

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on January 30, 1995 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Brenda Dunlap, Committee Secretary

Conferees appearing before the committee: Kim Barnes, Vice President, USD #495
Dr. Ron White, Superintendent, USD #495
Richard Goodschmidt, USD #495
Mark Tallman, KASB
Gerald Henderson, USA

Others attending: See attached list

Senator Kerr -- Asked for introduction of a bill to repeal school district early retirement incentive programs. A motion was made by Senator Oleen to introduce the bill, Senator Langworthy seconded the motion, and the motion carried.

SB 1 - School districts, short-term suspensions of pupils from school

Ben Barrett gave a brief description of **SB 1**, which lengthens the term of extended term suspensions from five to ten days, and states if the pupil and a parent fail to appear at the hearing, this constitutes a waiver of rights at the hearing.

Kim Barnes, Vice President USD #495, provided written testimony in favor of the bill, noting it is in the best interest of orderly administration of schools, and that neighboring states and jurisdictions utilize informal due process procedures for suspension periods of ten days or less. (See Attachment 1)

Dr. Ron White, Superintendent, USD #495, testified in favor of the bill. He stated that the number one concern of parents is discipline in the classroom, thus, the rules and regulations have been strengthened to ensure safe and orderly schools. There is an added time and cost factor to formal suspensions, specifically, legal representation and court reporter costs. This cost has been estimated at \$10,000 per year for their district, which could otherwise be spent on teachers and students. He feels that if the term could be extended from five to ten days, much of this cost could be saved. Senator Emert asked if there is a liability based on due process and/or the constitution that would prohibit this change. Dr. White responded that they had checked with their attorney, and there is no legal problem. Senator Oleen wanted to know how much parental participation they have, and if the ten-day suspensions would increase parental participation. Dr. White replied that they have between 70 and 80% parental participation, and that the longer the suspension, the more parental participation. She also asked if short-term suspension class work could be made up. Dr. White stated that short-term class work can be made up. Several school districts in the audience reported to the committee that in their schools, short-term class work can be made up, and ten-day suspension class work cannot. Dr. White also stated he preferred to give written and oral notification of suspension to parents. (See Attachment 2)

Richard Goodschmidt, USD #495, stated his points had been covered by Dr. White, but he wanted to emphasize that with ten-day suspensions, there is much higher parental participation.

Avis Swartzman stated that oral notification is given when a student has done something like bring a knife or gun to school, and within twenty-four hours, written notice must be given.

Mark Tallman, Kansas Association of School Boards testified in favor of the bill. He stated it would allow school personnel more flexibility to quickly remove dangerous, disruptive students from the classroom, helping achieve safer, more orderly schools; by lengthening the short-term suspension Kansas schools would be in compliance with federal special education law; and that the bill makes clear that a student cannot delay the hearing process by refusing to attend. (See Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S-S Statehouse, at 1:30 p.m. on January 30, 1995.

Gerald Henderson, Executive Director of United School Administrators, testified in favor of the bill. He stated it clearly outlines the consequences of failure to appear at hearings, and that this change does not relieve school administrators from the responsibility of notifying the parents of such hearings. (See Attachment 4)

There was discussion regarding the Gene Bicknell appointment to the Board of Regents. Senator Lawrence stated that Mr. Bicknell's interest in and concern for education has been lifelong; he has given time and money to several schools in Kansas; he has been a teacher; she quoted Dr. Hughes, President of Wichita State University, as saying Mr. Bicknell has devoted a lot of time to the Board of Regents, and that his great business sense and acumen is of benefit to the Board. Senator Walker stated that his qualifications are excellent, and he would like to know what problems are seen by those senators not wanting to recommend his reappointment. No answer was given. Senator Hensley also stated that Mr. Bicknell has excellent qualifications, especially his business background and experience; and that he strongly supports Mr. Bicknell.

Senator Lawrence made a motion that the committee recommend to the full Senate that Mr. Bicknell be confirmed. Senator Walker seconded the motion, and the motion carried. There were six votes in favor, three against.

SB 6 - State educational institutions, acquisition of insurance through midwestern higher education commission

There was discussion regarding **SB 6**. Ted Ayres, Kansas Board of Regents proposed an amendment to address the provision for bidding on the insurance, adding to line 30 "when insurance may be acquired" *with approval of the state committee on surety bonds*. Senator Lawrence asked what would happen if a school wanted to accept a bid that was not the lowest one. Senator Emert stated too much time was being devoted to minor issues, and that the bill could be amended on the floor of the Senate. Thus, he made a motion that **SB 6** be recommended favorably for passage. Senator Langworthy seconded the motion, and the motion carried.

A discussion was held regarding **SB 1**. Senator Walker made a motion to amend **SB 1** to change the parents or guardians on line 3, 4, 5, 11 and 21 from plural to singular. Senator Lawrence seconded the motion, and the motion carried.

Senator Corbin made a motion that **SB 1** be recommended favorably for passage. Senator Langworthy seconded the motion, and the motion carried.

Senator Corbin made a motion that the minutes of the January 25 and January 26, 1995 meetings be approved, and the motion was seconded by Senator Emert. Senator Walker made a substitute motion to amend the minutes of the January 26, 1995 meeting to strike the words *so now he wants to apologize* and to approve the minutes as amended. Senator Emert seconded the motion. Senator Hensley asked Senator Walker to include in his motion to amend the minutes further to include that Mr. Bicknell had stated that Washburn University would inevitably be brought into the Regent system after an extended period of time. Senator Walker agreed. Motion to amend and approve carried.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for January 31, 1995.

RESOLUTION

OF

BOARD OF EDUCATION, FORT LARNED UNIFIED SCHOOL DISTRICT NO. 495

WHEREAS, it is in the best interest of the orderly administration of the schools of the State of Kansas to employ and enforce effective student disciplinary policies; and

WHEREAS, in the administration of student disciplinary policies, imposition of proceedings for suspensions for an extended term are initiated and formal due process procedures are required by K.S.A. 1994 Supp. 72-8902; and

WHEREAS, formal due process hearings required by law for all cases of extended term suspension involve additional expense to the District which could otherwise be reduced if extended suspensions were redefined as a matter of Kansas law for all out of school suspensions in excess of ten (10) days; and

WHEREAS, neighboring states and jurisdictions utilize informal due process procedures for suspension periods of ten (10) days or less:

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Fort Larned Unified School District No. 495, Larned, Pawnee County, Kansas, that this District supports modification of existing law as set forth in K.S.A. 1994 Supp. 72-8901 et. seq. specifically to provide that formal due process hearings should be initiated for all student extended term suspensions in excess of ten (10) days, and that informal due process hearings as now provided for by K.S.A. 1994 Supp. 72-8902 should be initiated for all student's suspensions of ten (10) days or less; and


Senate Education
1-30-95
Attachment 1

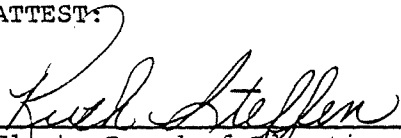
Resolution
Page 2

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Kansas Association of School Boards, Topeka, Kansas for purposes of requesting support and endorsement by Kansas Association of School Boards for modification as set forth herein, including, if deemed appropriate by the Board of Directors of Kansas Association of School Boards for such issue to be submitted to the membership of the association for consideration of placement upon the 1994 Legislative Agenda of Kansas Association of School Boards.

ADOPTED BY the Board of Education of Fort Larned Unified School District No. 495, Pawnee County, Kansas, at its regular meeting on the 14th day of November, 1994.

BOARD OF EDUCATION
FORT LARNED UNIFIED SCHOOL DISTRICT NO. 495

By: 
STEVE CROCKETT, President

ATTEST:

Clerk, Board of Education

Ft. Larned

SCHOOL DISTRICT OFFICE

PAWNEE COUNTY

120 East Sixth Street

OFFICE OF SUPERINTENDENT

Number 495

LARNED, KANSAS 67550

October 24, 1994

The Honorable Jerry Moran
State Capitol Building
Topeka, Kansas 66612

Dear Senator Moran (Jerry):

We have reviewed the present Kansas Laws that affect discipline and suspensions. Our requirement of a formal hearing for all suspensions longer than 5 days is costly and too restrictive. We estimate the costs to be between \$400 (conservative) and \$1000 (if appealed) for each incident. This, however, does not include the hours it adds to the Principal, Assistant Superintendent and or Superintendent. As you can see, the cost for the 6-90 day suspensions could be multiplied by 20-30 occurrences in any given year.

In studying other states, we have found the following:

Missouri: Prin. up to 10 days - informal hearing
Supt. up to 90 days - informal hearing
BOE - 90 and longer - formal hearing

Wyoming: Prin. & Supt. - up to 10 days - informal hearing
BOE - over 10 days - Formal hearing

Nebraska: Prin. up to 5 days - informal hearing
Supt. 6-19 days - Student, parent or guardian may request hearing but not mandated of school if not requested.

Colorado: Prin. up to 10 days - informal hearing
Supt. up to 90 days or year - formal hearing

Based on the other states and my experience, I recommend we change the law. I feel that mandatory formal hearings should start after 10 day suspensions. Informal hearings should be held from 1-10 day suspensions.

If you have any questions or suggestions, please contact either me or Richard Goodschmidt at 316-285-3185. Thanks for your consideration of this issue.

Sincerely,



Senate Education
1-30-95
Attachment 2



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: January 30, 1995

RE: Testimony on S.B. 1

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent of S.B. 1, concerning short-term suspensions from school. We see three major benefits of this legislation.

First, it would allow school personnel more flexibility to quickly remove dangerous, disruptive students from the classroom, helping achieve safer, more orderly schools.

Second, by lengthening the maximum short-term suspension from five to ten school days, Kansas schools would be in compliance with federal special education law, which allows for ten day suspensions. Under current law, if Kansas educators believe a special education student should be suspended for those ten days, they must go through the procedure for a long term suspension.

Third, the bill ~~be make clear~~ that a student cannot delay the hearing process by refusing to attend.

We urge your favorable consideration of this bill.

Senate Education
1-30-95
Attachment 3



SB 1

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United school administrators of Kansas
January 30, 1995

Mister Chairman and Members of the Committee:

United School Administrators welcomes the provisions of **SB 1** which clearly outlines the consequences when students or parents fail to show up at scheduled disciplinary hearings. We believe that this change to the law in no way relieves school administrators from the responsibility to take reasonable precautions to ensure that parents are indeed notified of such hearings.

We are not opposed to the increase in the term of short term suspensions from five to ten days.

LEG/SB1

Senate Education
1-30-95
Attachment 4