

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:00 p.m. on February 20, 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: Susan Chase, KNEA  
Gerald W. Henderson, USA  
Karen Lowry, KASB  
Diane Gjerstad, Wichita Public Schools

Others attending: See attached list

**SB 317 - Schools, policies requiring expulsion of pupils for possession of weapons at school**

Dale Dennis, State Board of Education, gave a brief explanation of the bill. It was introduced at the request of the Board to bring the state into compliance with the federal Gun Free Schools Act (GFSA), enacted on October 20, 1994. This Act requires that each state receiving federal funds, must have in effect, by October 20, 1995, a state law requiring local educational agencies to expel from school, for a period of not less than one year, a student who is determined to have brought a weapon to school. Without a state law that meets the requirements of this act, Kansas could lose approximately \$100 million of federal educational dollars. (See Attachment 1)

Susan Chase, Kansas National Education Association, testified in support of the bill. It is estimated over 100,000 students carry guns to school each day. Because of this, the KNEA believes we need to send a message to students regarding weapons brought into the learning environment. That message is, we will not tolerate weapons at school or at any school function. (See Attachment 2)

Gerald Henderson, United School Administrators of Kansas, testified in support of the bill. However, he is concerned about the lack of flexibility the law will allow school principals to deal with these children; and wonders what the response of the community will be to these children being out of school. (See Attachment 3)

Karen Lowry, Kansas Association of School Boards, testified in support of the bill. It is vital that Kansas school districts continue to receive federal funds under the ESEA, and we urge your adoption of this bill to bring the state into compliance. (See Attachment 4)

**SB 191 - School districts, items purchased for pupil use, assessment and collection of fees**

Dale Dennis, State Board of Education, gave a brief explanation of the bill. The Board has received numerous questions and concerns about the authority to charge fees for instructional materials presented through the use of technology such as CD ROM's and selected databases. This bill permits local boards of education to charge students for these instructional materials similar to textbooks and workbooks. (See Attachment 5)

Diane Gjerstad, Wichita Public Schools, testified in favor of the bill. Increasingly new textbook adoptions are supplemented with software, CD ROM, or CD's. These new technologies enhance the instructional value of the textbook and greatly assist the educator. The latitude offered in this bill will assist districts attempting to incorporate instructional technologies into the curriculum. (See Attachment 6)

Karen Lowry, Kansas Association of School Boards, testified in support of the bill. In addition, the Association suggested expanding the provision is an example of a situation that could be handled at the local level if school boards were given "home rule" authority. Provided with such authority, school districts could make decisions to assess fees for technology instructional materials and not defer time away from the Kansas Legislature to amend state law to allow such actions. (See Attachment 7)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S-Statehouse, at 1:00 p.m. on February 20, 1995.

Gerald Henderson, United School Administrators of Kansas, testified in support of the bill. However, USA is concerned about the availability of a free public education for all Kansas children. (See Attachment 8)

Senator Langworthy made a motion that **SB 191** be recommended favorably for passage. Senator Lawrence seconded the motion, and the motion carried.

Senator Downey made a motion to amend **SB 317** on page 3, line 26 to read "enrolled in any accredited non-public school under the jurisdiction of any such board of"; and to recommend favorably for passage. Senator Lawrence seconded the motion, and the motion carried.

**SB 189 - School finance, increase base state aid per pupil, definition of state prescribed percentage for purpose of local option budgets**

A motion was made by Senator Walker to eliminate the floating cap. Seconded by Senator Jones; the motion failed.

A motion was made by Senator Walker to freeze the LOB amount or cap at the current dollar amount at 25% of \$3,600. Seconded by Senator Hensley; the motion failed.

A motion was made by Senator Walker to add a 1% increase into the base, and a one-half increase to the cap. Seconded by Senator Emert; the motion failed.

A motion was made by Senator Emert to amend the base per pupil amount on page 2, line 2, from \$3,630 to \$3,700. A substitute motion was made by Senator Oleen to add the \$100 to the unweighted base. Senator Walker seconded the motion, and the motion carried.

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

The next meeting is scheduled for February 21, 1995.

# SENATE EDUCATION COMMITTEE COMMITTEE GUEST LIST

DATE: 2-20-95

NAME	REPRESENTING
Phil Johnston	KAESP
HAROLD PITTS	Citizen
Ken Bentley	K.S.B.E.
Jacque Oakes	SOE
Kate Epstey	WIBW
Kristen Haug	Capital-Journal
Douglas Brown	WIBW
Gerald Henderson	USA/KS
Mike Miller	City of Topeka
Diane Gjerstad	USD 059
Cayletha Dawson	Page
<del>Jessie</del>	Page
Craig Grant	KNEA
Sue Chase	KNEA
Karen Rowley	KAB
Henice Apt	USA
Christopher K. Peters	citizen
Tim Nimz	OST
Merle Hice	KACC





# *Kansas State Board of Education*

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

February 20, 1995

TO: Senate Education Committee  
FROM: Kansas State Board of Education  
SUBJECT: 1995 Senate Bill 317

Senate Bill 317 was introduced at the request of the State Board of Education to bring the state into compliance with the federal Gun Free Schools Act (GFSA), enacted on October 20, 1994, as part of the Improving America's Schools Act of 1994 (the reauthorization of the Elementary and Secondary Act of 1965 (ESEA)), P.L. 103-382.

This Act requires that each state receiving federal funds, must have in effect, by October 20, 1995, a state law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school. Each state's law also must allow the chief administering officer of the local educational agency to modify the expulsion requirement on a case-by-case basis.

Without a state law that meets the requirements of this act, Kansas could lose approximately \$100 million of federal educational dollars.

After reviewing Senate Bill 317, it appears a technical amendment may be necessary to make the last sentence in Section 3 applicable to nonpublic, accredited schools only.

Dale M. Dennis  
Deputy/Assistant Commissioner  
Division of Fiscal Services and Quality Control  
(913) 296-3871  
Fax No. (913) 296-7933

*Senate Education  
2-20-95  
Attachment 1*

**GUIDANCE CONCERNING STATE AND LOCAL  
RESPONSIBILITIES UNDER THE  
GUN-FREE SCHOOLS ACT OF 1994**

This guidance is to provide information concerning State and local responsibilities under the Gun-Free Schools Act (GFSA), which was enacted on October 20, 1994 as part of the Improving America's Schools Act of 1994 [the reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA)], Public Law 103-382. Preliminary information, including a copy of this new legislation, was mailed to Governors and Chief State School Officers in a letter dated November 28, 1994.

The GFSA states that each State receiving Federal funds under ESEA must have in effect, by October 20, 1995, a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school. Each State's law also must allow the chief administering officer of the local educational agency (LEA) to modify the expulsion requirement on a case-by-case basis.

The legislation explicitly states that the GFSA must be construed to be consistent with the Individuals with Disabilities Education Act (IDEA). Therefore, by using the case-by-case exception, LEAs will be able to discipline students with disabilities in accordance with the requirements of Part B of the IDEA and Section 504 of the Rehabilitation Act (Section 504), and thereby maintain eligibility for Federal financial assistance. The Department intends to issue separate, more detailed guidance on discipline of students with disabilities, which will include clarification of the implementation of the GFSA consistent with IDEA and Section 504.

The following questions and answers have been prepared to assist States, State educational agencies (SEAs), and LEAs in implementing these new requirements.

- Q1. What entities are affected by the provisions of the Gun-Free Schools Act?**
- A. Each State, as well as its State educational agency and local educational agencies, has responsibilities under the GFSA.
- Q2. Are private schools subject to the requirements of the Gun-Free Schools Act?**
- A. Private schools are not subject to the provisions of the GFSA, but private school students who participate in LEA programs or activities are subject to the one-year expulsion

requirement to the extent that such students are under the supervision and control of the LEA as part of their participation in the LEA's programs. For example, a private school student who is enrolled in a Federal program, such as Title I, is subject to a one-year expulsion, but only from Federal program participation, not a one-year expulsion from the private school. Of course, nothing prohibits a private school from imposing a similar expulsion from the private school on a student who brings a weapon to school.

**Q3. Will SEAs and LEAs have a period of time to comply with the requirements of the Gun-Free Schools Act?**

A. States must take prompt action to implement the requirements of the GFSA, including prompt action to initiate the legislative process. States have until October 20, 1995 to enact and make effective the one-year expulsion legislation required by Section 14601. States that have not enacted and made effective legislation by this date risk losing ESEA funds.

In order to be eligible to receive ESEA funds, LEAs must have an expulsion policy consistent with the required State law.

LEAs must take immediate action to implement the referral policy required by Section 14602, because the GFSA directs that no ESEA funds shall be made available to an LEA unless that LEA has the required referral policy.

**Q4. Is compliance with the requirements of the Gun-Free Schools Act a condition for the receipt of Federal financial assistance under the ESEA?**

A. Yes, compliance with the requirements of the GFSA is a condition for the receipt of funds made available to the State under the ESEA.

**Q5. Will failure to comply with the requirements of the Gun-Free Schools Act result in the termination or withholding of funds made available to the State under the ESEA?**

A. Failure to comply with the requirements of the GFSA could result in the withholding, under the provisions of the General Education Provisions Act, of funds made available to the State under the ESEA; however, it is anticipated that technical assistance provided to States will result in timely compliance and make withholding of funds unnecessary.

**Q6. May a State request a waiver of the requirements of the Gun-Free Schools Act?**

A. Yes. The ESEA authorizes the Secretary to waive the requirements of the GFSA if that action will increase the quality of instruction for students or will improve the academic performance of students. However, it is not anticipated that the requirements of the GFSA will be waived except in unusual circumstances.

**Q7. Does the Gun-Free Schools Act's one-year expulsion requirement preclude any due process proceedings?**

A. No. Students facing expulsion from school are entitled under the U.S. Constitution and most State constitutions to the due process protection of notice and an opportunity to be heard. If, after due process has been accorded, a student is found to have brought a weapon to school, the GFSA requires an expulsion for a period of not less than one year (subject to the case-by-case exception discussed below).

**Q8. What does the Gun-Free Schools Act require of States?**

A. The GFSA requires that each State receiving Federal funds under the ESEA must, by October 20, 1995: (1) have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school; (2) have in effect a State law allowing the LEA's chief administering officer to modify the expulsion requirement on a case-by-case basis; and (3) report to the Secretary on an annual basis concerning information submitted by LEAs to SEAs. SEAs must also ensure that no ESEA funds are made available to an LEA that does not have a referral policy consistent with Section 14602.

#### One-Year Expulsion Requirement

Each State's law must require LEAs to comply with a one-year expulsion requirement; that is, subject to the exception discussed below, any student who brings a weapon to school must be expelled for not less than one year.

#### Case-by-Case Exception

Each State's law must allow the chief administering officer of an LEA to modify the one-year expulsion requirement on a case-by-case basis.

### Annual Reporting

Each State must report annually on LEA compliance with the one-year expulsion requirement, and on expulsions imposed under the State law, including the number of students expelled in each LEA and the types of weapons involved.

#### **Q9. What does the Gun-Free Schools Act require of LEAs?**

- A. The GFSA requires that LEAs (1) comply with the State law requiring the one-year expulsion; (2) provide an assurance of compliance to the SEA; (3) provide descriptive information to the SEA concerning the LEA's expulsions; and (4) adopt a referral policy for students who bring weapons to school.

#### One-Year Expulsion Requirement

LEAs must comply with the State law requiring a one-year expulsion; that is, subject to the case-by-case exception, any student who brings a weapon to school must be expelled for not less than one year.

#### LEA Assurance

An LEA must include in its application to the State educational agency for ESEA assistance an assurance that the LEA is in compliance with the State law requiring the one-year expulsion.

#### Descriptive Report to SEA

An LEA must include in its application for ESEA assistance a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;
- (B) the number of students expelled from the school; and
- (C) the type of weapons concerned.

#### Referral Policy

LEAs must also implement a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school.

**Q10. When must an LEA implement its referral policy?**

- A. LEAs must take immediate action to implement a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school. The GFSA directs that no ESEA funds shall be made available to an LEA unless that LEA has the required referral policy.

**Q11. When must an LEA submit the required assurance?**

- A. In its first application to the State educational agency for ESEA funds after the date that the State enacts and makes effective the required one-year expulsion legislation, the LEA must include an assurance that the LEA is in compliance with the State law.

**Q12. What is the role of the SEA in determining whether an LEA is in compliance with the Gun-Free Schools Act?**

- A. The GFSA requires States to report to the Secretary on an annual basis concerning LEA compliance. Therefore, before awarding any ESEA funds to an LEA, the SEA must ensure that the LEA has: (1) implemented a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to school; and (2) included in its application for ESEA funds the assurance and other information required by the GFSA. SEAs must ensure that the LEA application contains:

(1) an assurance that the LEA is in compliance with the State law requiring the one-year expulsion; and

(2) a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;  
(B) the number of students expelled from the school; and  
(C) the type of weapons concerned.

**Q13. Who is an LEA's "chief administering officer"?**

- A. The term "chief administering officer" is not defined by the GFSA. Each LEA should determine, using its own legal framework, which chief operating officer or authority (e.g., Superintendent, Board, etc.) has the power to modify the expulsion requirement on a case-by-case basis.

Q14. Can any individual or entity other than the LEA's "chief administering officer" modify the one-year expulsion requirement on a case-by-case basis?

A. No. However, the chief administering officer may allow another individual or entity to carry out preliminary information gathering functions, and prepare a recommendation for the chief administering officer.

Q15. Is it permissible for an LEA to use the case-by-case exception to avoid compliance with the one-year expulsion requirement?

A. No, this exception may not be used to avoid overall compliance with the one-year expulsion requirement.

Q16. How is the term "weapon" defined?

A. For the purposes of the GFSA, a "weapon" means a firearm as defined in Section 921 of Title 18 of the United States Code.

According to Section 921, the following are included within the definition:

- any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above
- any firearm muffler or firearm silencer
- any explosive, incendiary, or poison gas
  - (1) bomb,
  - (2) grenade,
  - (3) rocket having a propellant charge of more than four ounces,
  - (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
  - (5) mine, or
  - (6) similar device
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter



- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled

According to Section 921, the following are not included in the definition:

- an antique firearm
- a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes
- any device which is neither designed nor redesigned for use as a weapon
- any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device
- surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10

In addition, we have been advised by the Bureau of Alcohol, Tobacco, and Firearms that Class-C common fireworks are not included in the definition of weapon.

**Q17. Does the Gun-Free Schools Act preclude classes such as hunting or military education, or activities such as hunting clubs or rifle clubs, which may involve the handling or use of weapons?**

A. No, the GFSA does not prohibit the presence at school of rifles that the owners intend to use solely for sporting, recreational, or cultural purposes.

**Q18. Are knives considered weapons under the Gun-Free Schools Act?**

A. No, for the purposes of the GFSA, the definition of weapon does not include knives. State legislation or an SEA or LEA may, however, decide to broaden its own definition of weapon to include knives.

**Q19. What is meant by the term "expulsion"?**

A. The term "expulsion" is not defined by the GFSA; however, at a minimum, expulsion means removal from the student's regular school program at the location where the violation occurred.

**Q20. Is a State, SEA, or LEA required to provide alternative educational services to students who have been expelled for bringing a weapon to school?**

A. The GFSA neither requires nor prohibits the provision of alternative educational services to students who have been expelled. Other Federal, State, or local laws may, however, require that students receive alternative educational services in certain circumstances.

**Q21. What is an "alternative setting" for the provision of educational services to an expelled student?**

A. An alternative setting is one that is clearly distinguishable from the student's regular school placement.

**Q22. Is Federal funding available to provide alternative educational services?**

A. Yes, formula grants awarded under the Safe and Drug-Free Schools and Communities Act may be used for alternative educational services. In addition, other Federal funds may be available for alternative educational services, consistent with each program's statutory and regulatory requirements.

**Q23. Do the requirements of the Gun-Free Schools Act conflict with requirements that apply to students with disabilities?**

A. No. Compliance with the GFSA may be achieved consistently with the requirements that apply to students with disabilities, as long as discipline of such students is determined on a case-by-case basis in accordance with the IDEA and Section 504. The Department intends to issue separate, more detailed guidance on discipline of students with disabilities, which will include clarification of the implementation of the GFSA consistent with IDEA and Section 504.

Q24. Is it permissible to expel a student for a "school year" rather than a year?

A. No. The statute explicitly states that expulsion shall be for a period of not less than one year.

Q25. Does the expulsion requirement apply only to violations occurring in the school building?

A. No. The one-year expulsion requirement applies to students who bring weapons to any setting that is under the control and supervision of the LEA.



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

Susan Chase Testimony Before  
Senate Education Committee  
Monday, February 20, 1995

Thank you, Mr. Chairman. I am Susan Chase and I represent the Kansas National Education Association. I am here in support of SB 317.

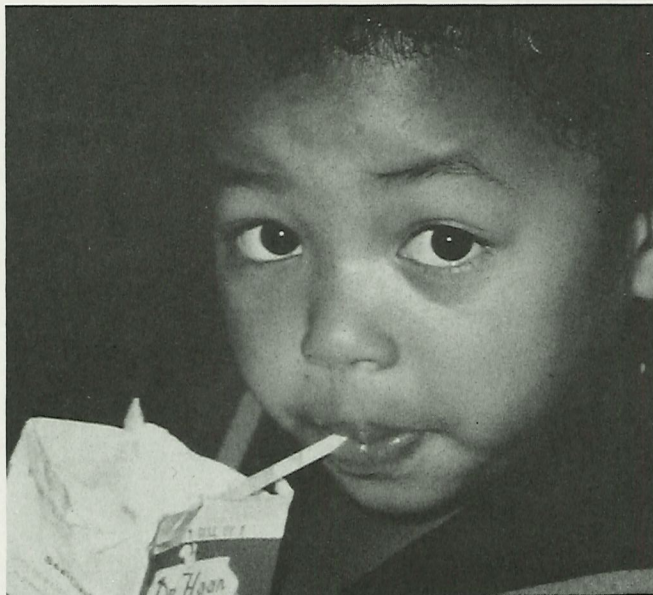
It is estimated over 100,000 students carry guns to school each day. Because of this, the Kansas National Education Association believes we need to send a message to students regarding weapons brought into the learning environment. That message is we will not tolerate weapons at school or at any school function.

We understand that this bill comes from federal legislation. We still applaud this committee for beginning to address one of the major issues facing public education, and one KNEA has made a priority.

We urge your support of SB 317. Thank you for listening to our concerns.



Helping you keep your promises....



Getting a child ready for school doesn't happen in a single morning.

How prepared children are to learn depends on how well they've been cared for from their preschool years through graduation. Children lacking parental attention, proper nutrition, health care or stable homes are not prepared for a lifetime of learning.

The education professionals in the Kansas National Education Association have been saying that for a long time now. Educating every child takes everyone. We're seeing indications that others are starting to believe us.

Sending a student to school involves many people...parents, teachers, paraprofessionals, school secretaries, cooks, custodians, and bus drivers, just to name a few.

When people talk about improving schools, they now talk of QPA (Quality Performance Accreditation) shared decision making...something we have advocated as necessary to achieve real and lasting change.

Across Kansas, people are becoming more interested in shared decision making — improvements at the school building level, school staffs playing key roles, and parents and community members sharing in everyday decisions.

People are talking about guaranteeing quality education with close attention to the long range challenges. Kansas' kids need less focus on the quick fix.



In conclusion...

The legislative items discussed are the priorities of KNEA. The total legislative agenda is varied and comprehensive. Our members are interested in those issues which impact quality education. They include concern about how education professionals are trained and licensed, involvement of professionals in decisions affecting what is taught and ensuring all children are afforded quality education.

KNEA represents the education community. With a membership of 24,000 public school employees, KNEA is Kansas' largest education organization. The Association consists of K-12 teachers, higher education faculty, education support personnel such as paraprofessionals and school secretaries, retired teachers and students training to become teachers.



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



**knea**

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**Keep the promise...  
KNEA - Working for education excellence**



**KNEA  
Legislative Agenda**



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

Here's what Kansas is spending on 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 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.

**KNEA stands ready to work with the Governor and the Legislature to develop programs that remove violence from the classrooms of Kansas' schools. Kansas must have a zero tolerance for violence against our students and educators. This must become the basis for addressing violence against all Kansas citizens.**



Neither of these issues can be addressed only in the school situation. Let's understand that this is not just a school problem; our students are subjected to violence in the media, on the streets and even in their own homes. We must commit ourselves, parents, businesses, state agencies, local and state government, to be a part of solving the problem.

The KNEA has helped frame the public discussion around these issues. We are a resource as you work to keep your promises to those who elected you to the State Legislature.

Among the harsh realities we deal with is that learning in school is only one aspect of children's lives. If Kansans are serious about improving education, they must become serious about improving the total quality of life for all children...

Another reality is education improvements and school restructuring won't take place without greater financial resources. Citizens and business leaders acknowledge this.

KNEA pledges to work with the Legislature to plan for the financial health of our public schools, preschool through graduate school.

How? By being a resource, by continuing to generate individual, business and parental involvement and working to convince everyone that public schools, and those who work in them, cannot solve all school and societal problems alone.

That is a common misconception...and one we must change.

Working for education excellence must be every citizen's goal; restructuring and renewal in our schools must happen school by school, community by community.

We're here to help legislators keep their promise. Help insure a quality education for everyone.

## School Finance

Education is an important job. With the exception of parents or guardians, educators have more influence upon a child's life than anyone else.

Educators help build a student's character and serve as trouble-shooter; to guide, direct and introduce new concepts, 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



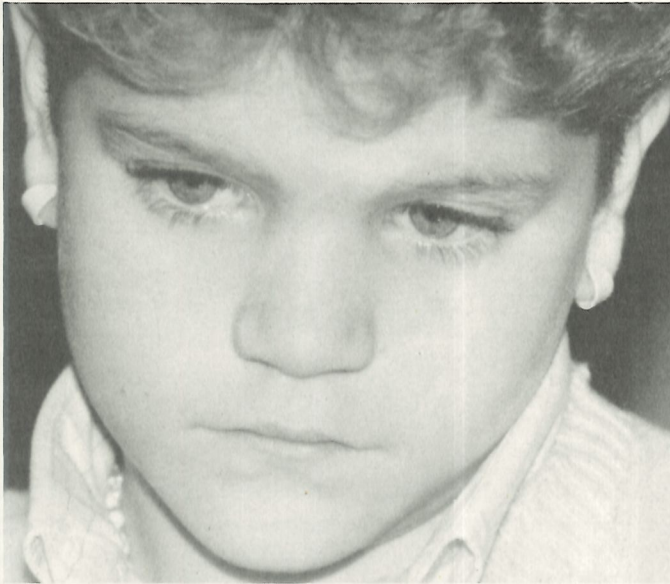


schools. One golden rule of business is it is five times more expensive to train new employees than to keep experienced ones. This applies to school employees, also.

KNEA proposes the legislature increase the base per-student.

## School Violence

Provide students a safe place to learn...  
and educators a safe place to teach  
This 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, Hays, Stockton, Dodge City, Shawnee, Hays, Colby... Acts of violence that make our school 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, 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.

• 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.







## SB 317

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 20, 1995

Mister Chairman and Members of the Committee:

United School Administrators of Kansas regrets the circumstances in our society which caused us to have to work last summer with representatives of KASB, KNEA and the legal department of the Kansas State Board of Education to develop model policies for local boards of education designed to deal with the subject of weapons in school settings. But, we have had both school children and school personnel injured and killed in Kansas, so the problem is **not** exclusively one of large urban centers of our country.

The federal legislation which calls for the expulsion for one year of any student who brings a weapon into a school setting, leaves us, we believe, without the flexibility most school principals would prefer in dealing with children. Perhaps the time has come when we must say to all our publics that a weapon at school translates to a year's expulsion for the responsible person, period. I continue to worry about that young person. What will be the response and the responsibility of the rest of the community to having such a youngster out of school?

LEG/SB317

*Senate Education  
2-20-95  
Attachment 3*





**Testimony on S.B. 317  
before the  
Senate Committee on Education**

by

**Karen Lowery, Coordinator of Governmental Relations  
Kansas Association of School Boards**

**February 20, 1995**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today in support of S.B. 317. The Kansas Association of School Boards supports the effort to bring the state law into compliance with the federal provisions of the Elementary and Secondary Education Act (ESEA).

Through our national affiliate, KASB supported ESEA and the weapons related provision. We feel that language which allows superintendents to make modifications on a case-by-case basis provides local districts with the flexibility to deal with unique situations and does not place an undue burden upon districts.

It is vital that Kansas school districts continue to receive federal funds under the ESEA and we urge your adoption of this bill to bring the state into compliance. Thank you for your consideration.

# *Kansas State Board of Education*

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

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February 20, 1995

TO: Senate Education Committee  
FROM: Kansas State Board of Education  
SUBJECT: 1995 Senate Bill 191

The State Board of Education has received numerous questions and concerns about the authority to charge fees for instructional materials presented through the use of technology such as CD ROM's and selected databases.

Senate Bill 191 permits local boards of education to charge students for these instructional materials similar to textbooks/workbooks.

Dale M. Dennis  
Deputy/Assistant Commissioner  
Division of Fiscal Services and Quality Control  
(913) 296-3871  
Fax No. (913) 296-7933

*Senate Education  
2-20-95  
Attachment 5*



Larry R. Vaughn  
Superintendent

**Testimony to the Senate Education Committee**  
**Senator Dave Kerr, Chairman**

Submitted by : Diane Gjerstad  
February 19, 1995

Chairman Kerr, members of the Education Committee:

Thank you for the opportunity to rise in support of S.B. 191. A bill which is part of the State Board of Education's legislative package. S.B. 191 would modernize the statutory definition of textbooks to include instructional materials for the use of technology.

Increasingly new textbook adoptions are supplemented with software, CD ROM, or CD's. These new technologies enhance the instructional value of the textbook and greatly assist the educator. Just as these new technologies are invading our homes and at work, schools are seeing rapid rise in the level of sophistication offered by textbook manufacturers. We believe this trend will continue. The latitude offered in this bill will assist districts attempting to incorporate instructional technologies into the curriculum.

Thank you for reviewing this bill. I would urge your favorable consideration.

Senate Education  
2-20-95  
Attachment 6





Testimony on S.B. 191  
before the  
Senate Committee on Education

by

Karen Lowery, Coordinator of Governmental Relations  
Kansas Association of School Boards

February 20, 1995

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today on S.B. 191. KASB has long supported the right of school districts to charge fees for supplemental materials, such as workbooks, specialized clothing or musical instruments. We support S.B. 191 which allows instructional materials for the use of technology in specific courses to be included as an item fees may be charged against.

We would also like to bring to the committees' attention that expanding this provision is an example of a situation that could be handled at the local level if school boards were given "home rule" authority. Provided with "home rule authority", school districts could make the decision to assess a fee for technology instructional materials and not defer time away from the Kansas Legislature to amend state law to allow such actions.

Thank you for your consideration.

Senate Education  
2-20-95  
Attachment 7





**SB 191**

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 20, 1995

Mister Chairman and Members of the Committee:

United School Administrators of Kansas is supportive of the technical changes to the Kansas statutes allowing schools to charge fees for technological materials used in the classroom. We continue, however, to be concerned about the availability of a free public education for all Kansas children.

LEG/SB191

*Senate Education  
2-20-95  
Attachments 8*