

Approved: 4.4.97  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 5, 1997 in Room 519-S of the Capitol.

All members were present except:

Representative Cliff Franklin - Excused  
Representative Bruce Larkin - Excused

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

Conferees appearing before the committee:

Representative Jeff Peterson  
Mark Tallman, Kansas Association of School Boards  
Gerry Henderson, United School Administrators of Kansas  
Sue Chase, Kansas National Education Association

Others attending: See attached list

Hearings on **HB 2389 - State board of regents, authority to convey title to real estate for Kansas State University**, were opened.

Representative Jeff Peterson appeared before the committee as the sponsor of the bill. He explained that this bill was needed because Kansas State Endowment Association received land and then changed its name to Kansas State University Foundation. The Foundation went to sell the land and were unable to close the sale because the title insurance company would not approve the Foundation's title. (Attachment 1) He requested an amendment that would strike the word "endowment" on line 36.

Hearings on **HB 2389** were closed.

Representative Tanner made a motion to strike the word "endowment" on line 36 and report HB 2389 favorably, as amended, for passage. Representative Horst seconded the motion. The motion carried.

Hearings on **SB 36 - Short-term suspension of pupils from school**, were opened.

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent of the bill. He explained that this bill would increase short-term suspension from 5 days to "up to 10 days". The additional time would allow an option when school administrators believe that the student should be removed for a longer time period. (Attachment 2)

Gerry Henderson, United School Administrators of Kansas, appeared before the committee as a proponent of the bill. He commented that creative things have been happening in schools when it comes to keeping kids in school instead of suspension. Student have usually been a problem many times before an administrator decides to suspend a student. They try other options before they suspend students from school. (Attachment 3)

Sue Chase, Kansas National Education Association, appeared before the committee neither as a proponent nor opponent. She was concerned that suspending a student for 10 days would set the student up for failure and suggested that the committee look at alternatives. (Attachment 4)

Jackie Oakes, Schools for Quality Education, did not appear before the committee but requested that her testimony be included in the committee minutes. (Attachment 5)

Hearings on **SB 36** were closed.

The committee meeting adjourned at 4:45 p.m. The next committee meeting is scheduled for March 6, 1997.



STATEMENT OF RICHARD H. SEATON, UNIVERSITY ATTORNEY  
PRESENTED TO HOUSE EDUCATION COMMITTEE, MIKE O'NEAL, CHAIRMAN

MARCH 5, 1997

RE: HOUSE BILL 2389

In 1978, the probate judge of Clay County signed an order of final distribution in the estate of Della M. Serles, No. 77P4. Ms. Serles had left two tracts of real estate, one in Clay County and one in Washington County, to Kansas State University. Despite the gift to the University, the court's final order of distribution recited that the property was received by the Kansas State University Endowment Association, Inc.

Thereafter, the Kansas State University Foundation, successor to the Endowment Association, sold the Clay County tract and entered into a contract to sell the Washington County tract. It was unable to close the sale in Washington County, because the title insurance company will not approve the Foundation's title. At some future time, the same title question will undoubtedly be raised concerning the Clay County property.

In order to clear up the title for the purchasers of both tracts, the University has requested, through the Board of Regents, that the Board be authorized to convey these tracts to their respective purchasers by warranty deed. It has further requested that the legislation direct that the proceeds from both sales, and any earnings thereon, be transferred and credited to the University's investment agency account with the Foundation. In this way, the original purpose of the testator to benefit the University can be accomplished.

House Education  
3-5-97  
Attachment 1





TO: House Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: March 5, 1997

**RE: Testimony on S.B. 36 - Short Term Student Suspensions**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent of S.B. 36, concerning short-term suspensions from school. We believe this legislation will benefit the students of Kansas in two significant ways.

First, it would allow school personnel more flexibility to remove dangerous or disruptive students from the classroom, helping to achieve safer, more orderly schools. We believe growing numbers of students, parents and teachers are concerned about that small minority of youngsters who hinder the educational experience of others. The rights of those students who come to school ready to learn, willing to work and follow the rules should not always be subordinate to rights of students with behavior problems. Children with such problems may need punishment, discipline or special services.

This bill would allow a short term suspension of up to ten days without the formal, legalistic hearing requirements of a long term suspension or expulsion. It does not require a ten day suspension. Although current law allows five days, we believe most suspensions are actually less than five days. This bill would give school officials the **option** of a longer shorter term suspension if they believe it is necessary. We trust the professional educators in our public schools to make appropriate choices.

Second, we believe this bill will actually help students who face suspension. If school officials believe a student should be removed from the classroom for more than five days, they must currently go through the process of seeking a long term suspension, which often usually runs until the end of the semester or up to 90 days. This bill would provide a "middle ground" for school officials who believe five days is not long enough, but weeks or months is too long.

The final reason addresses why we believe ten days is appropriate, instead of five, seven, fifteen or some other number. By lengthening the maximum short-term suspension from five to ten school days, Kansas would be consistent with federal special education law, which allows for ten day suspensions.

We urge your favorable consideration of this bill.

House Education  
3-5-97  
Attachment 2



## SB 36

Testimony presented before the House Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
March 5, 1997

Mister Chairman and members of the Committee:

United School Administrators of Kansas supports the change in statute which will bring Kansas in line with federal guidelines for the maximum length for short-term suspensions. We would point out to the committee that nothing in this bill will likely change the fact that most short term suspensions are for less than the current five day maximum. In addition, I can assure the committee that except for extraordinary circumstances, students are suspended from school only after other attempts to solve behavior problems have failed.

I would also point out that this change in the law affects neither the due process rights of the student nor the necessity for prompt notification of parents. Again, rare indeed is the circumstance when a suspension notice is the first communication received by parents concerning a particular problem.

We urge the committee to report **SB 36** favorably.

LEG/SB36

House Education  
3-5-97  
Attachment 3





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

Susan Chase Testimony Before  
House Education Committee  
Wednesday, March 5, 1997

Thank you Mr. Chairman and members of the committee for the opportunity to offer comments on SB 36. I am Susan Chase and I represent the Kansas National Education Association.

Whenever a bill affecting education comes up for a hearing, the bill is discussed by the lobby team for KNEA. The KNEA Lobby Team, composed of various staff and teacher leaders, decides our position on the piece of legislation, whether we should testify, and the reasons for our position. These decisions are based on positions and issue statements that are adopted by KNEA and NEA Representative Assemblies and the expertise and knowledge of the lobby team.

When SB 36 was discussed, the concern that continued to surface is what effect the suspension would have on the student. The team decided what was more important than the length of the suspension was what education alternatives would be provided for that student during the term of the suspension. A student who has exhibited behavior that would result in a short-term suspension is probably already at risk for failure. Suspending that student for a period of time in excess of a week with no other education alternatives provided will almost assure their failure.

Most school districts and educators are trying to address the problem of educational alternatives, but with limited resources most of those are not satisfied with what they are able to offer. KNEA believes we need to provide incentives, support, and recognition to those districts that are working to develop and implement good alternatives for students who are not being successful in the regular classroom.

KNEA is concerned about this issue and stands ready to assist this committee in trying to address the problem. Thank you for listening to our concerns.



---

## Schools for Quality Education

---

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

March 5, 1997

To: HOUSE EDUCATION COMMITTEE

Subject: SB 36 SHORT-TERM SUSPENSIONS OF PUPILS FROM SCHOOL

From: SCHOOLS FOR QUALITY EDUCATION

Mr. Chair and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 111 small school districts.

We submit written testimony in favor of SB 36 which would extend short-term suspension from 5 days to 10 days.

School superintendents and boards take very seriously a suspension of a student in their district. An extension to 10 days for short-term suspension would allow more consideration to assure a decision that is best for the student. It often takes time to make certain of the facts surrounding the pupil's problem.

This is particularly true in a special education case. Five days do not allow enough time for a team to get together, possibly rewrite the IEP, and find an alternative placement.

Please give SB 36 your favorable consideration.

---

**"Rural is Quality"**

---

House Education  
3-5-97  
Attachment 5

HCR \_\_\_\_\_

**A CONCURRENT RESOLUTION directing the State Board of Education to define the components of an essential core curriculum that should be offered to every elementary and secondary public school student, respectively, regardless of school size and location, to determine the probable costs of providing that curriculum, and to make a report thereon to the Education Committees of the Senate and House of Representatives.**

**WHEREAS, A public education, consisting of adequate instructional programs, is considered as essential to the development and well-being of our children, and the State of Kansas, since statehood, has provided for the financing of public schools through state taxes and other mechanisms provided by the Legislature, including local effort; and**

**WHEREAS, The Legislature is charged by the Kansas Constitution with the responsibility of providing for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law ; and**

**WHEREAS, The Legislature is charged by the Kansas Constitution to make suitable provision for finance of the educational interests of the state; and**

**WHEREAS, The Kansas Constitution requires that local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards, which may, when authorized by law, make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, subject to limitation, change or termination by the Legislature; and**

**WHEREAS, The State Board of Education is charged by the Kansas Constitution with general supervision of the public schools and other educational interests of the state and shall perform such other duties as may be provided by law; and**

**WHEREAS, The Supreme Court of Kansas has held that the basic mission of the State Board of Education is to equalize and promote the quality of education for the students of this state and that the Legislature may enact legislation to facilitate or assist the State Board in carrying out its constitutional mission; and**

House Education  
3-6-97 52  
Attachment 5



**WHEREAS, The Legislature, in addressing its constitutional charge to provide suitable funding for public education, has an interest in determining the components of an essential core curriculum, consisting of adequate instructional programs, that should be offered in elementary and secondary public schools in the state, respectively, and determining a suitable State funding base, meeting the requirements of the Kansas Constitution, for that essential core curriculum; and**

**WHEREAS, The Legislature acknowledges that a quality education encompasses a variety of instructional programs in addition to those that may be required at a minimum in order to satisfy the charge in the Kansas Constitution, and that the funding of those additional programs will continue to be provided by traditional funding sources, but desires to define the constitutional boundaries of the funding required by the Kansas Constitution in order to avoid unnecessary litigation over the funding of public schools in the state; and**

**WHEREAS, The Legislature believes that local school boards should continue to be authorized to help develop their own additional instructional offerings and that local effort, consisting of various options, should continue to play a role in the funding of the variety of educational offerings developed by the state and local boards; Now, therefore,**

***Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature, in recognition of the facts contained in the preamble of this resolution and being aware of the necessity of having a definition of an essential core curriculum in order to make suitable provision for the State funding of public educational interests contemplated by the Kansas Constitution, hereby directs the State Board of Education to define the components of an essential core curriculum, consisting of adequate instructional programs, to be available in every school district in the state; and**

***Be it further resolved:* That upon adoption of its definition of an essential core curriculum and specification of the academic components thereof, the State Board of Education is hereby directed to collect and record the costs, sufficiently itemized and with supporting documentation, that would be incurred, at elementary and secondary school sites of all sizes and from all parts of the state, in providing that essential core curriculum; and**

***Be it further resolved:*** That the State Board of Education is hereby directed, upon collecting the costs associated with providing the essential core curriculum, to cause a report thereof, including the identity of the schools involved in the report, to be delivered to the Education Committees of the Senate and the House of Representatives at the commencement of the 1998 Session of the Legislature; and

***Be it further resolved:*** That the Secretary of State is hereby directed to transmit enrolled copies of this resolution to the State Board of Education and to the Commissioner of Education, 120 S.E. 10th Avenue, Topeka, Kansas 66612-1182.