

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 17, 1999 in Room 313-S of the Capitol.

All members were present except:

Representative Cindy Empson - Excused

Committee staff present:

Ben Barrett, Legislative Research Department
 Carolyn Rampey, Legislative Research Department
 Avis Swartzman, Revisor of Statutes
 Renae Jefferies, Revisor of Statutes
 Connie Burns, Committee Secretary

Conferees appearing before the committee:

Carla Stovall, Attorney General, State of Kansas
 Tony Woolen, School Resource Officer, Leawood
 Trent Minneman, School Resource Officer, Wichita
 Don Jordan, SRS
 Mark Tallman, KASB
 Natalie Haag, Chief Legal Counsel, Governor's Office
 Mark Desetti, KNEA

Others attending:

See attached list

Hearings on **HB 2201 - Juveniles and juvenile offenders, offenses committed at school** were opened.

Attorney General Carla Stovall appeared before the committee as the sponsor of the bill. She explained the bill would require courts to order psychological evaluation of individuals who are taken into custody for bringing a weapon to school or to a school sponsored event in violation of K.S.A.. The Attorney General felt that not only will mandating an evaluation help protect the potential victims, it will also give us tools to help the perpetrator. The other part of the bill amends the School Safety and Security Act to clarify the types of incidents required to be reported by school employees. She did note that there is a drafting error in the bill that she would ask be amended. The bill was drafted so that this action is permissive rather than mandatory. (Attachment 1)

Tony Woolen, a resource officer, appeared as a proponent of the bill. He told about an incident involving a 6th grader and what happened to the young boy on the bus. He commented he has only heard nothing but support from fellow SROs. Most SROs feel strongly about being able to tell the victim of a crime that their perpetrator will not be released from a detention facility without going through a psychological exam. (Attachment 2)

Trent Minneman, a resource officer, appeared as a proponent of the bill. He is assigned to Wichita East High School and has become increasingly frustrated with current state statutes, which fail to provide any significant deterrent for bringing weapons into the school setting. Trent stated that this bill would assist other officers and himself in their fight against the violence that threatens our children and education environments. (Attachment 3)

Don Jordan, SRS, appeared to offer an amendment to the bill. The amendment would make the language consistent with Senate Bill 233 and the agency's effort to make criminal mental illness procedures consistent with mental health reform. (Attachment 4)

Mark Tallman, KASB appeared before the committee. KASB supports the changes proposed in section 6, pages 11-12. They have no objection to the other provisions of the bill. (Attachment 5)

The hearings on **HB 2201** were closed.

Hearing on **HB 2196 - Driver's licenses and driving privileges of pupils, suspension or revocation upon expulsion from school and HB 2201 - Weapon-free schools act, definition of weapon revised** were opened.

Natalie Haag, appeared as a proponent for the bills. **HB 2196** provides for the suspension of driver's license privileges for students who take a weapon or illegal drugs to school or commit an act which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, at school, on school property, or at school sponsored events. **HB 2202** expands the definition of weapons for purposes of suspension and expulsion, making it consistent with the language proposed in HB 2196. The amendments proposed in this bill will modify the weapon-free schools act to allow the expulsion or suspension of a student in possession of the weapons stated. (Attachment 6)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 313-S Statehouse, at 9:00 a.m. on February 17, 1999.

Mark Tallman, KASB, provided written testimony on **HB 2196** and **HB 2202**. (Attachment 5)

Mark Desetti, Kansas NEA, appeared as an proponent of **HB 2202** and stated they support the changes proposed in this bill, which expand the definition of weapons. He also suggest additional language which would, be a better alternative to the detaining language contained in HB 2201. (Attachment 7)

Gary George, Olathe School District submitted written testimony in support of **HB 2202**. (Attachment 8)

Hearing on **HB 2196** and **HB 2202** were closed.

HB 2191 - School districts, certain persons exempted from certification of health requirements

Representative Storm made a motion that schools boards may require testing as permissive rather than the mandatory requirement under the current law. Representative Wells seconded the motion. The motion carried.

Representative Benlon made a motion to report **HB 2191** favorably for passage, as amended. Representative Helgerson seconded the motion. The motion carried.

HB 2173 - Eisenhower, Dwight David, scholarship act

Chairman Tanner made a motion to amend the language that any college in the state of Kansas would be able to receive scholarship recipients under this act. Representative Bethel seconded the motion. With consent of Representative Bethel the motion was withdrawn.

Representative Bethel made a motion that any region comprehensive grant program college and adding to the list of schools in the state of Kansas which covers tuition and fees of the highest of the regents schools. Representative Lloyd seconded the motion. The motion carried. Representative Wells was recorded as voting no.

Representative Benlon made a motion to report **HB 2173** favorably for passage, as amended. Representative Horst seconded the motion.

Representative Mason made a motion to defer action on **HB 2173**. Representative Horst seconded. The motion carried.

The meeting was adjourned at 11:00 a.m.

The next meeting is February 19, 1999.

HOUSE EDUCATION COMMITTEE

GUEST LIST

DATE: February 17, 1999

NAME	REPRESENTING
J. M. Co	Capitol Journal
David M. Co	Associated Press
Bill Land	Blue Valley NEA
Rosilyn James-Martin	SRS-Children & Family Services
Mark Tallman	KASB
Katharine Wickert	USA
Ronnie Ching	JSA
Martine L. Cooper	KACTA
Judith Miller	KSDE
Mark Anderson	KDOR-Vehicles
Marcy Galato	KDOR-Vehicles
Betsy Vaneman	USD 229
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**HOUSE COMMITTEE ON EDUCATION
ATTORNEY GENERAL CARLA STOVALL
TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2201
February 17, 1999**

Mr. Chairman, Members of the Committee, I am pleased to be here to testify in support of House Bill No. 2201. This is one of two initiatives recommended this year by my Kids in Safe Schools Task Force. The other is House Concurrent Resolution No. 5018 dealing with school crisis plans.

The Kids in Safe Schools Task Force was created for the purpose of exploring ways to keep Kansas children safe in school. The Task Force was formed in partnership with the Kansas Department of Education, the Kansas Association of School Boards, the United School Administrators, the Kansas National Education Association and the Kansas chapter of the Parent-Teacher Association. Representatives of these organizations, together with members of the Legislature, individuals representing law enforcement, emergency management, parents, the Governor's office and the Koch Crime Commission, met several times over the course of the last five months. While the Task Force will continue to meet and additional recommendations may be forthcoming, the idea behind House Bill No. 2201 was one issue they agreed should be recommended for passage this Session.

House Bill No. 2201 would require courts to order psychological evaluations of individuals who are taken into custody for bringing a weapon to school or to a school sponsored event in violation of K.S.A. 21-4201 or 21-4204(a)(5). For a juvenile subject to the Juvenile Offender Code (generally, those 10 or more years of age but less than 18), the individual would be taken into custody by law enforcement, detained until first appearance and then ordered further detained for up to 72 hours for purposes of obtaining a psychological evaluation to determine whether the individual is a danger to self or others. If not, he or she may be released pending adjudication; if found to be a danger, the court would then order further detention pending adjudication and could also order treatment or counseling. For an adult, the requirement to obtain a psychological evaluation would be a condition of bond, as would obtaining treatment or counseling if the evaluation finds that he or she is a danger to self or others.

This portion of the bill is believed by the Task Force to be necessary to avoid a tragedy such as that which occurred in Oregon where a student who was suspended for bringing a weapon to school, but not taken into custody for that act, was able to return to school the next day and fatally shoot two people and wound several others. Other states have proposed similar legislation, but to my knowledge none have yet passed. Last year Congress introduced a measure to reward States for having such legislation, but it too has not yet passed.

Not only will mandating an evaluation help protect the potential victims, it will also give us tools to help the perpetrator. For instance, an evaluation that concludes a student is not a risk to self or others could be used by school administrators to waive the 180 day "mandatory" suspension requirement in cases where it just does not seem appropriate. An assessment of risk would help the individual to get help through counseling or treatment.

The other part of House Bill No. 2201 amends the School Safety and Security Act to clarify the types of incidents required to be reported by school employees. The current language requires reporting of all misdemeanors and felonies leaving school officials to determine what constitutes a misdemeanor and what does not. Further, the bill would eliminate the reporting of incidents that would be considered misdemeanors, but which would not result in any foreseeable physical injury.

There is one drafting error in the bill that I would ask be amended. We had intended it to be mandatory for law enforcement to take a juvenile into custody once they have established probable cause to believe the juvenile was in possession of a weapon on school property or at a school event in violation of the law. However, the bill was drafted so that this is permissive rather than mandatory. I have attached language that would return the bill to its intended form.

I encourage you to act favorably on this bill as so amended and, in so doing, come one step closer to providing safer schools for our children. Thank you for your consideration.

166 K.S.A. 21-4204, and amendments thereto, such person shall not be allowed
167 to post bond pending such person's first appearance in court provided
168 that a first appearance occurs within 48 hours after arrest. Nothing in
169 this section shall be construed to be an unnecessary delay as such term is
170 used in this section.

171 Sec. 3. K.S.A. 1998 Supp. 38-1624 is hereby amended to read as
172 follows: 38-1624. (a) *By a law enforcement officer.* A law enforcement
173 officer may take an alleged juvenile offender into custody when:

174 (1) Any offense has been or is being committed by the juvenile in the
175 officer's view;

176 (2) the officer has a warrant commanding that the juvenile be taken
177 into custody;

178 (3) the officer has probable cause to believe that a warrant or order
179 commanding that the juvenile be taken into custody has been issued in
180 this state or in another jurisdiction for an act committed therein;

181 (4) the officer has probable cause to believe that the juvenile is com-
182 mitting or has committed an act which, if committed by an adult, would
183 constitute:

184 (A) A felony; or

185 (B) a misdemeanor and (i) the juvenile will not be apprehended or
186 evidence of the offense will be irretrievably lost unless the juvenile is
187 immediately taken into custody or (ii) the juvenile may cause injury to
188 self or others or damage to property or may be injured unless immediately
189 taken into custody; or

190 (5) the officer has probable cause to believe that the juvenile has
191 violated an order for electronic monitoring as a term of probation; or

192 ~~(6) the officer has received a report made to a law enforcement agency~~
193 ~~pursuant to subsection (f) of K.S.A. 1998 Supp. 72-89a02, and amend-~~
194 ~~ments thereto, or subsection (b)(1) of K.S.A. 1998 Supp. 72-89b03, and~~
195 ~~amendments thereto, that a juvenile has been in possession of a weapon~~
196 ~~at school, on school property, or at a school supervised activity, the law~~
197 ~~enforcement agency has caused an investigation to be made to determine~~
198 ~~whether there is probable cause to believe that the juvenile committed an~~

Upon receipt of a report pursuant to subsection (f) of K.S.A. 1998 Supp. 72-89a02, and amendments thereto, or subsection (b)(1) of K.S.A. 1998 Supp. 72-89b03, and amendments thereto, that a juvenile has been in possession of a weapon at school,

199 ~~act which, if committed by an adult, would constitute a violation of K.S.A.~~
200 ~~21-4201, and amendments thereto, or subsection (a)(5) of K.S.A. 21-4204,~~
201 ~~and amendments thereto, and such a determination of probable cause is~~
202 ~~made.~~

203 (b) *By a court services officer.* A court services officer may take a
204 juvenile into custody when there is a warrant commanding that the ju-
205 venile be taken into custody, when the court services officer has probable
206 cause to believe that a warrant or order commanding that the juvenile be
207 taken into custody has been issued in this state or in another jurisdiction
208 for an act committed therein or when there is probable cause to believe
209 that the juvenile has violated an order for electronic monitoring as a term
210 of probation.

211 (c) *Procedure.* (1) When any law enforcement officer takes an al-
212 leged juvenile offender into custody, the juvenile shall be taken without
213 unnecessary delay to an intake and assessment worker if an intake and
214 assessment program exists in the jurisdiction, or before the court for pro-
215 ceedings in accordance with this code or, if the court is not open for the
216 regular conduct of business, to a court services officer, a juvenile intake
217 and assessment worker, a juvenile detention facility or youth residential
218 facility which the court or the commissioner shall have designated. The
219 officer shall not take the juvenile to a juvenile detention facility unless
220 the juvenile meets one or more of the criteria listed in K.S.A. 38-1640,
221 and amendments thereto. Even if the juvenile meets one or more of such
222 criteria, the officer shall first consider whether taking the juvenile to an
223 available nonsecure facility is more appropriate.

224 (2) It shall be the duty of the officer to furnish the county or district
225 attorney or the juvenile intake and assessment worker if the officer has
226 delivered such juvenile to the worker, with all of the information in the
227 possession of the officer pertaining to the juvenile; the juvenile's parents,
228 or other persons interested in or likely to be interested in the juvenile;
229 and all other facts and circumstances which caused the juvenile to be
230 arrested or taken into custody.

231 (3) (A) When the juvenile is less than 14 years of age, no in-custody

*on school property, or at a school supervised activity, the law enforce-
ment agency shall immediately cause an investigation to be made to deter-
mine whether there is probable cause to believe that the juvenile
committed an act which, if committed by an adult, would constitute a vio-
lation of K.S.A. 1998 Supp. 21-4201, and amendments thereto, or sub-
section (a)(5) of K.S.A. 1998 Supp. 21-4204, and amendments thereto.
If a determination of probable cause is made under this provision, the law
enforcement agency shall immediately take the alleged juvenile offender
into custody.*



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KIDS IN SAFE SCHOOLS TASK FORCE

INTRODUCTION

In order to explore ways to keep Kansas children safe in school, Attorney General Carla Stovall created the Kids in Safe Schools Task Force. This task force was formed in partnership with the Kansas Department of Education, the Kansas Association of School Boards, the United School Administrators, the Kansas National Education Association and the Kansas chapter of the Parent-Teacher Association. In addition to these organizations, Attorney General Stovall invited individuals representing law enforcement, emergency management, parents, the Kansas Legislature, the Governor's office and the Koch Crime Institute to serve on the Task Force.

The task force had its organizational meeting in Topeka, Kansas on July 28, 1998. Five additional meetings were held to discuss issues regarding four major themes: Guidelines for Safety Planning, Prevention Programs, Potential Legislation and Conference/Resource Information.

RECOMMENDATIONS

Members focused their attention on the following recommendations:

ISSUES FOR SCHOOLS AND SCHOOL DISTRICTS TO CONSIDER WHEN INVOLVED IN SAFETY PLANNING

Issues for School Districts to Consider

1. Establish a district committee to design and oversee the Safe Schools Plan. All staff, students, parents, and members from the community should be represented on the committee.
2. Have one person in the district in charge of overseeing the district safety plan.
3. Focus on academic achievement. Have a strong academic program that meets the needs of the students and allows for success.

4. Identify the needs of families in the district and establish plans for meeting those needs. This could result in extended day programs, counseling, tutoring, mentoring, and help with homework.
5. Review the district curricula and incorporate programs that treat students with equal respect. The programs must teach acceptance of students of all ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, and any other difference.

Issues for Individual Schools to Consider

1. Establish a committee to develop and oversee the Safe Schools Plan. All staff, students parents, and members from the community should be represented on the committee.
2. Make sure all members of the building staff understand the crisis plan. Have routine drills of the crisis plan. These drills should include the legal and emergency departments in the community that will respond to the crisis.
3. Have a strong, effective academic program. Establish programs where all students can achieve academically and behave appropriately, while at the same time appreciating individual differences.
4. Establish a program to teach acceptance and understanding of personal differences, and avoid stereotypes.
5. Establish a conflict resolution mechanism for students in the building.
6. Establish a fair and consistent discipline plan and review it with the teachers, parents, and students.
7. Promote good citizenship and character. Schools should focus on civic values set forth in our Constitution and Bill of Rights. Schools reinforce and promote the shared values of their local communities such as honesty, kindness, responsibility and respect for others.
8. Set up a plan to recognize and reward students who contribute to safe schools.

PREVENTION PROGRAMS FOR KEEPING SCHOOLS SAFE

The recommendation is to develop violence prevention programs that most directly affect schools at the point of “learning readiness.” The most direct help is in the schools where positive role models and students interact. There are seven prioritized program areas for direct versus indirect contact which have a subsequent effect on safety in Kansas schools. These seven program areas include:

1. Diversity
2. School Violence/Gangs
3. Discipline
4. Conflict Resolution
5. Drugs
6. Sexual Harassment
7. Suicide Prevention

The information contained in the references attached to this Report as Appendix A is not intended to be an endorsement of any particular program or a recommended plan of action. Rather, it is a place for administrators and others to begin to tackle their own individual school concerns. It is suggested that each school and school district develop a complete violence prevention program for their own use.

The task force further recommends development of a web-site listing, resource information, and a dialogue "room" where individuals from schools could post activities and issues they are working on. The dialogue "room" would be a good place to get recommendations on various resources from other schools that may have used a particular activity, group project, etc. Templates could be developed for posters and other materials on the web-site, possibly obtaining student input through means of an art contest. This information could be downloaded to disc and developed into posters and other materials.

CONFERENCES/SPEAKER INFORMATION

The task force compiled a listing of available Kansas experts who will assist communities on various topics in making schools safe. The listing is attached to this Report as Appendix B.

POTENTIAL LEGISLATION

The task force recommended seeking legislation in three areas:

Individuals who bring weapons onto school property or to school sponsored functions should be taken into custody and ordered detained for the purpose of psychological evaluation to determine whether the individual is a danger to self or others;

The School Safety and Security Act should be amended to help school personnel more easily determine the type of conduct that is required to be reported to law enforcement;

A joint resolution should be passed urging schools to develop and update crisis plans, to train personnel to implement the plans and to conduct regular drills of the plans.

The language recommended by the task force in these three areas is attached to this Report as Appendix C.

While several other legislative issues were discussed by the task force, including the feasibility and desirability of alternative schools and reciprocal reporting requirements ensuring that schools receive information from the courts and law enforcement about students who have been involved in the criminal or juvenile justice system, it was believed further discussion and development would be necessary before the task force would consider recommending legislation in these areas.

PLANS FOR THE FUTURE

The task force has agreed to continue meeting for the purpose of implementing the foregoing recommendations, exchanging new ideas and determining whether additional recommendations should be forthcoming. The members have found that the exchange of information that occurs at task force meetings has helped them to assist others in the area of school safety. One product of this networking has been the presentation of an award to the students of Spring Hill High School for an absence of disciplinary problems this last semester. The award ceremony was attended by representatives of the Koch Crime Institute, the Kansas Department of Education and the United States Department of Education. Plans are being formulated to make this award presentation an ongoing program to recognize and honor students and school personnel for outstanding performance of this type.

A specific goal of the task force at its continuing meetings is to develop a checklist containing specific elements that should be included in any school crisis plan. The task force has been awarded funding from the State Department of Education and the Division of Emergency Management to use in paying the costs associated with producing materials to be used by school districts and schools for this purpose. The Koch Crime Institute, using the provided funding, will be compiling and disseminating the materials on behalf of the task force. The Kansas Association of School Boards has offered to allow the task force to use its printing facilities for cost.

Attached to this Report as Appendix D is a list of the Task Force members. These members contributed much time and expertise and their efforts are appreciated. Special mention should be made of Larry Andersen for his work as Chairman of the task force and Pat Baker who has served as Co-Chair.



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APPENDIX D

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Thank you for allowing me the opportunity to speak to you today. My name is Tony Woollen and I work for the Leawood, Kansas Police Department. For the last four years, I have been assigned to our middle schools as a School Resource Officer. In Johnson County, all of our public high schools have SROs assigned to them. In all, we have twenty-eight SROs assigned to high schools and middle schools in our county.

The reason I wanted to talk to you today is because of a young boy named Ethan. Ethan is a sixth grader who was involved in an incident during a bus ride to school. Ethan is a small, shy, 6th grader who enjoys sitting by himself while he rides his bus to school. In the lunchroom I see him with few or very little friends. Though Ethan is an introvert, he is still a person. A person with rights.

The morning bus ride, on this particular day, included namecalling and teasing from boys sitting around him. Ethan listened, pretending not to hear as he looked out the window. Finally, Ethan had had enough and yelled back at one of the boys. Without Ethan knowing, one of the boys had acquired a knife from one of his friends. Then, Ethan told me, one of the bullies decided to place the blade of the knife to his throat and hold it there. As he did, he yelled to Ethan, "You just need to watch yourself or you'll be dead." Ethan's throat was not cut that day. Nonetheless, a felony was committed.

I am currently the President of the Kansas Association of School Resource Officers. Our organization has over one hundred members. Most of our membership includes SROs from the State of Kansas. During the last few days I have been on the telephone asking

opinions of our members and have heard nothing but support from fellow SROs. I have heard comments ranging from, "This Bill could keep a tragedy from happening," to, "...the 72 hours is not enough." Most SROs feel strongly about being able to tell the victim of a crime that their perpetrator will not be released from a detention facility without going through a psychological exam.

Ethan came by my office later that day. He wanted to know if that boy would be able to come back and hurt him. I told him that he couldn't because he was in the jail. Then Ethan asked me, "What about tomorrow?"

~~IF~~ 2201 ~~is~~ is a proactive way to

Testimony of:
Officer Trent W. Minneman
Wichita Police Department
School Resource Officer / East High School
Reference: House Bill 2201

The following statement is in support of House Bill 2201. For the past seven years I have served as an officer with the Wichita Police Department. I have been assigned to East High School in Wichita as a School Resource Officer (SRO) for the past two years.

As an SRO I have had many occasions to deal with weapons which have been brought onto campus by both students and outsiders. I have become increasingly frustrated with current state statutes, which fail to provide any significant deterrent for bringing weapons into the school setting. This failure is especially true for juvenile cases, as the Federal Law against guns and drugs within 1,000 feet of school campuses only applies to those over eighteen years of age.

The most significant and potentially tragic case I have worked, with regards to weapons being brought onto campus, occurred within a month of the beginning of the 1998-1999 school year. At approx. 10 A.M. on that morning a large group of students, in a P.E. class, were walking across one of our parking lots heading to the softball field. Several students noticed a white Ford pick-up driving slowly towards them on the access road to the parking lot. As the pick-up pulled along side of the class the front seat passenger pointed a loaded semi-automatic pistol at the students. The pick-up then sped away.

I just happened to be walking out to my squad car as the P.E. instructor came running to inform me of the incident. Another officer and myself stopped the vehicle as it again approached the school. At the feet of the individual in the back of the truck we recovered a loaded 12-gauge shotgun which had been sawed off and converted to a pistol grip. As we stopped the vehicle, the front seat passenger threw the semi-auto from the truck.

When Detectives interviewed these juveniles, we found how narrowly we had avoided disaster. The three suspects, one adult driver, and two Juvenile passengers had come to East High with the intent of shooting one of the students in the P.E. class. They had decided to use the pistol because they 'did not want to hit anyone else with the shotgun'. When the front seat passenger pointed the pistol

he had actually pulled the trigger three times. The round in the chamber failed to fire. When we stopped the three, they had passed the shotgun to the juvenile in the back of the truck, and were coming back to finish the job.

The front seat passenger was an adult, and was on probation for a previous gang related assault. He was booked for Aggravated Assault, and stayed in the Adult Detention facility. The two juveniles were booked for carrying concealed weapons, and were released to their parents within hours. Both juveniles were seen in the vicinity of East High School the next day.

We were obviously very lucky to have avoided tragedy that morning, but the real danger is for the juveniles to have the ability to return and finish the job later in the day, or even the next day.

As a street officer, I think this proposed bill is unique in that it could serve Law Enforcement and the public in three ways. It provides a punitive result for the offense by requiring that the juvenile stay incarcerated until assessed. No longer will they simply be given a hearing date and sent home with a parent. Secondly it protects the school and its students by assessing the potential of the offender for potential violence. Finally, it serves the offender by providing professional evaluation and recommendations to address the causal behaviors, which led to the offense.

I sincerely hope that you will favorably consider House Bill 2201, and assist other officers and myself in our fight against the violence that threatens our children and educational environments.

Thank you,



Officer Trent W. Minneman #1664
Wichita Police Department

**State of Kansas
Department of Social
& Rehabilitation Services**

Rochelle Chronister, Secretary
Janet Schalansky, Deputy
Secretary

For additional information, contact:

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**House Committee on Education
February 17, 1999**

Testimony: Amendment to House Bill 2201

**Mental Health and Developmental Disabilities
Don Jordan, Director of Management Operations and John Badger, Chief Counsel
785.296.3773**

**Kansas Department of Social and Rehabilitation Service
Rochelle Chronister, Secretary**

**House Committee on Education
Amendment to House Bill 2201**

February 17, 1999

Mr. Chairman, members of the Committee, thank you for the opportunity to appear and testify on behalf of Secretary Chronister today concerning House Bill 2201. While the Kansas Department of Social and Rehabilitation Services (SRS) is not taking a position on this legislation, SRS would like to offer an amendment to Section 1 of the legislation and request its adoption.

Section 1 of House Bill 2201 amends KSA 22-2802 at Section 3 (on page 2 of the bill) by adding new language concerning the ordering of psychological evaluations as a condition of release pending preliminary hearings or trial on charges of violating criminal laws prohibiting the unlawful use or possession of firearms. In the case of such violation (which could be charged either as a felony or a misdemeanor) on school property, this new section would require the magistrate, as a condition of release, to order psychological evaluation of the person being released, and if found to be dangerous, that the person submit to treatment or counseling.

SRS suggests the amendment attached. SRS would amend the bill to make the language consistent with Senate Bill 233 and the agency's effort to make criminal mental illness procedures consistent with mental health reform. Those procedures involve screening at the local Community Mental Health Center before the court commits a person to a state psychiatric hospital (except in the case of felony charges - which automatically are referred to the state security hospital.) Such screenings and the use of locally available mental health services and treatment save time and extra expenses.

Thank you for your consideration of this amendment.

HOUSE BILL No. 2201

Kansas Department of Social and Rehabilitation Services • Rochelle Chron Secretary

1 condition of release.
 2 (3) In addition to any conditions of release provided in subsection (1),
 3 for any person charged with a violation of K.S.A. 21-4201, and amend-
 4 ments thereto, committed while on school property or at school supervised
 5 event, or with a violation of subsection (a)(5) of K.S.A. 21-4204, and
 6 amendments thereto, the magistrate shall order such person to submit to
 7 a psychological evaluation ~~in a public or private facility or state institution~~
 8 ~~and if determined by the head of such facility or institution that such~~
 9 ~~person is a danger to self or others, to submit the treatment or counseling,~~
 10 ~~as a condition of release.~~

11 ~~(3)~~ (4) The appearance bond shall be executed with sufficient solvent
 12 sureties who are residents of the state of Kansas, unless the magistrate
 13 determines, in the exercise of such magistrate's discretion, that requiring
 14 sureties is not necessary to assure the appearance of the person at the
 15 time ordered.

16 (4) (5) A deposit of cash in the amount of the bond may be made in
 17 lieu of the execution of the bond by sureties.

18 ~~(5)~~ (6) In determining which conditions of release will reasonably
 19 assure appearance and the public safety, the magistrate shall, on the basis
 20 of available information, take into account the nature and circumstances
 21 of the crime charged; the weight of the evidence against the defendant;
 22 the defendant's family ties, employment, financial resources, character,
 23 mental condition, length of residence in the community, record of con-
 24 victions, record of appearance or failure to appear at court proceedings
 25 or of flight to avoid prosecution; the likelihood or propensity of the de-
 26 fendant to commit crimes while on release, including whether the de-
 27 fendant will be likely to threaten, harass or cause injury to the victim of
 28 the crime or any witnesses thereto; and whether the defendant is on
 29 probation or parole from a previous offense at the time of the alleged
 30 commission of the subsequent offense.

31 ~~(6)~~ (7) The appearance bond shall set forth all of the conditions of
 32 release.

33 ~~(7)~~ (8) A person for whom conditions of release, *other than the con-*
 34 *dition of release required under subsection (3),* are imposed and who
 35 continues to be detained as a result of the person's inability to meet the
 36 conditions of release shall be entitled, upon application, to have the con-
 37 ditions reviewed without unnecessary delay by the magistrate who im-
 38 posed them. If the magistrate who imposed conditions of release is not
 39 available, any other magistrate in the county may review such conditions.

40 ~~(8)~~ (9) A magistrate ordering the release of a person on any conditions
 41 specified in this section may at any time amend the order to impose
 42 additional or different conditions of release. If the imposition of additional
 43 or different conditions results in the detention of the person, the provi-

at any appropriate state, county or private facility, except that the magistrate shall at no time commit the person to a state psychiatric hospital other than the state security hospital if the person has been charged with a felony, unless a written statement from a qualified mental health professional, as defined in KSA 59-2946 and amendments thereto, authorizing such admission to a state psychiatric hospital has been filed with the magistrate. The magistrate shall further order that if the results of the evaluation indicate that the person may be a mentally ill person and because of such mental illness is a danger to self or others, then the person shall submit to any treatment or counseling recommended in the evaluation as a condition of release.

4-3



TO: House Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 17, 1999

RE: **Testimony on H.B. 2196, 2202, 2201**

Mr. Chairman, Members of the Committee:

For what I hope is your convenience, I have placed our statements regarding the three bills before you today on a single page.

H.B. 2196 - Driver's License Suspension for Expelled or Suspended Students

KASB has not adopted a specific position on this measure. Obviously, it does mean an additional administrative reporting requirement for school personnel. We would note that the bill says schools must notify the division of motor vehicles within three days of a student's expulsion or long-term suspension for certain serious acts. The bill is not clear whether this means within three days of the initial decision to remove a child; or after a student has appealed that decision, or after the appeal period has expired.

H.B. 2202 - Expansion of Definition of Weapons Requiring One Year Suspension

KASB has not adopted a specific position on this bill, but we do not believe the expanded definition of weapons is unreasonable.

H.B. 2201 - Concerning Juvenile Offenders

KASB supports the changes proposed in section 6, pages 11-12. We believe these changes will make it easier for school employees to comply with the reporting requirements contained in the school safety and security act. We have no objection to the other provisions of the bill.

HOUSE COMMITTEE ON EDUCATION

House Bill 2196 and House Bill 2202

Testimony of Natalie G. Haag

Counsel to the Governor

February 17, 1999

Mr. Chair and members of the committee:

Thank you for the opportunity to testify in support of the passage of House Bills 2196 and 2202. Apart from home, school is where kids spend most of their time. Every child deserves the right to feel safe in school. These bills are part of Governor Graves' safe schools initiatives aimed at safeguarding the children of Kansas from violence and illegal drugs in schools.

A driver's license is a privilege and not a right. Young people who prove they cannot live by the rules at school, should be treated accordingly. House Bill 2196 provides for the suspension of driver's license privileges for students who take a weapon or illegal drugs to school or commit an act which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, at school, on school property or at school sponsored events. Young people who have yet to reach driving age who violate these rules will receive a prospective suspension to take effect at the time they reach driving age.

The student's right to explain the circumstances of the incident are protected through the hearing process established under the expulsion/long-term suspension procedures. The driver's license suspension will not occur before the expulsion procedure is complete. The suspension will last for one year.

House Bill 2202 expands the definition of weapons for purposes of suspension and expulsion, making it consistent with the language proposed in HB 2196. Governor Graves supports a zero tolerance policy for possession of dangerous weapons at school, on school grounds or at school sponsored events. The amendments proposed in this bill will modify the weapon-free schools act to allow the expulsion or suspension of a student in possession of any bludgeon, sandclub, metal knuckles, throwing star, switch-blade or rifle at school, on school property or at school sponsored events.

On behalf of the Governor, I request your support for HB 2196 and HB 2202.



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

Mark Desetti Testimony Before
House Education Committee
Wednesday, February 17, 1999

Thank you Mr. Chairman. I am Mark Desetti and I represent Kansas NEA. I appreciate this opportunity to visit with the committee in favor of HB 2202.

KNEA supports the changes proposed in this bill, which expand the definition of weapons which should not be on school property and which should cause a 180-day expulsion.

We would like to suggest additional language as part of the bill which would, in our opinion, be a better alternative to the detaining language contained in HB 2201 which you just heard. I have attached language which we believe should be amended to this bill which would require that a child who has been expelled under the provisions of the Weapon-Free School Act have a psychological evaluation which determines the pupil presents no risk to the safety of the school. This should happen before the student returns to school if the Superintendent modifies the 180-day expulsion or before another school district accepts a pupil who has been expelled. We believe that this helps insure a safer environment for all involved in our schools.

Kansas NEA supports HB 2202 and would ask that you amend the Weapon-Free School Act even further. Thank you for your consideration of our concerns.

HOUSE EDUCATION
Attachment 7
2-17-99

K.S.A. 72-8907. REFUSAL TO ADMIT SUSPENDED OR EXPELLED PUPIL AUTHORIZED.

A pupil who has been suspended or expelled from school by any school district may be refused admission to school in any other school district, regardless of residency, until such time as the period of suspension or expulsion has expired. *In no event shall a school admit a pupil expelled pursuant to the provisions of the Weapon-Free Schools Act, K.S.A. 72-89a01 et seq., and amendments thereto, before the expiration of the period of expulsion until such time as the pupil has received a psychological evaluation which determines the pupil presents no risk to the pupil's own physical safety or to the physical safety of others.*

K.S.A. 72-89a02. POLICIES REQUIRING EXPULSION OF PUPILS FOR POSSESSION OF WEAPONS. ADOPTION, FILING; HEARINGS; REFERRAL PROCEDURE; ANNUAL REPORT; CIRCUMSTANCES WHEN POLICY NOT APPLICABLE.

...

(e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law: *Provided, however, That no pupil whose expulsion has been modified under this section shall be readmitted to school until such time as the pupil has received a psychological evaluation which determines the pupil presents no risk to the pupil's own physical safety or to the physical safety of others.* Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).

**Testimony Regarding HB2202
House Education Committee
February 17, 1999**

**Submitted by: Dr. Gary George
Assistant Superintendent of Schools
Olathe School District USD 233**

**Chairman Tanner and members of the House Education
Committee:**

**Thank you for allowing me to meet with you today regarding
HB2202 which revises the definition of a weapon and removes
the exemption of a rifle when the owner intends to use for
sporting purposes.**

**I have spoken with Mr. Walter Carter, Director of Student
Services for the Olathe School District. Mr. Carter has advised
me that in conducting suspension hearings, he has encountered
all of the items mentioned in the revised definition of a weapon.
When we have had to deal with these issues, the students have
usually been suspended and referred to one of our alternative
options. It would be most helpful to have the force of state
statute on our side in these matters. In addition, HB2202
removes the exemption of rifles when the owner intends to use
them for sporting purposes. We strongly support removing this
exemption. Rifles, shotguns, handguns, metal knuckles, switch-
blade knives, throwing stars, etc. are not needed at school.**

**We have worked very hard to create a "zero tolerance" climate in
our school district. Our parents want their children in safe
schools where weapons are not a part of everyday life.**

**Your help and support in creating a safe school climate for
students and staff would send a clear message to educators and
parents. The Olathe School District would greatly appreciate
your support of HB2202 as it is printed.**