

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on March 16, 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: Representative Deena Horst
Ron Wimmer, Superintendent, Olathe USD 233
Tony White, Rose Hill Middle School
Representative John Ballou
Mark Tallman, KASB
Susan Chase, KNEA

Others attending: See attached list

HB 2359 - Kansas School Safety Act

Representative Deena Horst introduced the bill in the house, and explained it to the Committee. **HB 2359** requires reporting crimes which occur in the schools; it penalizes those who refuse to report, or interfere with a report of a crime committed in their schools; and it protects those who do report the crimes. It is the result of concern in the alarming increase in the number of and the intensity of violent acts being committed by students at school. Intervention, counseling, and conflict resolution are only a part of the solution. We must let students know when their behavior is unacceptable and illegal. Students and parents need to know that violent behavior will not be tolerated in Kansas schools, and that 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. (See Attachment 1 & 2)

Ron Wimmer, Superintendent of Olathe USD #233, presented written testimony offering comments about the bill. In August of 1993, the Olathe school district adopted a Safe Schools Policy. 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. They adopted this policy in full cooperation and support of their police chief, Mr. Wimmer, superintendent of schools and the school governing bodies. Although the program requires additional time for school and police officials, they 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, they have found a decrease in juvenile crime and serious behavior problems in their schools in the second year. Although he supports the intent of this bill, he has 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. He thinks the intent is great; however, a program as they have in Olathe works best when all parties buy into the concept on a voluntary basis. He fears a mandate from legislation would not have the same positive outcomes as when local officials work together voluntarily. He offered several suggestions to change and improve the bill. (See Attachment 3)

Tony White, Rose Hill Middle School, presented written testimony in support of the bill. He related an incident where a seventh grade boy was surrounded, taunted, punched, knocked to the ground and kicked for reporting a fist fight between two other boys. The administrator's response was typically insufficient, so Mr. White called the local police to report assault and battery. He did not ask his principal's permission as he knew it would not occur, nor would the principal call the police himself. When the officer arrived, Mr. White was told by his administrator, while it may be a crime, "we shouldn't air our dirty laundry." The principal told Mr. White that he had violated Board policy by reporting a crime. Mr. White told the principal that this is not an embarrassment. It is a crime. It is illegal. It destroys the educational environment this state spends

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S-Statehouse, at 1:30 p.m. on March 16, 1995.

billions to create. Many administrators still refuse to protect the kids and the learning environment. That is why there is a need for mandatory reporting. (See Attachment 4)

Representative John Ballou presented written testimony in support of the bill. 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. A small number of students are causing problems in schools and are disturbing the educational process. It is time to let those students know that they will be held accountable for their actions in school just as they are out of school. It is also time to notify parents of their children's activities at school so that they may become more involved with their child's behavior in school. (See Attachment 5)

Mark Tallman, Kansas Association of School Boards, offered comments on the bill. They support making school crime and violence one of the QPA reporting requirements. But they also strongly feel that school safety, like other elements of school improvement, is best addressed at the local, community level, not by state mandates. KASB also opposes this bill because it would impose new mandates, paperwork and reporting on school districts at a time when educators, the Legislature and the public seem to want fewer mandates and paperwork. Furthermore, if the Legislature decides to require that failure of school employees to report certain crime is itself a crime (as proposed in section 4 (a)), then the bill should also make failure to report such crimes good cause for termination under the due process act. (See Attachment 6)

Susan Chase, Kansas National Education Association, testified in support of the bill. The KNEA 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 should take to accomplish its goals, a task force was formed to develop a plan of action. Two concerns have been identified as priorities: 1) develop 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 school; and 2) find some way of determining what is actually happening in Kansas schools. Frankly, it is believed that non-reporting of violent acts occurs in some school buildings in an attempt to protect a positive image. Kansas children deserve a safe place to learn and KNEA believes this bill starts 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. (See Attachment 7)

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

The next meeting is scheduled for March 17, 1995.

SENATE EDUCATION COMMITTEE COMMITTEE GUEST LIST

DATE: 3-16-95

NAME	REPRESENTING
Diana Gjerstad	USD 259
HAROLD PATTIS	OBSERVER
Kyra Bittenbender	Page for Hensley
Brooke Crowley	Page for Hensley
Lisa Meinen	Page for Hensley
Robin Lehman	USD 233
Matt Truell	AP
Kristen King	Capital-Journal
Jim Barrett	USD #466, Scott City
Drew & Ruth Lowrey	Citizen
RICK EMBERS	OBSERVER
Tracy Horst	Observer
Linda Merris	Observer
Don Fugh	Observer
Juan Chase	KNEA
Mark Tallman	KASB
Nerise Ojeda	USA

STATE OF KANSAS

DEENA HORST
REPRESENTATIVE, SIXTY-NINTH DISTRICT
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SALINA, KANSAS 67401
(913) 827-8540

STATE CAPITOL BUILDING—180-W
TOPEKA, KANSAS 66612-1504
(913) 296-7645



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
EDUCATION
GOVERNMENTAL ORGANIZATION AND ELECTIONS
JOINT COMMITTEE: LEGISLATIVE EDUCATIONAL
PLANNING

TESTIMONY HB 2359

SENATE EDUCATION COMMITTEE

KANSAS SCHOOL SAFETY AND SECURITY ACT

March 16, 1995

Mr. Chairman; members of the committee; I thank you for the opportunity to address you today.

I am coming before you 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 Kansas Teacher of the Year Finalist and fellow 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 it. [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 to a law enforcement agency doesn't take place unless the victim chooses to report it.

*Senate Education
3-16-95
Attachment 1*

Granted, many children have troubled lives, but we in the schools enable the anti-social behavior of students when we protect them from the consequences they will face for the same behavior off of the school grounds. Students who are involved in felony behavior in school are often known to the law enforcement agencies and because of comments made to me, I'm certain these individuals feel they are free to do as they please, because the school will only talk to them regarding their behavior.

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. According to experts, one of the factors which must be involved in changing anti-social behavior is imposing consequences.

Intervention, counseling, and conflict resolution are only a part of the solution. We must let students know when their behavior is unacceptable and illegal. House Bill 2359 requires reporting crimes which occur in the schools; it penalizes those who refuse to report, or interfere with a report of crime committed in their schools; and it protects those who do report the crimes.

Students and parents need to know that violent behavior will not be tolerated in Kansas schools and that 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 a felony has been committed or will be committed at school, on school property, or at a school supervised activity. The school safety officer then is required to report to the law enforcement agency.
- * requires that school districts clearly define the procedures they will follow in such cases and the policies which pertain to school safety.
- * requires schools to report felony behavior which has occurred in their schools in the annual reports sent to the State Board of Education.
- * 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/protection clause used in the statute which addresses reporting of child abuse by school employees.]

STANDARD C: Provide a safe and orderly environment conducive to learning.

LOCAL REQUIRED INDICATOR 1: Schools will demonstrate a decrease in or maintain a low number of discipline referrals, out-of-school suspensions and/or expulsions

QUESTION:

1. Report the number of unduplicated¹ and duplicated² discipline referrals. Show total and disaggregated data.

Unduplicated and Duplicated Discipline Referrals

YEAR 1993-1994	Total # of Disp. Referrals	Number by Gender		Number by Ethnicity										Number of Free and Reduced		Number of Special Education	
				White		Black		Hispanic		Am. Ind. Alsk. Nat.		As./Pac. Islander					
				M	F	M	F	M	F	M	F	M	F				
Unduplicated																	
Kindergtn																	
Grade 1																	
Grade 2																	
Grade 3																	
Grade 4																	
Grade 5																	
Grade 6																	
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Grade 8																	
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Duplicated																	
Kindergtn																	
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Grade 5																	
Grade 6																	
Grade 7																	
Grade 8																	
Grade 9																	
Grade 10																	
Grade 11																	
Grade 12																	

¹Unduplicated Discipline Referrals are the number of students sent to the office by teachers or school personnel.

²Duplicated Discipline Referrals are the total number of discipline referrals sent to the office by teachers or school personnel.

3. Report the number of unduplicated¹ and duplicated² out-of-school suspensions. Show total and disaggregated data.

Unduplicated and Duplicated Out-of-School Suspensions

YEAR 1993-1994	Total # of Suspens.	Number by Gender		Number by Ethnicity								Number of Free and Reduced		Number of Special Education			
				White		Black		Hispanic		Am. Ind. Alsk. Nat.						As./Pac. Islander	
				M	F	M	F	M	F	M	F					M	F
Unduplicated																	
Kindergtn																	
Grade 1																	
Grade 2																	
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Grade 4																	
Grade 5																	
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Grade 10																	
Grade 11																	
Grade 12																	

¹Unduplicated Suspensions are the number of students receiving out-of-school suspensions.

²Duplicated Suspensions are the total number of out-of-school suspensions. Count each suspension even if the same student received the suspension. Out-of-school suspensions are the removal of a student from a school, through due process procedures, for not longer than the current school semester. A suspension may be for a short term not exceeding five days, or for an extended term exceeding five days but not longer than the current school semester.

5. Report the number of unduplicated¹ and duplicated² expulsions. Show total and disaggregated data.

Unduplicated and Duplicated Expulsions

YEAR 1993-1994	Total # of Expulsions	Number by Gender		Number by Ethnicity										Number of Free and Reduced		Number of Special Education	
				White		Black		Hispanic		Am. Ind. Alsk. Nat.		As./Pac. Islander					
				M	F	M	F	M	F	M	F	M	F				
Unduplicated																	
Kindergtn																	
Grade 1																	
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Grade 12																	

¹Unduplicated Expulsions are the number of students receiving expulsions.

²Duplicated Expulsions are the total number of expulsions.

Expulsions are the removal of a student from a school, through due process procedures, for not longer than the current school year.

LOCAL REQUIRED INDICATOR 2: Schools will demonstrate a decrease in or maintain a low number of incidences of crime and violent acts committed against students and teachers. *(This is reported on the Principal's Building Report)*

VIII. SCHOOL VIOLENCE SURVEY -

Refer questions to LEA Finance, (913) 296-3871.

Physical violence for this purpose is defined as a malicious act against students or school employees which requires attention by a physician or nurse or which results in the student receiving a suspension or expulsion.

Report in WHOLE NUMBERS Example: 000		UNDUPLICATED* VIOLENT ACTS AGAINST STUDENTS																
		Total No. of Students Committing Violent Acts	Number by Gender		White		Black		Hispanic		Am. Indian/ Alaskan Native		Asian/ Pacific Islander		No. of Students Eligible for Free and Reduced Price Lunches		Special Education	
			M (02)	F (03)	M (04)	F (05)	M (06)	F (07)	M (08)	F (09)	M (10)	F (11)	M (12)	F (13)	M (14)	F (15)	M (16)	F (17)
Year 1993-1994	Code 09	(01)																
Kindergarten	(01)																	
Grade 1	(02)																	
Grade 2	(03)																	
Grade 3	(04)																	
Grade 4	(05)																	
Grade 5	(06)																	
Grade 6	(07)																	
Grade 7	(08)																	
Grade 8	(09)																	
Grade 9	(10)																	
Grade 10	(11)																	
Grade 11	(12)																	
Grade 12	(13)																	
Sp. Ed. 3 & 4 yr.	(14)																	
Nongraded	(15)																	
TOTAL	(16)																	

*Unduplicated violent acts are the number of students committing violent acts in the school. See report handbook for a more detailed definition.

Report in WHOLE NUMBERS Example: 000		DUPLICATED* VIOLENT ACTS AGAINST STUDENTS																
		Total No. of Violent Acts	Number by Gender		White		Black		Hispanic		Am. Indian/ Alaskan Native		Asian/ Pacific Islander		No. of Students Eligible for Free and Reduced Price Lunches		Special Education	
			M (02)	F (03)	M (04)	F (05)	M (06)	F (07)	M (08)	F (09)	M (10)	F (11)	M (12)	F (13)	M (14)	F (15)	M (16)	F (17)
Year 1993-1994	Code 10	(01)																
Kindergarten	(01)																	
Grade 1	(02)																	
Grade 2	(03)																	
Grade 3	(04)																	
Grade 4	(05)																	
Grade 5	(06)																	
Grade 6	(07)																	
Grade 7	(08)																	
Grade 8	(09)																	
Grade 9	(10)																	
Grade 10	(11)																	
Grade 11	(12)																	
Grade 12	(13)																	
Sp. Ed. 3 & 4 yr.	(14)																	
Nongraded	(15)																	
TOTAL	(16)																	

*Duplicated violent acts are the total number of violent acts committed in the school. See report handbook for a more detailed definition. See page 3 for definitions of Race and page 1 for definition of Special Education.

VIII. SCHOOL VIOLENCE SURVEY - (continued)

See page 3 for definitions of Race and page 1 for definition of Special Education.

Report in WHOLE NUMBERS Example: 000		UNDULICATED* VIOLENT ACTS AGAINST TEACHERS																	
Year 1993-1994	Code 11	Total No. of Students Committing Violent Acts (01)	Number by Gender		White		Black		Hispanic		Am. Indian/ Alaskan Native		Asian/ Pacific Islander		No. of Students Eligible for Free and Reduced Price Lunches		Special Education		
			M (02)	F (03)	M (04)	F (05)	M (06)	F (07)	M (08)	F (09)	M (10)	F (11)	M (12)	F (13)	M (14)	F (15)	M (16)	F (17)	
Kindergarten	(01)																		
Grade 1	(02)																		
Grade 2	(03)																		
Grade 3	(04)																		
Grade 4	(05)																		
Grade 5	(06)																		
Grade 6	(07)																		
Grade 7	(08)																		
Grade 8	(09)																		
Grade 9	(10)																		
Grade 10	(11)																		
Grade 11	(12)																		
Grade 12	(13)																		
Sp. Ed. 3 & 4 yr.	(14)																		
Nongraded	(15)																		
TOTAL	(16)																		

*Unduplicated violent acts are the number of students committing violent acts in the school. See report handbook for a more detailed definition.

Report in WHOLE NUMBERS Example: 000		DUPLICATED* VIOLENT ACTS AGAINST TEACHERS																	
Year 1993-1994	Code 12	Total No. of Violent Acts (01)	Number by Gender		White		Black		Hispanic		Am. Indian/ Alaskan Native		Asian/ Pacific Islander		No. of Students Eligible for Free and Reduced Price Lunches		Special Education		
			M (02)	F (03)	M (04)	F (05)	M (06)	F (07)	M (08)	F (09)	M (10)	F (11)	M (12)	F (13)	M (14)	F (15)	M (16)	F (17)	
Kindergarten	(01)																		
Grade 1	(02)																		
Grade 2	(03)																		
Grade 3	(04)																		
Grade 4	(05)																		
Grade 5	(06)																		
Grade 6	(07)																		
Grade 7	(08)																		
Grade 8	(09)																		
Grade 9	(10)																		
Grade 10	(11)																		
Grade 11	(12)																		
Grade 12	(13)																		
Sp. Ed. 3 & 4 yr.	(14)																		
Nongraded	(15)																		
TOTAL	(16)																		

*Duplicated violent acts are the total number of violent acts committed in the school. See report handbook for a more detailed definition.

HOUSE BILL No. 2359

By Representatives Horst, Landwehr, Powers, Swenson,
Tomlinson, Wagle and Yoh

Senate Education
3-16-95
Attachment 2

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

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

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

16 Sec. 2. As used in this act:

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

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

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

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

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

28 ~~and~~ Designate at least one employee as a school safety officer. Em-
29 ployees designated as school safety officers shall be administrative em-
30 ployees, school security officers or school law enforcement officers;

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

42 ~~and~~ require the school safety officer to immediately transmit reports
43 made under ~~provision (b)~~ to the appropriate state or local law enforce-

(e) "Inherently dangerous crime" means and includes murder, kidnapping and aggravated kidnapping, robbery and aggravated robbery, felony theft, burglary and aggravated burglary, arson and aggravated arson, aggravated assault, aggravated battery, any felony drug offense, and any sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto.

(a)

(b)

crime

(c)

(b)

ment agency. Nothing in this provision shall be construed or operate in any manner so as to prevent any school employee from reporting criminal acts to appropriate state and local law enforcement agencies.] ^

[4] prepare and make available to pupils and their parents, to school employees and, upon request, to others, a publication that contains at least the following information: (A) The current school policy regarding procedures for pupils, employees and others to report criminal acts occurring at school, on school property, or at school supervised activities, and the current school policy regarding procedures for disposing of or responding to such reports; (B) the current school policy regarding security of and access to school buildings and other school facilities; (C) the current school policy regarding school security officers and school law enforcement officers including their jurisdiction, powers, duties and functions and their working relationship with state and local law enforcement agencies; (D) a description of programs designed to inform pupils and employees about school safety and security procedures, to encourage pupils and employees to be responsible for their own safety and security and the safety and security of others, to inform pupils and employees about crime prevention and crisis management; and (E) the current school policy regarding the development and effectuation of a positive school climate, utilization of conflict resolution principles at school, and development and effectuation of strategies for diffusing potentially violent situations; and

(5) ~~prepare an~~ **include in the annual school crime report required by the state board of education**, on a the form prescribed and furnished by the state board of education that contains, at least the following information **relating to school safety and security**: (A) The types and frequency of criminal acts disaggregated by occurrences at school, on school property and at school supervised activities; (B) whether the acts were person or nonperson crimes; (C) age and gender of each offender, whether the offender was a pupil and, if a pupil, whether the offender attended the school where the criminal act occurred or a different school, whether the offender was under suspension, expulsion or exclusion from school at the time the criminal act was committed, and whether the offender had been adjudicated a juvenile offender under the Kansas juvenile code; (D) age and gender of the victim of each crime, injuries suffered by the victim, whether the victim was a pupil or a school employee, if a pupil, whether the victim attended the school where the criminal act occurred or a different school, and if a school employee, whether employed at the school where the criminal act occurred or a different school, and in what capacity employed; (E) where, at what time, and under what circumstances the criminal act occurred; (F) the cost of each criminal act to the victim and the school; (G) the procedure utilized by the school in]

responding to each criminal act.

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

(c) The annual school crime report required under subsection (a)(5) shall be prepared and submitted to the state board of education on or before June 30 in each school year at a time to be determined and specified by the state board. The state board of education, in consultation with the attorney general, shall prescribe the format of the report. The state board of education shall compile that part of the reports that relates to school safety and security and transmit the compilation to the governor, the legislature, the attorney general, the secretary of health and environment, and the secretary of social and rehabilitation services.

Sec. 4. (a) Willful and knowing failure of a school employee to make a report required by subsection (a)(2) of section 3, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the making of a report required by subsection (a)(2) of section 3, and amendments thereto, is a class B nonperson misdemeanor.

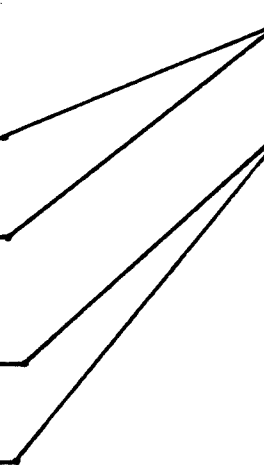
(b) Willful and knowing failure of a school safety officer to transmit reports made by school employees to the appropriate state or local law enforcement agency as required by subsection (a)(3) of section 3, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the transmission of reports required by subsection (a)(3) of section 3, and amendments thereto, is a class B nonperson misdemeanor.

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

(d) Any board of education, and any member or employee thereof, participating without malice in the making of an oral or written report to a law enforcement agency relating to any criminal act that is known to have been committed or reasonably is believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or im-

under (b)

under (c)



1 posed. Any such participant shall have the same immunity with respect
2 to participation in any judicial proceedings resulting from the report.
3 Sec. 5. This act shall take effect and be in force from and after its
4 publication in the statute book.

H-2

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

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 quite'so. 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 society 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.

JOHN BALLOU

REPRESENTATIVE, FORTY-THIRD DISTRICT

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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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Attachment 5



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 16, 1995

RE: Testimony on H.B. 2359 -- Also representing United School Administrators

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to offer comments on H.B. 2359. KASB opposed this bill as introduced because we felt it would impose new mandates, paperwork and reporting on school districts at a time when educators, the Legislature and the public seem to want fewer mandates and paperwork. We agree with the goal of safe schools. We support making school crime and violence one of the QPA reporting requirements. But we also strongly feel that school safety - like other elements of school improvement -- is best addressed at the local, community level, not by state mandates.

Amendments made by the House Committee and proposed by Representative Horst would improve this bill. We agree with subsections (c) and (d) of Section 4 on page 3 of the bill. These provisions would protect employees from reprisals for reporting criminal actions to law enforcement, and protect boards of education and their employees from civil liability in making such reports.

We believe that any additional reporting requirements should be stricken from the bill. The State Board has authority to collect information on school safety and violence. Further statutory requirements are not necessary, and would add to the paperwork requirements of school administrators.

If the Legislature believes that some provision for mandatory reporting of crimes is necessary, as proposed in section 3, then the bill should require that these crimes be reported to law enforcement authorities. We do not believe the Legislature needs to require that every school district -- from *Herdon to Wichita* -- must have the same system for addressing school safety. Local school boards, through district policies, public input, and teacher negotiations, should determine if a school safety officer is needed, how that role should be filled, and what responsibilities the position should assume.

Finally, if the Legislature decides to require that failure of school employees to report certain crime is itself a crime (as proposed in section 4 (a)), then the bill should also make failure to report such crimes good cause for termination under the due process act.

Thank you for your consideration.

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

Susan Chase Testimony Before
Senate Education Committee
Thursday, March 16, 1995

Thank you, Mr. Chairman. My name is Susan Chase and I represent Kansas National Education Association. I am here to offer comments on 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 Bill 2359. We urge this committee to seriously consider taking positive action on this measure. Kansas children deserve a safe place to learn and KNEA believes this bill starts 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.