniles do not victimize the special student population. Nor can I give reasonable assurance the special students will not destabilize the offender population or compromise facility security.

The bill makes provision for additional funds for juvenile detention centers. I respectfully assert that those funds will be insignificant in relation to the overall cost required of detention to manage, supervise and provide for a special student population in the facility. Managing an offender population in a correctional facility requires great care and appropriate and sufficient resources of facilities and staff. We spend approximately \$150/day per juvenile in detention and that does not include what the school system spends on teachers and supplies. I would be compelled to hire a team of staff to manage contraband problems, much less managing the interaction of these juveniles. Irregardless of the expense of providing teachers and supplies, the fiscal impact on the county with regard to security, physical plant and other operating expenses would be alarming.

POPULATION MANAGEMENT PLAN:

We, in Sedgwick County, as well as Shawnee County and probably other counties, exercise certain measures to screen who comes into the detention population. The reason for that is to ensure that the precious space in a juvenile detention facility is used only for those juveniles who most require it. Many offenders arrested for their first offense or for a second or subsequent offense, depending on the seriousness of that offense, are not kept in detention. Under the provisions of this bill we would be rejecting from detention certain youth who have committed criminal offenses, yet bringing into detention juveniles who have committed no crimes whatsoever.

CHILD WELFARE:

I asserted previously that I did not believe it is in the interest of a juvenile ejected from school to be placed in an environment with dangerous juvenile offenders. Many youth get in trouble as juveniles, make mistakes, yet are turned around and do not become permanent inhabitants of the juvenile and adult justice systems. We take special care in the juvenile justice system to ensure that those juveniles who have not developed a criminal ethic do not do so. Understand that the juveniles who are held in juvenile detention are those who have most integrated a criminal lifestyle. We go to great effort to teach the juveniles in detention proper values and skills to help ensure they do not fall into a life of crime. However, the subculture in any correctional environment also teaches those in that environment a second lesson. Many of the juveniles kicked out of school are at the point where they can go either way. The criminal justice literature is very clear on the impact on those who may be weak, or easily led by others, when placed in an environment with experienced, tough offenders. All too often the tough will teach the weak how to lead a life of crime.

OPTIONS & CLOSING:

In a way, to integrate juveniles kicked out of school into juvenile detention is to criminalize being ejected from school. I don't believe that is the intent of this bill. I believe a better solution are alternative schools for special student populations. There are several in operation in the Wichita area. Yet, not enough to address the problem. The key is that they are special educational centers operated by the school district, not correctional facilities operated by the county.

Thank you for allowing me this opportunity to address the committee.



Anne Spiess

"Service to County Government"

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Executive Director
John T. Torbert, CAE

TO: Representative Rochelle Chronister, Chair
House Education Committee

FROM: Kansas Association of Counties

DATE: February 15, 1995

RE: HB 2389

Thank you for the opportunity to testify on HB 2389. The Kansas Association of Counties (KAC) has some major concerns with HB 2389 and would appear in opposition to the bill.

The two major concerns are as follows:

The KAC opposes the mingling of children who have been expelled from school for relatively minor offenses, with juvenile offenders who may be detained on felony charges.

The second concern is the additional financial and administrative burden on the juvenile detention facilities. The KAC has worked closely with the Advisory Committee on Juvenile Offender Programs (ACJOP) and there has been extensive detail and deliberation given to how these facilities are to operate. Specifically, attention was given to how many juvenile offenders the facilities could accommodate.

The KAC would like to know where the additional funding and facility space is going to come from if this bill should pass.

Again, the KAC'S understanding is that the purpose of the juvenile detention facilities is to detain juvenile offenders, not to educate children expelled from school.

Thank you for your consideration of our concerns.

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Schools for Quality Education

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

Date: February 15, 1995

To: House Education Committee

Subject: HB 2389 -- Allowing schools to send pupils expelled
 or suspended to a juvenile detention facility to
 attend school classes

From: Schools For Quality Education

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 113 small school districts.

We are appearing to voice a concern to HB 2389 in which the board of education may require a pupil with an extended term suspension or an expulsion to attend classes at a juvenile detention facility. We are pleased that Representative Sloan is trying to deal with the problem.

We certainly do need some good options in dealing with students who are expelled or suspended on a long term basis, but we do not believe that a juvenile detention facility is a viable option.

Our first concern is with sending a student to a classroom or a building that could contain other students that had experience in criminal activity. This bill does state there will be minimal contact between students, but this still raises some doubts.

Juvenile detention facilities are not always close, particularly to small school districts. In some cases it would be extremely hard for a district to bus a student daily to that facility.

Several small districts are investigating an alternative school for these students under the auspices of their adjoining Service Center. They are exploring the use of a building already in existence in a joint effort for a facility for these expelled or suspended students. We believe that by working together we can surely find some solutions to this problem.

Thank you for your time and consideration.

"Rural is Quality"

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TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY ON HB 2273
BEFORE EDUCATION COMMITTEE
FEBRUARY 15, 1995

ANDREW HOWELL
REPRESENTATIVE, FOURTH DISTRICT
Home Address: 728 SOUTH HOLBROOK
FORT SCOTT, KANSAS 66701
(316) 223-6137
Office: STATE CAPITOL BUILDING, ROOM 182-W
TOPEKA, KANSAS 66612-1504
296-7694
1-800-432-3924

Thank you Chairman Chronister and members of the committee for the opportunity to testify before you.

Having worked for most of the last two years as a Law Enforcement Officer, I fully support HB 2273. I know of a young student who held a school faculty member at knife-point, yet some of the faculty were not fully cooperative with Law Enforcement because they preferred to deal with this "minor" problem "in-house."

I'm also aware of situations in the past involving the sale and distribution of marijuana by juveniles, batteries which have occurred but were never reported and thefts of property which school officials did not encourage or assist in reporting.

I have heard school faculty infer by their words and actions they were more worried about PR and public perception of a police officer in the school, than they were about a safe learning environment where state law was adhered to.

We need this law to make it clear that violations of state law, whether in or out of school are unacceptable and will be dealt with in a forthright and speedy manner. For this reason, I urge your support.

Thank you.

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JOHN BALLOU
REPRESENTATIVE, FORTY-THIRD DISTRICT
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GARDNER, KANSAS 66030
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TOPEKA, KANSAS 66612-1504
(913) 296-7683



TOPEKA

HOUSE OF
REPRESENTATIVES

February 15, 1995

COMMITTEE ASSIGNMENTS
AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS

Thank you Madam Chairman and members of the House Education Committee.

I stand before you today to ask your support of HB-2273.

Unfortunately, not all schools in Kansas report fights and other dangerous criminal activity in their schools, to the Police. Because of this, the students causing these problems are not fearful of punishment or being held accountable for their actions.

Because of a small number of students causing problems in school, such as fights and bringing guns into schools, we are letting these students disturb the whole educational process.

It's time to send a message to these students. They will be held accountable for their actions in school the same as out of school. Why should there be a different set of rules in school as out of school or off school property.

It's time that parents know what their child is doing in school, so they may become more involved with their child's behavior in school.

Rep. John Ballou

A handwritten signature in cursive script that reads "John Ballou". The signature is written in dark ink and is positioned below the printed name.

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Testimony to the House Education Committee

February 15, 1995

Tony White
Rose Hill Middle School

(316) 685-3317 (H)

It is an honor and a privilege to stand before you this afternoon. Our public schools, the chosen place of endeavor for me and over 20,000 of my colleagues, are meant to be places where students can learn and educators can teach in an atmosphere of caring, security, and hope. Most of us remember our schools that way, teachers, I suspect more than most -- after all, we're the one's that never left! It's changing though, and in a way that bodes ill for learning and student achievement and, therefore, for the success of this country. I told this group last month that violence in schools - as typified by weapons and fights and assaults and fear, especially fear -- have reached epidemic proportions.

Consider these statistics, mostly from 1992:

- juveniles were charged with over 112,000 violent crimes
- over 1,500 children aged 9 and younger were charged with murder, rape, robbery and assault
- over 7,600 children aged 10 to 12 were charged with at least one violent crime
- children aged 13 to 14 received sentences for over 25,000 violent crimes.
- homicide is the second leading cause of death for women age 15 to 24 (CDC)
- nearly 3,000 children under 18 were arrested for murder
- school violence up 38% according to a survey by the National League of Cities
- guns led to 35 deaths in schools (National School Safety Council)
- 160,000 students miss school each day because of fear of violence
- during each hour of the school day, 2,000 students and 40 teachers are attacked at school
- nearly 3,000,000 crimes occur on or near schools each year -- that's 16,000 each day or one every six seconds

So there is increased violence. While one may accurately say

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those are already crimes in Kansas, the statute book seems to end at the schoolhouse door! Too many administrators err on the side of public relations rather than student and staff safety and that is why I am here today.

Shortly after I was here last, at lunch a fistfight broke out on our playground and a seventh grade boy told the playground supervisor. While she intervened, this boy was surrounded, taunted, punched, knocked to the ground and kicked -- for turning in the fight. Our administrator's response was typically insufficient. I called the local police to report assault and battery. I didn't ask my principal's permission; I knew it wouldn't occur nor would he call them himself. When the officer arrived, I was told by my administrator, while it may be a crime, we shouldn't "air our dirty laundry". My principal told me I had violated Board policy by reporting a crime. I told him, and I say today, this problem is not an embarrassment. It's a crime. It is illegal. It destroys the educational environment this state spends billions to create.

Many administrators still refuse to protect the kids and the learning environment. That is why we need mandatory reporting. When I asked for professional leave for this afternoon to come share my concerns with this group -- even though Representative Ballou kindly invited me to testify, even though I teach kids about Kansas Studies, even though I'm about to start an extensive unit on Kansas government, even though the professional leave for my last visit with this group was approved, this one today was denied. The reason given -- this issue was not one towards which the district was working. And while I disagree with the decision to try to muzzle my opinions, I agree with the premise. My district is not working to solve these problems. It begs the questions: If not the district, then who

will? The answer is me and thousands of my outraged colleagues. It's you and at least 62 other representatives. It is the many well-functioning administrators (my high school has two excellent ones, especially our new assistant). If it was happening on the local level, your actions would not be necessary. It's not so they are.

After a thorough discussion of the issue of mandatory reporting at a staff meeting two weeks ago, my staff voted, without exception, that they wanted all fights referred to the local police. I say without exception; that's not quite³so. My principal voted to not report. It won't happen without action from Topeka.

Indeed, this bill and several ones similar, respond to that concern. It is encouraging that this body, indeed several of you in this room, are so steadfast in addressing this problem. Of course we need more than laws to end this mindless violence. It is numbing us and enabling us to accept new obscenities as the society's norms slip toward anarchy. Excessive rhetoric, one might say -- but I think not. Doing early morning chores, my dad sometimes used to say he needed to drive a post to tell if I was moving. In your mind, think back 10 years. Think what was acceptable -- and unacceptable -- then and what it is today. Kansas middle schoolers poisoning their teachers. A teacher in my school threatened -- graphically and in writing -- with murder. (She took a student to the office who was rowdy in the lunchroom.) At least two neighboring districts of mine have been marred with white supremacist violence this month alone.

The following two quotes from my Board's policy indicate the problem:

1. A pupil in possession of a weapon is in violation of state statutes and the uniform public offense code of Kansas.
2. The appropriate law enforcement agency may be called.

May just doesn't get it. It's not happening. In another context, I heard the "cutting edge" described recently as the "hemorrhaging edge"; that expression becomes as graphic as it is literal in this setting. We need to remember the words of one of my childhood heroes, Dr. Martin Luther King, who said. "We must combine the toughness of the serpent and the softness of the dove, a tough mind and a soft heart." Have we lost all sense of the primal place properly-educated children have in the future of our country, as those kids inherit and shape our society² for good or for ill, for prosperity or for decline? Education may not make them all leaders but a good education can teach them which leaders to best follow -- and perhaps that is the most urgent reason for us to continue our efforts. We cannot teach -- and students cannot learn in such an atmosphere. We must accept our responsibilities, for our present and for our future.

Perhaps we err in education and society by really expecting all students to make choices today that are in their -- and society's best interests. While we embrace every student that enters our door, we should still control our individual and system response. We must be in control; a control borne from sureness of our mission and plan to achieve that end and not from a fear of not being in control. Mandatory reporting will help ensure that the system does respond. The violence must stop. Mandatory reporting will help.

February 15, 1995

Testimony Re: House Bill No. 2273

Ron Wimmer, Superintendent of Olathe Unified School District No. 233

An Act concerning school employees reporting criminal activity

In August 1993 the Olathe school district adopted a Safe Schools Policy (Copy Attached). The policy, adopted in cooperation with the Olathe Police Department, establishes expectations for appropriate conduct on school premises. Further, the policy assures students, staff, parents, and the community that Olathe school officials will take proactive steps to maintain a safe environment for all. This policy requires school administrators to report to local law enforcement agencies all alleged criminal acts occurring on school property. School administrators take appropriate disciplinary action in addition to filing a report with the police department. Police officers file reports with the District Attorney for their information and subsequent action.

Implementation of a safe schools policy requires the support and cooperation of both school and local police officials. We adopted this policy in full cooperation and support of our police chief, Chief Phil Major, myself as superintendent of schools, and our governing bodies. The policy does require additional effort by the police department, additional communication with parents by school officials, added reports to the district attorney's office, and places additional demands on our court system. Although the program requires additional time for school and police officials, we believe the program makes a positive difference in the climate of our schools.

While police reports increased from past practice in the first year of the program, we have found a decrease in juvenile crime and serious behavior problems in our schools in the second year. During a visit with senior high school student council representatives last year, students told me they appreciated the program and felt our schools were safe. The vast majority of students in our schools today are law abiding, respectful young people. This program supports the 99% of excellent young people in our schools. In addition, the safe schools program sends a positive message to parents and the community that we will do our part to maintain a safe place for learning for all. The program does not eliminate all problems nor is it perfect in every regard; however, it is a start in keeping schools safe.

Although I support the intent of this bill, I have reservations about legislating a program without fully understanding the ability or desire of school districts, local law enforcement agencies, and courts to support the interagency cooperation needed for an effective program. I think the intent is great; however, a program as we have in Olathe works best when all parties buy into the concept on a voluntary basis. The Chief of Police in Olathe and I have personal commitments to the success of our program and have made the necessary commitment of resources and time to make the program work. I fear a mandate

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from legislation would not have the same positive outcomes as when local officials work together voluntarily.

If the legislature proceeds with this bill, I offer the following suggestions for your consideration. In Section 1, (3)(b) I believe the reporting process should be initiated by a building administrator who has participated in training sessions with local law enforcement officials. Our training sessions improve understandings of what constitutes a crime. This is particularly important when we are talking about young children at the elementary level. For instance in Olathe, the building administrator has some discretion to work with parents for less serious acts for children under the age of ten. We feel that we can work with parents to solve most issues for younger children at the elementary level. We do report all incidents for students over the age of ten.

Also, the program works well without punitive action against the school district such as with fines as outlined in this bill. If employees do not follow the intent of school policy, this becomes a personnel matter and should not be a fine against the district. As an advocate and primary developer of this program in Olathe, I do not want my district assessed a \$1000 fine for the inaction of an employee. We will address this in other ways without taking valuable dollars away from services or materials for students we are trying to help.

I believe the board of education should adopt policies related to safe schools with administrative rules and regulations established in cooperation with local law enforcement agencies. Again, this program works best when all cooperate in the planning and implementation. Our program in Olathe is effective due to the support of our local police and sheriff's department, our district attorney's office, and the court system. I support a plan that encourages a similar type of ownership from all.

Finally, I recommend consideration of a plan that holds harmless school officials who act in good faith to comply with the reporting requirements. Parents rightfully want and need the opportunity for involvement with the discipline of their children. Reporting of alleged criminal acts by students can lead to challenging situations with parents. I do not receive many complaints from the victims of crime; however, I have received rather difficult calls from those reported for perceived minor violations. As the policy is now well known in our district, these calls have decreased but they do occur.

In conclusion, I believe a Safe Schools policy and program have great merit. I believe the program works best on a cooperative basis by local school districts and law enforcement officials. Thank you for your interest and support in maintaining a safe school environment for our students, staff, and patrons. I am happy to answer questions as time permits.

OLATHE DISTRICT SCHOOLS

"A SAFE SCHOOL FOR ALL"

With an emphasis on a safe school environment for all students, **Olathe school district officials report all crimes** committed on school property to appropriate local enforcement agencies. Specific examples of reportable incidents include but shall not be limited to: possession of weapons, controlled substances (drugs/alcohol), destruction of property, theft, fighting, intimidation, and other such matters involving criminal activity. Collaborative and cooperative procedures have been developed with the Olathe Police Department and other law enforcement agencies to support safe schools in Olathe Unified School District No. 233.

August, 1993



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony Before
House Education Committee
Wednesday, February 15, 1995

Thank you, Madam Chairman. My name is Susan Chase and I represent Kansas National Education Association. I am here to offer comments on HB 2273, HB 2293 and HB 2359.

It is estimated that over three million assorted crimes--about 11% of all crimes--occur each year in America's public schools. That figure compares with one million crimes each year in America's work places. Some critics charge that the figure for schools is low because of under reporting. The Kansas National Education Association Representative Assembly designated the elimination of school violence as a top priority for the organization and made safe schools one of its top two legislative priorities. To determine what course of action the association would take to accomplish its goals, a task force was formed to develop a plan of action. While that plan is still being refined, a number of concerns and their solutions have gained consensus from the task force. One major concern was the need for a mechanism to insure that violent acts committed on school property or at school functions are treated as they would have been had they occurred outside of the school. A second concern was to find some way of determining what is actually happening in Kansas. Frankly, it is believed that non-reporting of violent acts occurs in some school buildings in an attempt to protect a positive image.

These issues are addressed in House Bills 2273, 2293, and 2359. We support provisions in each of these bills and I will attempt to outline what KNEA believes to be the best way to address our concerns. I will begin with HB 2293 which we believe provides the best framework. Our

concern with HB 2293 is that it does not contain a provision for the failure to report as does HB 2359. We believe that there needs to be a provision for failure to report similar to that contained in HB 2359, but believe that imposing fines as in HB 2273 is preferable to the criminal penalties in HB 2359.

We urge this committee to seriously consider taking positive action on these measures. Kansas children deserve a safe place to learn and KNEA believes these bills start the process towards creating that safe environment. It is estimated that over 160,000 children nationwide do not attend school daily because of fear of violence. Please act to reverse that trend in Kansas.



TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY HB 2359

KANSAS SCHOOL SAFETY AND SECURITY ACT

February 15, 1995

Madam Chair; members of the committee; I thank you for the opportunity to address you today.

I am coming before you today to introduce a bill which will address the lack of reporting of violent acts within schools. My concerns about what I consider to be an alarming increase in the number of and the intensity of the violent acts being committed by students in my building and in other buildings in my community, were supported when a fellow Kansas Middle Level teacher, Tony White, indicated that similar acts were being committed in his building.

I, too, have been frustrated when students were involved in fights which resulted in injuries and for which no report was made to the law enforcement officers unless parents chose to report the fight. [Recently, those types of fights/threats have often continued after school and off school grounds with disastrous results....including the paralysis of a cross country runner.] Another frustration, is to observe the inconsistency in the manner students are disciplined for the same violent acts....the police may be called for one individual, but another is warned and no reporting to the law enforcement agency takes place. In still other cases, students may threaten each other and teachers with acts such as drive-by shootings....[some of whom have the background and contacts to turn threats into action], but reporting doesn't take place, it becomes the responsibility of the victim to report directly to the law enforcement agency.

House Education
Attachment 13
2-15-95

DEENA HORST
REPRESENTATIVE, SIXTY-NINTH DISTRICT
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STATE CAPITOL BUILDING—180-W
TOPEKA, KANSAS 66612-1504
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COMMITTEE ASSIGNMENTS
EDUCATION
GOVERNMENTAL ORGANIZATION AND ELECTIONS
JOINT COMMITTEE: LEGISLATIVE EDUCATIONAL
PLANNING

Granted many of the children have troubled lives, but we in the schools enable the violent behavior of students when we protect them from the consequences they will face for the same behavior off of the school grounds and instead only counsel them and beseech them to be good boys and girls and not to behave in that manner again.

There is much literature which has been written regarding student violence. There are statistics pointing to a rise in juvenile violent crime much of which seems to occur in schools. [In 1992 21.57% of the reported arrests for violent crime in Kansas were juveniles under 18...21.8% of reported arrests for aggravated assaults were juveniles under 18]. The Koch Crime Commission indicates that for the criminal justice system to function effectively in punishing criminal activity one of the things that must happen is to report the crime. The report to which I refer does not distinguish between ages, nor does it suggest we simply counsel such behavior in the schools. Literature indicates that to affect a change in a young person, three groups need to be involved, the individual, the parents, and the community (which includes the school). According to experts, one of the factors which must be involved is consequences for behavior, including that which is anti-social.

Intervention, counseling, and conflict resolution are only a part of the solution. We must let students know when their behavior is unacceptable and illegal. This bill requires reporting and it also penalizes those who would prefer to look the other way or sweep anti-social behavior under the rug. To do otherwise is to enable the anti-social behavior exhibited by some of our students and make learning and teaching in a safe environment less possible.

Students and parents need to know that violent behavior will not be tolerated in Kansas schools and those who involve themselves in violent acts will have consequences which include schools informing the law enforcement body which has jurisdiction. Schools should be a place where learning and teaching can take place without fear of personal safety. Thank you for your time and consideration, I stand for questions.

HB 2359 requires schools to do the following:

- * designate at least one employee as a school safety officer
- * requires a report to the school safety officer when an employee knows or believes an act has been committed or will be committed at school, on school property, or at a school supervised activity. Violent acts covered are specifically listed in the bill.
- * requires that school districts clearly define the procedures they will follow in such cases and the policies which pertain to school safety
- * requires an annual school crime report
- * makes deliberate non-reporting or interference with the reporting of a violent act a Class B nonperson misdemeanor and it protects those who make such reports. [This is the same penalty assessed for non-reporting by school employees of child abuse.]

KNEA's Legislative Agenda



(continued from page 1)

inspire children to do their best, find ways to reward good efforts and help prepare students to become productive citizens.

One of the first words children learn to say is "go." We know that Kansas must GO.

Go forward for the growth of our state...for the future of our children and for the social and economic well-being of Kansas.

We hope the Kansas Legislature can provide the leadership to meet the long term needs of school funding in our state. And yes, that includes salaries that will retain the professionals we now have and attract additional good people into schools. One golden rule of business is it is five times more expensive to train new employees than to keep experienced ones. This applies to school employees, also.

KNEA proposes the legislature increase the base per-student.

School Violence

*Provide student,
a safe place to learn....
and educators*

*a safe place to teach.
That is KNEA's goal.*

Kansas kids deserve to learn in a safe environment. Kansas public school employees deserve to work in a safe environment.

Topeka, Wichita, Meade, Coffeyville, Stockton, Dodge City, Shawnee, Hays, Colby. Acts of violence that make our schools unsafe are happening here.

The most commonly reported incidents of violence involve pushing, shoving, grabbing, slapping, verbal insults and stealing, reported a *Metropolitan Life Survey of the American Teacher*. Thirteen percent of the students

surveyed said they have carried a weapon to school at some time. Six percent of the boys and one percent of the girls said they had threatened someone with a knife or gun in or around school. Those with poor grades were more likely to make the threats, the study said.

Five percent of the students, and 21 percent of those with poor grades, said they had threatened a teacher in some way. Teachers and law enforcement officials attribute school violence to a lack of supervision at home, lack of family involvement in schools and exposure to violence in the mass media.

Here in Kansas, the incidents are real:

☛ In southern Kansas, a high school principal was killed and two teachers wounded by a student who brought a hunting rifle to school.

☛ In eastern Kansas, a teacher was verbally threatened and then physically assaulted...and then was reprimanded by the principal for calling the police.

☛ In western Kansas, a teacher left the school district after she was threatened with rape and death by a

student she was supervising in after school detention. The school district could do nothing so members escorted her to and from school.

☛ In south central Kansas, a KKK youth group is harassing and attacking minority students at the middle school. The students are seeking protection from teachers who believe they, too, are at risk.

☛ Fights and assaults that occur on school property are often not reported.

Officials say Kansas mirrors what is happening nationally, and that news is frightening:

☛ Last year, 100,000 children in America went to school carrying guns each day, and 160,000 children missed school out of fear of bodily injury, physical attack or intimidation.

☛ At least 220 deaths of elementary-aged children (ages nine and under) were by firearms, and only 90 of those were ruled accidental.

☛ According to the NEA, 6,250 teachers are threatened and 260 teachers are physically assaulted each year, and those numbers are expected to climb.

☛ Guns kill 14 children a day, and violent acts killed 50,000 people in 1992. By comparison, AIDS took 30,000 lives and drunk driving 18,000.

*For these are all our children
We will all profit by or pay for
Whatever they become.*

—James Baldwin



☛ One in five school-aged children reported having carried a weapon in a 30-day period. Of those weapons, one in every 20 was a gun.

☛ In October, President Clinton signed an executive order requiring school districts to expel for at least a year any student who brings a gun to school.

"This is a real problem for all of us," says KNEA President Barb Cole. "The most frightening thing is none of us believe it is going to happen at our schools...even those who teach in what is considered a high risk school."

Here's how Kansas is financing its future now:

☛ \$3,600 a year to educate a child

☛ \$147 per day, or over \$47,000, a year to incarcerate a youth in a juvenile detention center

☛ \$25,000 per year to house prisoners.

This order of importance needs to be reversed in order to achieve what everyone truly wants... schools and communities that expend their full energies on developing productive citizens rather than developing new methods of punishment and incarceration.

KNEA's bottom line: Our kids and school employees need to be safe. Our kids are coming from environments where violence is a way of life. Students, parents and our communities need to find better ways of resolving conflict.

KNEA proposes the Legislature put time and money on the front end of the problem now, to develop preventative and corrective measures that work.



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by R. Craig Sautter

more violent at earlier ages, and they are committing more violent crimes, often repeatedly, before they even have a chance to become teenagers.

"The kids I see come from such violent homes and backgrounds," reports Judge Larabee. "They may have a brother or two in jail for a violent crime. There may be mental illness in the family. There has probably been domestic violence. They may have had a father or mother shot or murdered. Many of these kids are already third-generation violent offenders. Their whole lives are surrounded by violence. They play violent video games. I've had two cases where kids were playing video games, went out and murdered someone, and went back to play more video games. There is no difference for them between 'Mortal Combat' and real life."

According to some psychologists, the intensity of today's youth violence is also greater than it was a few years ago. The viciousness and the casualness of the violent crimes committed by and against youths are especially troubling.

Some social critics charge that this new kind of violence means that respect for life, the bedrock of any ethical social system, is no longer sacred. For example, a survey by Joseph Skelev and M. Dwayne Smith of Tulane University found that 20% of students at one suburban high school saw nothing wrong with shooting someone who had stolen something from them. The researchers also discovered a greater willingness among today's teens to "pull the trigger." And they concluded that today's gun violence is not necessarily linked to drugs. They speculated that larger social forces may be at work.

What happens to the kids who are arrested? Nationally, one-third of young people accused of violent acts remain in custody. That means that two-thirds of these youngsters go on probation or are set free. Only 3% are tried in adult courts. Moreover, even juveniles found guilty of murder can be held only in juvenile facilities until they are 21 years of age. In most states, these facilities are filled to capacity and are unable to offer the intensive help these youngsters require.

In addition, violent youths have a 70% recidivism rate, although some studies indicate that graduates of the boot camps seem to have just a 50% recidivism rate. In either case, many crimes committed by young people are the work of repeat offenders.

California, Florida, and nearly 20 other states have introduced or passed legislation to stiffen laws governing juveniles. But it may prove far easier — and ultimately more effective — to target these

kids early on, when they first exhibit violent behavior, than to spend a lifetime being victimized by them and subsequently punishing them in expensive and hopeless penal institutions. This approach would nonetheless require a commitment to intensive intervention on the part of a community that wants to protect itself in the future.

SCHOOLS IN THE CROSSFIRE

Over three million assorted crimes — about 11% of all crimes — occur each year in America's 85,000 public schools. That compares with one million crimes each year in America's workplaces. In fact, a school crime takes place every six seconds. Some critics charge that figures for school crime are significantly underreported, because schools treat many incidents as discipline problems rather than as crimes.

While the popular perception is that school crime is primarily an urban problem, a 1991 report from the U.S. Justice Department, *School Crime: A National Crime Victimization Survey Report*, indicates otherwise. It found that suburban and urban students are about equally victimized. The report concluded that 2% of students from both settings and 1% of rural students were victims of violent crime, such as assault, robbery, and rape. The study polled 10,000 students between the ages of 12 and 19. Projecting those figures to the entire student population meant that approximately 430,000 students were victims of violent crime. The Justice Department also found that 13% of high school seniors had been threatened with a weapon.

The similarity in crime statistics between cities and suburbs might be attributed to the fact that urban districts have dealt with the problem for some time and have some workable intervention strategies in place. For example, urban schools are more likely to use hall monitors and metal detectors, so some problems are kept in the neighborhoods and out of the schools. Many urban school districts, such as San Diego and Houston, have adopted "zero tolerance" on guns and weapons. And in late October, President Clinton announced an executive order directing the states to require all school districts to enact the "zero tolerance" policy by expelling for one year any student who brings a gun to school. A conference committee had cut the measure out of the legislation reauthorizing the Elementary and Secondary Education Act. Federal funds can be cut off from states that fail to comply.

While schools secure their buildings

According to the National School Safety Center, last year guns led to 35 deaths in schools.

and grounds, it is essential to understand that violent youths who are expelled must be reached in other ways or they will simply wreak havoc somewhere else. In the big cities, where dropout rates are high, the violence against students is often perpetrated by nonstudents. Turning more students out on the streets without providing the intensive help they need will not solve the larger problem.

Metal detectors seem prudent because national estimates are that more than 200,000 students pack weapons along with their school lunches and bring them into the learning environment every day, destabilizing classes, terrorizing teachers and peers, and often killing teachers, administrators, and other students. According to the National School Safety Center, last year guns led to 35 deaths and 92 injuries in the schools. Moreover, other lives are ruined in the cluster of social ramifications that any death brings to those associated with both the victim and the killer.

A Justice Department study found that 22% of inner-city boys own guns. According to researchers at the University of Michigan, 9% of eighth-graders nationally carry a gun, knife, or club to school at least once a month. The Michigan researchers estimated that students carry 270,000 guns to school each day. And the National Education Association calculates that on any given day about 160,000 students stay home because of fear of violence in or on the way to school. Indeed, their fear may be warranted: firearms are the fourth leading cause of accidental death among children between the ages of 5 and 14.

"Guns just make it too easy to kill people," explains Judge Larabee. "There is no

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personal involvement between [the killer] and the victim. It's between them and the gun and has almost nothing to do with the other kids. That's why so many kids 'accidentally' kill their best friends. The semi-automatics make it easier because you hardly have to aim."

GETTING WORSE

While the rate of juvenile arrests may be down from two decades ago, school violence is worse now than it was five years ago, according to 75% of the 700 school districts that participated in a 1994 national survey of suburban, urban, and rural schools, conducted by the National School Boards Association (NSBA). The group concluded that two factors — the disintegration of the family and the increasing depiction of violence in the media and in popular music — are the leading causes of violence in public schools. Other contributing causes, according to the NSBA, are alcohol and drug abuse, easy access to guns, and poverty.

"The problem of school violence cannot be solved by schools working alone," said Thomas Shannon, NSBA executive director. "It will require intensive efforts by the entire community to reduce the epidemic of violence in the nation's schools."

The NSBA survey found that student assaults against other students, students bringing weapons to the classroom, student attacks on teachers, racial and ethnic violence, and gang-related problems were the top five types of violent incidents reported in schools during 1993. Nearly 40% of urban districts reported shootings or knife attacks, while 23% experienced drive-by shootings.

It is not just individual victims who suffer from school crime. All students are victimized by the fear, the anger, the guilt, the anguish, and the sense of helplessness that follow an act of school violence. A 1994 Gallup poll found that two-thirds of all teenagers said their "best friends" had been physically harmed in the last 12 months. However, another study by the National Center for Education Statistics found that only 8% of high school sophomores feel unsafe in their schools, down from 12% in 1980.

"Many of the youth we surveyed are being denied a fundamental sense of security," says Mark Singer, associate professor at the Mandel School of Applied Social Sciences, Case Western Reserve University. Singer surveyed 3,700 teenagers in Ohio and Colorado. More than half of the Cleveland high school students in the survey had witnessed knife attacks or stabings. One-third of the students in a small

Ohio town had witnessed the same behavior. Over half of the boys in the survey had perpetrated some form of violence during the preceding year, such as punching, hitting, or slapping someone. Among girls, sexual abuse was higher in the small

**Americans spend
97% of their
time indoors.
Many do so
because they are
afraid to go
outside.**

towns than in the big cities in the survey.

"Many individuals in this survey have been exposed to significant levels of violence and are at risk of developing serious, long-term problems as a result," Singer concluded.

SOURCES OF YOUTH VIOLENCE

Seventeen hundred years ago, the Roman emperor and Stoic philosopher Marcus Aurelius observed that "poverty is the mother of crime." His insight endures because it is at least partially true. For the past 25 years, child welfare experts have warned that the grinding poverty, inequitable educational opportunity, latchkey homes, child abuse, domestic violence, and family breakups, as well as the general abandonment of children to a constant barrage of televised mayhem, would result in escalating real-world violence. Those predictions were pretty much ignored, while everyone blamed everyone else and the condition of children and teenagers continued to decline.

Others warn that today's problem is just the beginning. "Unless we fix our schools and give these kids opportunities, this current wave of violence will look like a picnic in comparison to the gangs and violence we will have in the future," predicts Joe Kellman, co-founder of the innovative Corporate/Community School in Chicago. He sees little inclination toward or progress in developing social supports because he believes that those in control of

national resources are indifferent to the problem, if not cynically racist about who is getting killed.

Despite our sophistication, despite a pledge to end poverty 25 years ago, and despite the nation's more recent commitment to get children "ready to learn" before they enter school, U.S. society continues to allow nearly a quarter of its young people to grow up in such desperate and degrading material conditions that the struggle of daily survival can warp the human spirit and deaden moral consciousness. Year after year this psychic destruction of children goes on, waylaying more and more millions of young people.

Obviously, not all poor children respond to the conditions of their lives with destructive anger and aggression. Many use poverty as a motivation for success. And it is unfair, indeed prejudicial, to characterize urban youth as violent youth. In fact, much of today's mayhem is the unexpected and nihilistic work of troubled middle-class youngsters. But that's no surprise either. The typical U.S. child of any ethnic or economic group has witnessed more than 8,000 murders and hundreds of thousands of acts of violence on television by the time he or she leaves eighth grade. One recent study by Sen. Byron Dorgan (D-N.D.) recorded 1,000 violent acts on television each week. Without critical lenses to filter this barrage of antisocial behavior, children begin to have unreal and destructive social expectations and desires.

Yet in more and more urban and suburban neighborhoods, kids are afraid to ride their bikes lest they become victims of a drive-by shooting or an assault. In the course of writing this article, I interrupted two separate incidents in which young children were thrown to the ground and viciously kicked in the head by youths their own age or a little older. One took place on a city street next to a decrepit school, the other in an affluent schoolyard far from the threat of urban street gangs.

No wonder many mothers are forced to keep their children cooped up in apartments or homes. Unfortunately, as a result, most youngsters spend their time watching the cartoon violence on their television sets. In fact, Americans spend 97% of their time indoors. Many do so because they are afraid to go outside.

PSYCHOLOGICAL ROOTS

The reduction of youth crime in general may be partially the result of the thousands of anti-violence and mediation courses that have been in place in America's schools since 1972. But the new kind



"Where Fire Safety Is A Way Of Life"

Kansas State Fire Marshal Department
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Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

Bill Graves
~~XXXXXXXX~~
Governor

Edward C. Redmon
Fire Marshal

February 6, 1995

Representative Rochelle Chronister
Chair, House Education Committee
Room 446-N
Statehouse
Topeka, KS

RE: HB 2293

Dear Representative Chronister:

We have reviewed the 2/2 copy of HB 2293 and have some suggestions for the Committee to consider. Since the early 1900's, the Legislature has given the Kansas State Fire Marshal very clear responsibility and authority for school safety. Currently, K.S.A. 31-133, K.S.A. 31-144, and K.S.A. 31-150 charge the agency with very specific responsibilities for maintaining a safe environment in all Kansas schools.

We recognize the intent of HB 2293 as providing for safety from crime, weapons, and similar threats. We point out that many of the issues identified in Section 3 have direct fire and life safety implications. As schools begin reviewing and implementing security programs, many of their solutions target controlling access into a building, which (in many cases) severely impacts the ability of occupants to evacuate from the building. These security items we have discovered during our inspections include chains and padlocks on exit doors, improperly placed control gates, and elimination of required exits.

Kansas schools suffer 50 or more fires each year, most occur during the school day. We believe many more fires occur which building administrators do not report because the fires are viewed as a prank rather than the aggravated arson (a class 3 or 6 person felony) they actually are. Kansas fire departments also provide in excess of 800 responses to schools each year for emergency medical, false alarm, bomb threats, and similar calls. In many areas of the state, the Fire Department is the primary responder to calls of this type.

Many of the Kansas Fire Prevention Code objectives require schools to be an active participant at their facilities, therefore, the designation of a safety officer per Section 3 (a)(1) would be an excellent resource for us as well. We deal with a variety of personnel from custodial staff, building principal, or the district maintenance director; it is different in each district. We do not have any program in place to reward outstanding life safety programs as suggested in Section 5; such a reward would be in our best interest as well.

An Equal Opportunity Employer

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Representative Chronister
House Education Committee
February 6, 1995
Page 2

Attached is a mark-up copy of HB 2293 with some proposed wording changes we would like the committee to consider. We would be glad to provide written or oral testimony if needed.

We recognize the safety and security issues facing schools today. We just want to insure that existing fire and life safety requirements and issues do not get overshadowed or overlooked by this proposed legislation. The proposed bill parallels existing legislative requirements of this office to provide a safe environment for Kansas children. We thank you for your consideration of these comments. Please feel free to contact me or my staff if you have additional questions or concerns regarding these thoughts.

Sincerely yours,



Edward C. Redmon,
Kansas State Fire Marshal

HOUSE BILL No. 2293

By Representatives Reardon, Dillon, Haley, Kirk, Luthi, Pettey, Ruff, Rutledge, Sawyer, Shriver, Smith and Wells

2-2

10 AN ACT enacting the Kansas school safety and security act.

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

12 Section 1. This act shall be known and may be cited as the Kansas
13 school safety and security act.

14 Sec. 2. As used in this act:

15 (a) "Board of education" means the board of education of a unified
16 school district or the governing authority of an accredited nonpublic
17 school.

18 (b) "School" means a public school or an accredited nonpublic school.

19 (c) "Public school" means a school operated by a unified school dis-
20 trict organized under the laws of this state.

21 (d) "Accredited nonpublic school" means a nonpublic school partic-
22 ipating in the quality performance accreditation system.

23 Sec. 3. (a) For the purpose of creating safer and more secure schools
24 and to provide a safe and orderly environment conducive to learning, each
25 board of education shall:

26 (1) Designate at least one employee as a school safety officer. Em-
27 ployees designated as school safety officers shall be administrative em-
28 ployees, school security officers or school law enforcement officers;

29 (2) require a report to the school safety officer from other school
30 employees who know or have reason to believe that an act has been
31 committed or will be committed at school, on school property, or at a
32 school supervised activity and that the act involved or will involve a direct
33 and immediate threat to the safety or security of a human life, the pos-
34 session, use or disposal of explosives, firearms or other weapons, or the
35 commission of an inherently dangerous felony as defined in K.S.A. 1994
36 Supp. 21-3436, and amendments thereto. Nothing in this provision shall
37 be construed or operate in any manner so as to prevent any school em-
38 ployee from reporting criminal acts, in addition to those required to be
39 reported, to the school safety officer;

40 (3) require the school safety officer to immediately transmit reports
41 made under provision (2) to the appropriate state or local law enforce-
42 ment agency. Nothing in this provision shall be construed or operate in
43

for (a), (b), (c) and (d) may wish to consider definition provided by K.S.A. 31-144(a).

(e) "fire and life safety component(s)" means Kansas fire and life safety requirements of K.S.A. 31-133 et seq, the Kansas Fire Prevention Code administered by the state fire marshal.

causing a false alarm, arson or aggravated arson,

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1 any manner so as to prevent any school employee from reporting criminal
 2 acts to appropriate state and local law enforcement agencies;
 3 (4) prepare and make available to pupils and their parents, to school
 4 employees and, upon request, to others, a publication that contains at
 5 least the following information: (A) The current school policy regarding
 6 procedures for pupils, employees and others to report criminal acts oc-
 7 ccurring at school, on school property, or at school supervised activities,
 8 and the current school policy regarding procedures for disposing of or
 9 responding to such reports; (B) the current school policy regarding se-
 10 curity of and access to school buildings and other school facilities; (C) the
 11 current school policy regarding school security officers and school law
 12 enforcement officers including their jurisdiction, powers, duties and func-
 13 tions and their working relationship with state and local law enforcement
 14 agencies; (D) a description of programs designed to inform pupils and
 15 employees about school safety and security procedures, to encourage pu-
 16 pils and employees to be responsible for their own safety and security
 17 and the safety and security of others, to inform pupils and employees
 18 about crime prevention and crisis management; and (E) the current
 19 school policy regarding the development and effectuation of a positive
 20 school climate, utilization of conflict resolution principles at school, and
 21 development and effectuation of strategies for diffusing potentially violent
 22 situations; and
 23 (5) prepare an annual school ~~crime~~ report on a form prescribed and
 24 furnished by the state board of education that contains at least the fol-
 25 lowing information: (A) The types and frequency of criminal acts disag-
 26 gregated by occurrences at school, on school property and at school su-
 27 pervised activities; (B) whether the acts were person or nonperson crimes;
 28 (C) age and gender of each offender, whether the offender was a pupil
 29 and, if a pupil, whether the offender attended the school where the crim-
 30 inal act occurred or a different school, whether the offender was under
 31 suspension, expulsion or exclusion from school at the time the criminal
 32 act was committed, and whether the offender had been adjudicated a
 33 juvenile offender under the Kansas juvenile code; (D) age and gender of
 34 the victim of each crime, injuries suffered by the victim, whether the
 35 victim was a pupil or a school employee, if a pupil, whether the victim
 36 attended the school where the criminal act occurred or a different school,
 37 and if a school employee, whether employed at the school where the
 38 criminal act occurred or a different school, and in what capacity em-
 39 ployed; (E) where, at what time, and under what circumstances the crim-
 40 inal act occurred; (F) the cost of each criminal act to the victim and the
 41 school; (G) the procedure utilized by the school in responding to each
 42 criminal act.

, including fire and life safety components;

fire and

, including fire and life safety components;

safety and security

with consultation from the state fire marshal and the attorney general.

(6) prepare and maintain the schools fire and life safety records including all life safety maintenance and testing records, state fire marshal correspondence copies of fire and life safety inspection reports, and building construction or modification approvals. Such records shall be available for inspection by those persons authorized by K.S.A. 31-139.

43 (b) The publication required under subsection (a)(4) shall be pre-

1 pared and made available in each school year, commencing with the 1995-
 2 96 school year, and shall be updated annually. In order to comply with
 3 the provisions of this subsection, boards of education not having in effect
 4 the school policies specified in subsection (a)(4) on the effective date of
 5 this act shall adopt such policies as soon as possible after the effective
 6 date of this act.

7 (c) The annual school ~~or~~ report required under subsection (a)(5)
 8 shall be prepared and submitted to the state board of education ~~on or~~
 9 before June 30 in each school year. The state board of education, in
 10 consultation with the attorney general, shall prescribe the format of the
 11 report. The state board of education shall compile the reports and trans-
 12 mit the compilation to the governor, the legislature, the attorney general,
 13 the secretary of health and environment, and the secretary of social and
 14 rehabilitation services.

15 Sec. 4. (a) No board of education shall terminate the employment
 16 of, or prevent or impair the profession of, or impose any other sanction
 17 on any school employee because the employee made an oral or written
 18 report to, or cooperated with an investigation by, a law enforcement
 19 agency relating to any criminal act that the employee knows has been
 20 committed or reasonably believes will be committed at school, on school
 21 property, or at a school supervised activity.

22 (b) Any board of education, and any member or employee thereof,
 23 participating without malice in the making of an oral or written report to
 24 a law enforcement agency relating to any criminal act that is known to
 25 have been committed or reasonably is believed will be committed at
 26 school, on school property, or at a school supervised activity shall have
 27 immunity from any civil liability that might otherwise be incurred or im-
 28 posed. Any such participant shall have the same immunity with respect
 29 to participation in any judicial proceedings resulting from the report.

30 Sec. 5. The state board of education shall establish a Kansas school
 31 safety achievement reward program to identify, recognize and reward
 32 schools for outstanding achievement of the mission for Kansas education
 33 by providing a safe and orderly environment conducive to learning
 34 through development and implementation of exemplary school safety and
 35 security plans. The state board shall adopt rules and regulations for ad-
 36 ministration of the program and shall prescribe standards and criteria for
 37 identification and recognition of schools in which exemplary school safety
 38 and security plans have been developed and implemented. In prescribing
 39 such standards and criteria, the state board shall consider the indicators
 40 prescribed under process outcome I of the quality performance accred-
 41 itation document. Schools shall be rewarded according to the standards
 42 and criteria prescribed by the state board.

} safety and security

} and the state fire marshal

} and the state fire marshal

} and the state fire marshal

} fire or

} fire or

} in consultation with the state fire marshal

} in consultation with the state fire marshal

1 Sec. 6. This act shall take effect and be in force from and after its
2 publication in the statute book.

14-6

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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Testimony on H.B. 2273
H.B. 2293
H.B. 2359
H.B. 2389

before the
House Committee on Education

by

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

February 15, 1995

Madam Chair 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 on several bills of concern to our members. Although they differ in subject matter and content, our remarks on these measures will be similar, since we have significant reservations about each of these proposals.

House Bill 2273 would impose a legal requirement on all school employees as individuals to report certain criminal activities to law enforcement authorities. Failure to comply with this requirement would impose no penalty on the individual to whom the responsibility is directed, but would impose a fine on the school district. That does not seem to us to make any rational connection, since only the individual who witnessed the crime may be aware of its occurrence. We would urge you to reconsider against whom the penalty is assessed if this measure is advanced.

*House Education
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2-15-95*

House Bill 2293 and H.B. 2359 are very similar measures and suffer in our analysis from the same fatal flaw. Both measures impose significant additional reporting requirements on school districts, require the designation of school personnel for certain duties and provide no funding assistance for either. From our perspective, this measure is what the fight against unfunded mandates is all about. As a practical matter, much of the information being sought by this measure is already being gathered by school districts as a part of the safe schools goal of the QPA process. We would hope that source would be examined before the passage of another mandate on school districts that would result in further duplication.

Finally, H.B. 2359, which deals with education programs for suspended or expelled students at juvenile detention facilities, imposes mandates on both schools and detention facilities without any provision for additional resources. While we have expressed our concern about the need for alternative education programs for suspended and expelled students, we believe a statute dictating solutions is counterproductive to the expressed goal. We would hope the Committee would give serious consideration instead to the passage of H.B. 2283, which would give school boards greater local autonomy and authority to address these issues at the local level.

We thank you for any consideration which may be given to our concerns and I would be happy to attempt to answer any questions.

SCHOOL ACCREDITATION IN KANSAS

Here are the items on which the Kansas State Board of Education says school accreditation should be based:

- continuous student improvement in areas targeted in each school's locally-developed improvement plan;
- graduation rate;
- dropout rate;
- attendance rate;
- low or declining number of violent acts against teachers and students;
- student performance on state assessments (tests);
- student performance on locally-developed tests in communications, math, science and social studies;
- number of students passing advanced math and science in high school;
- student mastery of algebraic concepts;
- student mastery of locally-determined curriculum which prepares them for healthy living and includes mastery of locally-determined human sexuality and AIDS curriculum.

Accreditation status will be determined considering all of these items—not just a single item.

—Kansas State Board of Education
December 1994

House Education
Attachment 16
2-15-95