

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on March 6, 1995 in Room 123-S of the Capitol.

All members were present except: Senator Downey

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

Conferees appearing before the committee: Representative Joel Rutledge
Helen Stephens, Kansas Chiefs Association
Mark Tallman, KASB
Diane Gjerstad, Wichita Public Schools
Sue Chase, KNEA
Dennis Martin

Others attending: See attached list

HB 2109 - Law Enforcement officer allowed to take child into temporary custody if child is supposed to be in school; take child to school or home

Ben Barrett gave a brief explanation of the bill. This bill was designed to grant authority to law enforcement officers to pick up children who are absent from school without an excuse and return them to school or home. The definition of inexcusably absent for purposes of determining violations is changed from five or more school days in any semester to seven or more school days in any school year.

Helen Stephens testified in support of the bill on behalf of the Kansas Chiefs Association, Kansas Peace Officers Association and the Kansas Sheriffs Association. She noted that this bill is not an unfunded mandate, and no additional officers will be needed.

Diane Gjerstad, Wichita Public Schools, testified in support of the bill because it grants authority to law enforcement officers to temporarily detain a child subject to compulsory attendance law. Further, Wichita Public Schools encourages the Committee to retain the House committee amendment which changes the time frame in which a child can be inexcusably absent from "semester" to "school year." (See Attachment 1)

Mark Tallman, Kansas Association of School Boards, testified in support of the bill. KASB believes this bill would improve truancy enforcement in two ways. First, it would allow law enforcement officers to take temporary custody of students when they should be in school. Second, it changes the definition of truancy from "five or more days in any one semester" to "seven or more days in any school year." They believe additional steps should be taken to help keep students in school. The number of unexcused absences allowed before truancy is declared should be lowered. School districts could be allowed to appoint a truant officer who could ask the court directly for an order to return the student to school through an expedited hearing process. Parents could be fined for failing to comply with court orders or repeatedly violating the compulsory attendance law. Expanded services could be provided to students who frequently miss school, by increasing the at risk weighting factor. (See Attachment 2)

Representative Joel Rutledge, sponsor of the bill, testified in its support. This bill does not require any action on the part of law enforcement officers. It is to give them a tool to help them to do their job if they want to intercede when there is a need. Currently, they have no legal authority to pick up a child. If a child has a reasonable excuse he will be exempted. The bill is not an attempt to micro-manage or create more work for officers. It is not meant to address the issue of the child again leaving school after he has been returned to school by the officer.

Susan Chase, Kansas National Education Association offered comments on the bill. KNEA only offers comments for two reasons. First, they believe that this is a very simplistic solution to a very complex

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S-Statehouse, at 1:30 p.m. on March 6, 1995.

problem. Students who do not attend school do so for various reasons, and to assume that picking them up and returning them to school will solve the problem is naive. We need to address the disease rather than the symptom. Secondly, they are concerned about what will happen to the student when they are returned to school. They are also concerned that this bill will be interpreted as a solution instead of an option in a comprehensive package that addresses the issue of student truancy. They do not oppose the idea of using law enforcement to assist in the problem, as long as it is noted that this is not the answer to the problem. (See Attachment 3)

Dennis Martin, Manhattan, Kansas, home schools his children. He is concerned that law enforcement officers could pick up his child, even though he is not truant, and take him to an alternative location specified for truant children. In addition, Manhattan is a regional shopping area, and students from other communities on school break could possibly be picked up by law enforcement officers even though they are not truant.

There was some discussion, but no motions were made.

A motion was made by Senator Walker to approve the minutes of the February 20, 21, 22, 23, 24 and 27th meetings with an amendment to the 24th's minutes changing the word sunset to repealer. Senator Emert seconded the motion, and the motion carried.

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

The next meeting is scheduled for March 7, 1995.



Larry R. Vaughn
Superintendent

Remarks to
Senate Education Committee

Senator Dave Kerr, Chair

H.B. 2109

Submitted by: Diane Gjerstad

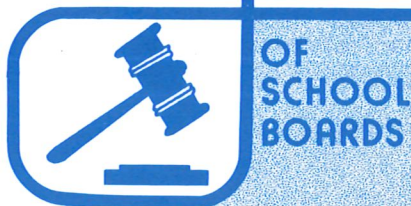
Mr. Chairman, members of the Committee:

Wichita Public Schools rise in support of H.B. 2109 which would allow law enforcement officers to temporarily detain a child subject to compulsory attendance law.

Further, we would encourage this committee to retain the House committee amendment which changes the timeframe in which a child can be inexcusably absent from semester to "school year". Unfortunately students can be very savvy at manipulation. Having the new semester wipe the slate clean invites abuse by the very student who needs attention.

We would urge the committee to report the bill favorably.

Senate Education
3-6-95
Attachment 1



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 6, 1995

RE: Testimony on H.B. 2109

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as proponents of H.B. 2109. KASB has made improved enforcement of our state's compulsory attendance laws a priority issue. We believe that the current enforcement mechanism is working poorly. H.B. 2109 would improve enforcement in two ways.

First, it would allow law enforcement officers to take temporary custody of truant students when they are supposed to be in school. We are sending the wrong message to young people when skipping school is against the law but officers cannot do anything about it. Under this bill, students could be taken back to school, to an alternative location designated by the school to address truancy issues, or to the child's parents. This seems to us to be nothing more than common sense.

Second, the bill changes the definition of truancy from "five or more days in any semester" to "seven or more days in any school year." Under current law, a student essentially gets a "clean slate" each semester. A school must notify the Department of Social and Rehabilitational Services (if the student is age 14 or under) or the district court (if the child is over 14), these authorities must conduct an investigation, and then petition the court for a "child in need of care" ruling that orders the parents to get the student in school or provide other services. By the time this process is complete, the semester may well be over, and the process must start over in the next semester.

Frankly, we believe that additional steps could be taken to help keep students in school. The number of unexcused absences allowed before truancy is declared could be further lowered. School districts could be allowed to appoint a truant officer who could ask the court directly for an order to return the student to school, through an expedited hearing process. Parents could be fined for failing to comply with court orders or repeatedly violating the compulsory attendance law. Expanded services could be provided to students who frequently miss school, by increasing the at risk weighting factor.

In conclusion, it might be appropriate to restate the need to enforce our compulsory attendance laws, because this was a matter of some debate in the House. Kansas has an obvious interest in an educated population. Students who are not in school are not learning. Increasing attendance and graduation rates are part of the national education goals, and the Kansas Quality Performance Accreditation system. KASB believes that H.B. 2109 would help.

Thank you for your consideration.

Senate Education
3-6-95
Attachment 2



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

Susan Chase Testimony Before
Senate Education Committee
Monday, March 6, 1995

Thank you, Mr. Chairman. I am Susan Chase and I represent Kansas National Education Association. I am here to offer comments on HB 2109.

KNEA believes truancy is a problem that needs to be addressed. We are not naive enough to believe that learning can only happen within the four walls of the school building, but we also know that a very important body of knowledge is gained within those four walls and that if students are not attending school they lose out. We only offer comments on HB 2109 for two reasons. First, we believe that this is a very simplistic solution to a very complex problem. Students who do not attend school do so for various reasons, and to assume that picking them up and returning them to school will solve the problem is naive. We need to address the disease rather than the symptom.

Secondly, we are concerned about what will happen to the student when they are returned to the school. Obviously, the student does not want to be there. If the student is immediately placed back in the classroom, will the student be ready to learn or will they be a disruption to their own, as well as others, learning? Will the student receive appropriate interventions to address the cause of the ^{truancy} learning? How will parents be involved in addressing the problem? Has consideration been given to the use of SRS or the juvenile authorities in providing intervention? We are concerned that people will take this as a solution instead of an option in a comprehensive package that addresses the issue of student truancy.

Let me state that we do not oppose the idea of using law enforcement to assist in the problem of truancy, we are just not convinced that this is the answer to the problem. KNEA sees this as an issue that needs to be addressed by the whole community, not just a select group. We would like to see the committee spend time in addressing this issue and look at this as a starting point for addressing this issue. KNEA stands ready to work with this committee to develop a comprehensive approach to student truancy.

Thank you for listening to our concerns.