

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Bill Mason at 3:30 p.m. on February 21, 1996 in Room 519-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Representative Clay Aurand
Mark Tallman-Kansas Association of School Boards
Mike Wilson, Superintendent of Schools USD 329, Alma
Bernard White, Superintendent of Schools USD 307, Salina
Representative Deena Horst
Sue Chase-Kansas National Education Association

Others attending: See attached list

Representative Tanner moved that the minutes for February 5, 7, 8, 12 and 13, 1996 be approved and the motion was seconded by Representative Horst.

Chairman Mason opened the hearing on **HB 2835**-concerning school districts, enrollment of nonresident pupils, transportation and low enrollment weighting affected.

Representative Clay Aurand appeared in support of **HB 2835** (Attachment 1). He explained the two parts of the bill. The first part has to do with allowing children to be picked up and bussed to their community school, regardless of whether that school is in the district where they reside. Often, school district lines that were drawn 30 years ago are structured in such a way that students end up being near one school but living in the district of a school that is much farther away. The second part deals with the policy question of how much subsidy the state should send with a student who is voluntarily leaving a large school, that doesn't receive low enrollment weighting, to attend a small school that does receive low enrollment weighting. The state is not going to pay extra money for a child's education just because they decide to attend a smaller school outside their home district, unless their home is primarily closer to the smaller school. Representative Aurand included testimony given in last years hearing of **HB 2154**.

Mark Tallman, Kansas Association of School Boards appeared in opposition to **HB 2835** (Attachment 2). State law should allow student transportation decisions to rest with the resident district, not the State Board. The low enrollment weighting system was designed to reflect the incremental costs of educating students at each enrollment level. Concerns over nonresident students would be decreased if the base budgets of larger districts more closely reflected their actual costs.

Michael J. Wilson, USD 329 Superintendent of Schools, spoke in opposition to **HB 2835** (Attachment 3). He feels the most serious consequence of this bill would be the mistrust and ill feelings that would be created between school districts. Whether neighboring school districts campaign to increase their enrollments by trying to recruit out-of-district students or not, that perception would be there and it would be in the thoughts of district patrons.

Bernard White, USD 307 Superintendent of Schools testified in opposition to **HB 2835** (Attachment 4). Some students might fit the conditions of the bill in the elementary grades, but would not meet the conditions in the secondary grades. Several of the districts in Kansas were quite large geographically when formed. These districts would stand to lose the students that live in the outlying areas to the neighboring districts but would still be providing transportation to that area with no transportation aide for the students that are being

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 21, 1996.

bussed out of the district. Another effect of this bill will be that the busses from different districts will be double covering areas of many districts at tax payer expense.

Chairman Mason closed the hearing on **HB 2835** and opened the hearing on **HB 2821**-concerning school safety and security, definitions, content of policies.

Representative Deena Horst explained the bill in support of **HB 2821** (Attachment 5). The bill amends the School Safety and Security Act by changing language to better define reportable acts and requiring these reports to be included in the QPA report.

Mark Tallman, Kansas Association of School Boards, spoke in support of **HB 2821** (Attachment 6). This bill clarifies the reporting problems found in the implementation of the School Safety and Security Act and better defines actions to be reported.

Sue Chase, Kansas National Education Association, appeared as a proponent for **HB 2821**.

Chairman Mason closed the hearing on **HB 2821**.

The meeting adjourned at 4:56 p.m.

The next meeting is scheduled for February 22, 1996.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 21, 1996

NAME	REPRESENTING
Diane Gjerstad	USD-259 Wichita
Nathan Hawk	KU - Lawrence
Joe Barton	KU - Lawrence
Stacia Siebert	KU - Lawrence
Tim Palmer	KU - Lawrence
Teff Carver	KU - Lawrence
TODD BOREN	KU - LAWRENCE
Mike Cohen	KU - Lawrence
Christy Blady	KU - Lawrence
Janet Cunningham	" "
Janet Pomeroy	KU - Lawrence
Julie Harris	KU - Lawrence
Noah Pollak	KU - Lawrence
Brian Hensy et	KU - Lawrence
Brigitte Bergdall	KU - Lawrence
Susan Anderson	KU
Craig Grant	KNEA
Don Rezac	Kaw Valley 321
Robin Lehman	USD 255 - Olathe

CLAY AURAND
 REPRESENTATIVE, 109TH DISTRICT
 PHILLIPS, SMITH, JEWELL, REPUBLIC
 AND OSBORNE COUNTIES



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 ENERGY AND NATUAL RESOURCES
 TAXATION
 JOINT COMMITTEE ON ADMINISTRATIVE
 RULES AND REGULATIONS

TESTIMONY ON HB 2835

Chairman Mason and members of the Education Committee:

Thank you for the opportunity to testify this afternoon on a bill that will be of great benefit to many families in the state and also save the state money.

House Bill No. 2835 is a bill that is made up of two parts. The first part of the bill has to do with allowing children to be picked up and bused to their community school, regardless of whether that school is in the district where they reside. This is the same language that is in H. B. #2154 that Representative Jennison and I testified on before you last year and is still patiently awaiting work in this committee. These bills are attempting to deal with a problem that is ongoing and in many places becoming more and more problematic as time goes by. In many cases the school district lines that were drawn 30 years ago are structured in such a way that students end up being near one school but living in the district of a school that is much farther away. This is particularly true in many sections of rural Kansas where we see the closing of many attendance centers as student populations decline. This bill would allow school buses to cross district lines if the students met criteria in Sec. 1 (b); primarily closer proximity to the school.

The second part of this bill deals with the policy question of how much subsidy the state should send with a student who is voluntarily leaving a large school, that doesn't receive low enrollment weighting, to attend a small school that does receive low enrollment weighting.

Current state law allows a 'LEW' school to receive weighting on all their pupils regardless of where those pupils come from. This bill would say that the state is not going to pay extra money for a child's education just because they decide to attend a smaller school outside their home district, unless there is a justifiable reason to do so. One of the things that I feel might make that justifiable is if the child actually lives closer to the smaller school. This is where we to decided merge the concepts together: if the student meets the requirements in Section 1 (b), the school which they are attending would continue to receive 'LEW' just like they currently do. However if they do not meet these requirements the state will not have to pay the 'LEW' to the school.

CLAY AURAND
REPRESENTATIVE, 109TH DISTRICT
PHILLIPS, SMITH, JEWELL, REPUBLIC
AND OSBORNE COUNTIES



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RULES AND REGULATIONS

The following goals are what I think this bill would accomplish:

- 1) Allows students to attend their community school. This would provide equity to all families, not just the ones who have the time or resources to make special arrangements twice a day.
- 2) The state would save approximately \$1.2 million that is currently being spent for the sole purpose of subsidizing students to leave their hometown district to attend a smaller school that is farther away.

I want emphasize that as a representative whose entire district is made up of schools that receive low enrollment weighting, I do not want do anything that jeopardizes it. However I think it is just bad policy to continue having that money follow students that wouldn't receive it if they were to go to their own community school.

Thanks again for the opportunity to testify and I'll be happy to answer any questions.

CLAY AURAND
 REPRESENTATIVE, 109TH DISTRICT
 PHILLIPS, SMITH, JEWELL, REPUBLIC
 AND OSBORNE COUNTIES



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TESTIMONY ON HB 2154

Madame Chairman and members of the Education Committee:

I appreciate the opportunity to testify this afternoon on HB 2154. The essence of this bill has to do with a family's ability to send their children to school in their home community.

The school district boundaries, as they are currently drawn, often times have no logical reason for existing. Through the years unification, consolidation, and school closings, have led to the formation of districts that are large and often of bizarre shape and which do not take into account proximity of the school to the child's residence. This is a standard that should be at the top of the list of considerations rather than at the bottom.

Currently in Kansas the law allows for children to go to a school outside of their district if that school is willing to take them. However, that school is not allowed to pick them up unless the district in which they reside grants permission. This permission is oftentimes not granted because of every districts desire to get the 3600 dollars that follows the pupils to school. The fact that this monetary consideration is afforded more weight than the parents wishes or the child's best interest is something that truly needs to be changed.

I would like to give you example of which I am familiar. Neighbors of mine who have 4 children in grade school live 27 miles from the district's school. If they attended this school they would have to get on the bus before 7 a.m. and also stop and board another bus before arriving at their school. This might not be such a bad thing if that were the only option. There is, however, another school that is only 13 miles away. This school is where both parents graduated. It is in the town where the mother works. It is the town where they attend church. It is THEIR COMMUNITY. It is this school that the parents want their children to attend. Since the bus from this school is not allowed to pick up these children, their parents are forced to drive them

to and from school daily or provide other arrangements. If they attended the school in the district they live, by the time they are 8th graders they will have traveled over 46,000 miles more than would otherwise be needed. What this bill would do is to lessen the burden on this family, and many families like them, and allow for more flexibility in their daily routine. It also allows the children the opportunity to attend school with the children they interact with in other aspects of their lives.

In closing, what this bill will accomplish is allowing students to attend the school that is the closest to their home and is in the community they consider to be their home town. In the over all picture it should be what is best for these children and not how much money that comes with these children that decides where they go to school.

Thank you for your time and I would be happy to answer any questions that may arise.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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Testimony on H.B. 2154
before the
House Committee on Education

by

Norm Wilks, Director of Labor Relations
Kansas Association of School Boards

January 30, 1995

Madam Chairman and members of the Committee, on behalf of the unified school boards of education that are members of the Kansas Association of School Boards, we wish to respectfully express our opposition to the passage of HB 2154.

Our legislative policy supports local boards of education having general authority to take actions in the best interest of the district. Boards of education should have reasonable certainty in the boundaries of the school district and plan and provide for the education of children living within such boundaries. The concept of local control should allow local boards to make such attendance decisions rather than the State Board.

Current law allows boards to enter into agreements to provide for the attendance of students in schools of another district. (K.S.A. 72-8233) The board of each district must find that the change and agreement is in the best interest of the education system of the school district.

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House Educati.
Attachment

The authority of HB 2154 encourages more movement of students from one district to another not based on the educational interests of the student or district but location and travel.

Boards of education should have reasonable certainty of the boundaries of the school district to plan for appropriate education opportunities and programs for children residing within the established boundaries. Such local control or local decision-making is appropriate for a locally elected board of education.

For these reasons, we oppose the passage of HB 2154. Thank you for your consideration of this testimony.

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TOPEKA

HOUSE OF
 REPRESENTATIVES

STATE REPRESENTATIVE
 117TH DISTRICT
 HODGEMAN, LANE, NESS
 RUSH AND FINNEY COUNTIES

TESTIMONY ON HB 2154

Madam Chairman and Members of the Education Committee:

Thank you for the opportunity to testify regarding House Bill 2154. The need for 2154 results when families living in the sparse areas of Western Kansas live closer to an attendance center in a neighboring district than they do to the attendance center in their own school district. Families who find themselves in this situation have always been able to go to the school outside their district with approval of that school, however, unless the students' home school district allowed it, the receiving school could not send buses to the students' homes to pick them up. Many families have dealt with this situation by meeting school buses at district lines or some other pre-determined pick-up point. To me this has always seemed like an inconvenience a family should not be subjected to just to go to the closest school to their residence, probably located in the town where they go to church, buy groceries and visit friends.

In recent times, rural Kansas like urban Kansas has seen more and more families with both parents working. The inconvenience that existed before is now exacerbated, when not only do the parents need to meet a bus at some pre-determined point in the middle of nowhere but they must make it to work on time sometimes in a different town, in a different district up to 50 miles away. Then arrangements must also be made to meet the bus after school. This situation makes it very difficult for a family to send their child to the closest school if the school can't pick the child up at the residence.

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 Attachment 2

I realize 2154 encompasses more than just distance. I also think type and quality of roads and geographic impediments are important when addressing the school transportation needs of rural Kansans.

There will undoubtedly be criticism of different components of this bill, but there is no reason children should have to go to school 30 miles away when there is a school 15-20 miles away over much better roads. This committee has the opportunity to make this situation better.

Thank you. I'd be happy to answer questions.

Robin Jennison



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 21, 1996

RE: Testimony on H.B. 2835

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to testify today on H.B. 2835, which has two basic purposes. First, it would allow the State Board of Education, in certain circumstances, to order that school boards let other districts send buses into the district for students who attend school in those other districts. Second, it would change the low enrollment weighting system so that students attending districts where they do not reside would only bring the weighting they would provide to their district of residence - except for the same circumstances provided for in the first part of the bill. As a result, the bill appears to both encourage and discourage "student choice."

The first part of the bill may seem appealing because it is designed to help students in a limited number of cases who want to attend a closer school that happens to be in another district. For KASB, the question is simply this: when two districts cannot reach an agreement over student transportation (or other "choice" issues), which district should the law favor? We believe it must be the district of residence. That is the district which has the final obligation to provide the child with an education. Another district may be willing to accept the child, but can change its mind at any time. The district of residence must be ready and able to take back that child, no questions asked. For that reason, state law must allow decisions such as student transportation to rest with the resident district, not the State Board.

Regarding the second part of the bill, KASB believes that the low enrollment weighting system was designed to reflect the incremental costs of educating students at each enrollment level. Therefore, if they are providing education to those students, they should receive the same weighting as other districts with the same number of students. (Remember that the amount of low enrollment weighting a district receives decreases with every additional student they accept.) We would also suggest that allowing students to be counted at a higher weighting only if they meet one of the conditions described in Section 1 of the bill would be an administrative and auditing nightmare.

Finally, we believe the concerns over nonresident students would be decreased if the base budgets of larger districts more closely reflected their actual costs. Larger districts face more severe problems funding their budgets because the school finance system does not reflect their pre-1992 costs as closely as smaller districts. They will face even greater problems if the legislature does not address the base budget per pupil and issue of local option budgets.

Thank you for your consideration.

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TESTIMONY ON HOUSE BILL NO. 2835

BEFORE THE
HOUSE EDUCATION COMMITTEE
THE KANSAS LEGISLATURE

by

MICHAEL J. WILSON
SUPERINTENDENT OF SCHOOLS,
USD #329--MILL CREEK VALLEY

FEBRUARY 21, 1996

Mr. Chairman and members of the House Education Committee, I want to thank you for the opportunity to speak to you today and to thank you all personally for your commitment to Kansas education.

I am here today to express concerns I have about House Bill No. 2835, a bill that if approved, would vastly change the way transportation is handled in most school districts in Kansas, and more importantly, would affect the way school districts view each other.

Presently in Kansas, a parent can send his or her child to any school building in another school district in Kansas as long as the receiving school district will accept the child. This is a local decision that is made by the receiving district's board of education. In addition, agreements can be made between the sending and receiving school boards which allow the child attending a district other than their home district, the opportunity to be transported by the receiving school district. Again, this is based upon amicable decisions made by both local school boards.

House Bill No. 2835 would change all of this. The decision-making ability would be taken away from local boards of education and given to the State Board of Education. This bill would create an enormous amount of paperwork for the State Board of Education, an organization which is now facing a cutback of staff due to a decrease of federal funds and inadequate funding to run the department at prior levels.

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In addition, the fact that neighboring school districts would be allowed to come in to another school district and transport students away, could prove devastating to smaller school districts where the loss of 10-20 students could do serious damage to their financial ability to educate their students. Also, the largest school districts, which are now losing students at an alarming rate, can not afford to lose any more students to the suburban school districts.

Perhaps the most serious consequence of this bill would be the mistrust and ill feelings which would be created between school districts. Whether neighboring school districts campaign to increase their enrollments by trying to recruit out-of-district students or not, that perception will be there and will be in the thoughts of district patrons. If this bill were allowed to pass, there would be border wars and fights not felt since consolidation days. We in the field have seen the aftermath of such situations, and believe me, it isn't a pretty sight or one that would be in the best interest of Kansas students.

In conclusion, I am asking you to vote against this bill. The decision of acceptance and transportation of out-of-district students should be left in the hands of local school boards. This time of school reform and tight budgets is a time neighboring school districts need to be working in harmony and sharing ideas which improve the education of Kansas school children. It is not the time to create situations which lead to finger pointing and ill will between the school districts of the state.

Thank you.

Testimony on House Education Bill 2835
Given to the House Education Committee on
2/21/96

This testimony is submitted to the House Education Committee by Bernard White, Superintendent of Schools, USD 307, Ell-Saline. The district offices are located at 1757 N. Halstead Road, Salina, Ks. 67401.

HB 2835 is a bill that is going to have wide-spread impact on school transportation, district budgets, and enrollment practices across the state. Should a student residing in one district but desiring to attend school in another district gain approval at either the local level or at the Kansas State Board of Education level, the receiving district will be required to send a bus into the sending district to pick up the student.

At first, this might seem to resolve many issues about allowing students to attend the school closest to his home. After reviewing the bill and closely examining a map of Kansas, this "solution" will become a problem to many school districts in the state of Kansas. For instance, in our district, we currently receive some out-of-district students from the Salina district at our K-6 facility that live within one mile of the elementary school, which is far closer than the Salina elementary schools. However, our secondary school is located 15 miles from the elementary building. This would mean that these students would fit the conditions of the bill in the elementary grades, but would not meet the conditions in the secondary grades as they would then be closer to Salina.

Several of the districts in Kansas were quite large geographically when formed. These districts would stand to lose the students that live in the outlying areas to the neighboring districts. The major implication of this is that the district will still be providing transportation to that area of the district, but not receiving transportation aide for the students that are being bussed out of the district. They will receive a cut in transportation funding, but will still be serving the same area.

Another effect of this bill will be that the busses from different districts will be double covering areas of many districts at tax payer expense. In reviewing the map, there are areas where students are located closer to more than one other school. This could and would result in areas being served by transportation from even more than two districts. The planning of transportation will become a nearly impossible task from year to year.

The long term effect of the transportation issues covered in this bill could be the re-shuffling of district boundaries at considerable expense to the taxpayers of the

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Attachment 4

state. Large geographical districts could stand to lose many students to the closer districts around them at no reduction in transportation costs and a decrease in student count and a decrease in transportation funding from the state.

What House Bill 2835 will actually accomplish in many instances is to allow for large enrollment shifts. Prior to even considering this bill, you need to determine how many people could change districts as a result of the criteria stated in the bill: (1) the pupil lives nearer to the new school (2) natural barriers such as rivers or lakes produce transportation difficulties (3) road conditions are better to the new school than the local school (4) travel time is less to the new school.

Your current regulations allow for a district to enter another district to pick up students is a written approval from the sending district is on file with the receiving district. There is no money provided for the transportation of any out-of-district student currently. This process allows for choice by the students and parents, but does not create large problems for many districts. You should wish to maintain the status-quo on this issue.

The second section of the bill, dealing with the funding accompanying the student across district lines would have the effect of closing district boundaries. The fiscal well-being of USD 307 Ell-Saline hangs in the balance. Ell-Saline borders USD 305, Salina, on the West. As a result, Ell-Saline has a number of USD 305 students attending its schools. Salina also has a number of Ell-Saline students attending their schools.

The State Aid Per Pupil and the Low Enrollment Weighting Factor were not determined at the local level. The state of Kansas determined what it costs to educate a student in a district such as Ell-Saline by establishing the base state aid per pupil and the low enrollment weighting factor. This "weighted enrollment" count is utilized in determining the school district general fund budget. It costs just as much for us to educate the student that comes to us from out-of-district as it costs to educate the student residing within the district.

House Bill 2835 would establish the amount of state aid paid for an out-of-district student at the cost of the sending or receiving school, whichever is less. This will result in "no effect" on the larger district enrolling students from the smaller district, but a definite negative effect on the smaller district enrolling students from the larger district. In our case, we would lose the low enrollment weighting on the 81 out-of-district students attending Ell-Saline Schools that reside in the Salina school district. Salina would have no effect felt from the residents of the Ell-Saline district attending schools in their district. Our loss to the general fund budget would be \$120,000, or a little over 4%. If our Board of Education determined that we would no longer accept students from out-of-district, the choice for these children and their parents would be removed. This would result

in a drastic reduction in teaching staff and in all areas of employment. Our budget would decline by approximately 20%. Our class size would increase to over 25 students in most classes, and to over 30 students in some classes.

To pass this bill would be to bring about a drastic philosophical change in the way the legislature views the right of the student to "choose" the district he/she will attend. A recent court decision stated that "where a student resides should not determine the quality of education he/she receives." Another court decision established the appropriateness of the "low enrollment weighting factor".

The passage of this bill will allow the district with the lower cost per student to accept all out-of-district enrollment with no damage to the local budget. This is establishing choice of schools on a one-way basis.

The effect of this bill on the district with the higher "low enrollment factor" will be to reduce the average "base state aid per pupil" and to detract from the learning opportunities of all of the students in the district.

DEENA HORST
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TOPEKA

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

Testimony HB 2821

House Education Committee

February 21, 1996

HB 2821 was introduced by the House Education Committee at the request of the Kansas Association of School Boards. The bill amends the School Safety and Security Act by striking language which references an inherently dangerous act and puts in its place the need to report the commission of a felony. It adds misdemeanors to the requirement of reporting. This includes acts which would cause or threaten to cause serious bodily harm to another person.

It also clarifies the intent of the law in regard to the expectation of the State Board of Education in regard to requiring the incorporation of the report into the QPA report. It is also specific about how the information relating to school safety is to be compiled and sent to the groups and individuals listed in current law.

The Kansas Association of School Boards approached me about the need to change the law to clarify its intent and to reduce confusion regarding the difference between felonies and misdemeanors.

72-89b04 (the penalty/protection section) is unaffected by this bill.

I urge your support of HB 2821.

House Education
2/21/96
Attachment 5



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 21, 1996

RE: Testimony on H.B. 2821

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to testify on H.B. 2821. This bill amends the Kansas School Safety and Security reporting act passed in 1995 to delete the reporting of "inherently dangerous criminal acts" and acts that an employee knows or has reason to believe "will be committed" to clarify the acts to be reported includes "conduct which constitutes the commission of a felony or misdemeanor including conduct which caused or threatened to cause serious bodily harm to another." The reports required under this Act are to be combined with and become a part of the required reports under QPA.

After the School Safety Act was passed last session, Interim Commissioner of Education Dale Dennis invited a number of groups and individuals to provide advice on implementing that bill. Several problems became apparent. First, the things required to be reported under this act are not the same as those required to be reported for QPA, which resulted in two separate reporting forms and therefore duplication. Second, many school officials were concerned about the requirement to report acts they believe "will be committed" when there may be no evidence and no standard definition. Third, there was some concern that "inherently dangerous criminal acts" are not the best definition of what should be reported.

This bill would address each problem. First, it makes clear the reporting under this act should be used in and part of the QPA process. Second, it requires the reporting of "threats," where a defined criminal act, rather than anything an individual "has reason to believe" may be committed. Third, it requires the reporting of conduct which constitutes the commission of a felony or misdemeanor, rather than "inherently dangerous criminal acts."

Thank you for your consideration.

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Attachment 6