

Approved: April 25, 1996
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on February 1, 1996 in Room 123-S of the Capitol.

All members were present except: Senator David Corbin

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

Conferees appearing before the committee: Sherry Diel, KAPS

Others attending: See attached list

SB 482: Schools relating to policies requiring expulsion of pupils for possession of weapons

Sherry Diel stated that KAPS staff wanted to clarify its position concerning **SB 482**. Because of the population that KAPS represents, they have not taken a formal position as to whether **SB 482** should be recommended for passage. However, if **SB 482** should become law, KAPS staff must make every effort to clarify the law so that it does not adversely affect the rights of persons with disabilities (Attachment I).

Discussion continued on **SB 482**.

Senator Jones made a motion to insert "shall" and strike "may", on page 2 line 43. Senator Langworthy seconded the motion. No action taken.

Senator Walker made a substitute motion to do case-by-case for all grade levels. Senator Jones seconded the motion. The motion failed.

Senator Emert made a motion to strike "antique firearms and surplus ordinance" on page 2 and inserting it on page 1, subsection (h), line 35. Senator Harrington seconded the motion. No action taken.

Senator Oleen made a substitute motion to report **SB 482** unfavorably. Senator Kerr seconded the motion. No action taken.

Senator Oleen withdrew her motion. Senator Kerr withdrew his second.

Senator Emert made a motion to amend and pass **SB 482** to include only the "designee" should conduct the hearings. Senator Oleen seconded the motion. The motion carried.

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for February 6, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: Feb 1, 1996

NAME	REPRESENTING
Rae Mona Sherman	Hays
Robin Lehman	Olatha USD 233
Karen Lowery	KAB
Mark Gallman	KAB
Diane Gierstael	USD 259
Kristen Hays	Cap. Journal
Oran Burnett	USD 501
Jerry Silvies	Wellsville - Farm Bureau
John Galton	USD 389
Bob Termin	Wilson Co. Farm Bureau
Craig Grant	KNEA
Sue Chase	KNEA
Lizabel Henderson	USA of KS
Jacque Oakes	SOE
Carolyn Stater	KFB
Hay Beth Moore	USD 476 & KFB
Mike Harris	Senate



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MEMO TO: Senate Committee on Education
FROM: Kansas Advocacy & Protective Services, Inc.
DATE: January 31, 1996
RE: Staff Report on SB 482--Expulsion of Pupils for Possession of Weapons

Kansas Advocacy & Protective Services, Inc. (KAPS) staff would like to clarify its position concerning SB 482. As we previously testified, because of the population we represent, KAPS staff have not taken a formal position as to whether SB 482 should be recommended for passage. However, should SB 482 become law, KAPS staff must make every effort to clarify the law so that it does not adversely affect the rights of persons with disabilities.

KAPS staff have recommended that the Committee consider amendments to the bill that would clarify the intent and application of the proposed law. KAPS staff believe the current version of SB 482 may be subject to misinterpretation by school district officials. For instance, the substantive change to Page 2, line 35 from "shall" to "may" may call into question whether a hearing is required. Deleting the hearing requirement was certainly not the intent of the drafters of SB 482. The duties of the school district must be clear when a student with a disability is charged with being in "possession" of a weapon on school property. Therefore, if SB 482 is recommended for passage, the school district's duties owed to all pupils should be clearly set forth in this Act to ensure that lay persons are able to discern what is required of the district without referring to various other sections of the statutes and determining what provision of the statute is controlling in each instance.

Should the Committee vote to expand the modification requirement on a case-by-case basis to all students, KAPS staff respectfully requests the Committee consider our recommendations.

We thank you for the opportunity to clarify our position on this issue.

SENATE EDUCATION
2-1-96
ATTACHMENT 1