

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 7, 2000 in Room 123-S of the Capitol.

All members were present except: Senators Emert and Oleen - Excused

Committee staff present: Avis Swartzman, Revisor of Statutes
Carolyn Rampey, Legislative Research Department
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Senator Vratil
Nancy Keith, Director of Student Services, Olathe
Cynthia Kelly, Attorney, KASB

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and admonished committee members to be on time as the committee must vacate the room by 10:00 a.m.

As Senator Brownlee was not present, she called on Senator Vratil to present his bill.

SB 433 - suspension and expulsion of pupils from school

Senator Vratil presented testimony to the committee (Attachment 1) and stated the purpose of the bill was to modify language concerning short-term suspension which is clearly inappropriate. An additional purpose was to allow lay persons to serve on a suspension and expulsion committee.

Senator Vratil continued by stating in 1999, the Legislature amended the suspension and expulsion statute to authorize a short-term suspension for up to ten school days under certain circumstances. **SB 433** would strike the word "carries" and substitute the phrase "is in possession of a weapon".

Continuing with his testimony, Senator Vratil stated in 1994 or 1995 a statute was adopted that restricts the composition of a suspension or expulsion committee only to "certificated" employees. This basically limits a committee to licensed teachers and/or administrators. The purpose of the bill is to expand the types of people a board of education might select to serve on a suspension and expulsion committee. The Senator can see no valid reason for not doing this.

Ending his testimony, Senator Vratil urged passage of the legislation.

Senator Vratil responded to several questions regarding the wording of the legislation. Several scenarios were presented to him as to what would constitute suspension and the possession of weapons.

SB 519 - suspension and expulsion of pupils from school

Senator Brownlee introduced the conferees for whom she had introduced this requested legislation.

Nancy Keith, Olathe, distributed her testimony (attachment 2) and stated the bill would allow school districts and families a more reasonable time frame to deal with short-term suspensions and would also provide minor students parental support in the appeal process.

Ms. Keith summed up her testimony by asking for consideration of the short-term suspension changes provided in the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on February 7, 2000.

Cynthia Kelley, KASB, read from her testimony (attachment 3) stating that the language in **SB 433** would bring state law back in conformity with federal law. Congress realized that "carries" was being misused. What it really intended was "in possession of a weapon". The organization also supports the provisions that would allow persons other than certificated employees to conduct formal suspension or expulsion hearings. KASB prefers the approach in **SB 519** that would simply state ten days for any type of behavior.

Several comments were made about the different aspects of both bills. In response to some comments from one of the committee, Ms. Kelley commented that it would be an optimal thing to always have adequate funding for alternative programs; every board would appreciate that, but the reality of the situation is that the board has a choice of doing a five day suspension or looking at a long term suspension or expulsion in order to do ten days. A formal procedure has to be done to do ten days now for behaviors that aren't one of three behaviors that are included in the ten days. If a board is looking at going through a formal procedure, it is rarely looking at just ten days. The board will decide on a suspension for the remainder of the semester if it is going to go through those formal procedures. In many ways the legislation will keep more kids in school than if the board does not have this authority.

Ms. Kelly also stated that the board has to balance the interests of the other students in the school system. If some students are disrupting the attempts of the other students to learn in their school environment, then something needs to be done. If there was adequate funding to provide alternative programs, she is certain most boards would choose that, but that is not the case.

Ms. Kelly clarified that **SB 433** would broaden those categories where we currently allow for a ten day suspension. This is needed. It would be preferred to adopt the approach in **SB 519** and simply allow ten days for any behavior, but at a minimum her organization agrees with Senator Vratil that the weapons provision needs to be broadened for the ten day suspension.

As there were no opponents to the bills, the Chairperson closed the hearings on **SB 519** and **SB 433** and called for debate on the bills.

One of the committee members stated that what the committee should do is what is clearly called for in **SB 433**; it is the common sense thing to do. The language contained in **SB 519** has been passed on several occasions in the past, but has always been rejected in the House. Last year a compromise was searched for and that is how we have the present language. One bill will probably go through without much difficulty, but the other bill will probably meet its usual fate.

Senator Umbarger recommended SB 433 favorably for passage. Senator Downey gave a second to the motion. The motion carried.

Gary George, Olathe School District, stated they were trying to get language into **SB 519** to deal with some of the situations they have faced in his school district.

Ms. Keith stated under current law, if a student appeals or an adult appeals, the school board must hear the appeal unless the appeal is withdrawn.

Senator Kerr moved to reconsider the committee's action on SB 433. Senator Umbarger gave a second to the motion. The motion carried.

Senator Kerr moved to amend SB 433 by adding the italicized language on page 3 of SB 519 into SB 433 and to recommend the bill favorably for passage as amended. Senator Umbarger gave a second to the motion. The motion carried.

After a few additional comments, the Chairperson adjourned the meeting.

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**TESTIMONY ON SENATE BILL 433
 TO THE SENATE EDUCATION COMMITTEE
 Senator John Vratil**

Senate Bill 433 relates to suspension or expulsion of students from school. It clarifies when a short-term suspension may be imposed for up to ten school days and expands the types of people who may serve on a suspension or expulsion committee. The purpose of Senate Bill 433, is to modify language concerning short-term suspension which is clearly inappropriate. An additional purpose is to allow lay persons to serve on a suspension and expulsion committee.

STUDENT SHORT-TERM SUSPENSION

In 1999, the Legislature amended the suspension and expulsion statute to authorize a short-term suspension for up to ten school days under certain circumstances. One of those circumstances was when a student "carries" a weapon to school. The word "carries" was borrowed from a similar federal statute. Senate Bill 433 strikes the word "carries" and substitutes the phrase "is in possession of" a weapon. Under the amended language, a student could be suspended for up to ten school days if the student was in possession of a weapon at school. This amendment is intended to avoid the absurd situation which could result under current law whereby a student who carries a weapon to school could be suspended for up to ten days, but a student who is in possession of a weapon at school could only be suspended for five days. The proposed amendment uses the same phraseology, "is in possession of," as is used in several other state statutes dealing with weapons and suspension from school.

SUSPENSION AND EXPULSION COMMITTEE

Current law restricts the composition of a suspension or expulsion committee to "certificated" employees authorized by the board of education. That statute was adopted in 1994 or 1995. It has the effect of limiting the composition of a suspension or expulsion committee only to licensed teachers and/or administrators. In other words, most of us in this room are prohibited by statute from serving on a student suspension or expulsion committee. The purpose of this amendment is to expand the types of people who a board of education might select to serve on a suspension and expulsion committee.

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Senate Education
 2-7-2000
 Attachment 1

We do not limit the types of people who can serve on juries only to those who have had training in the law. I see no valid reason to limit the types of people who can serve on a suspension or expulsion committee only to licensed professional educators. The general public has an interest in student suspension and expulsion. Members of the general public should be permitted to serve on a suspension and expulsion committee if they are selected by the board of education. My proposed amendment makes no change to current law which authorizes a board of education to appoint members of a suspension and expulsion committee.

CONCLUSION

In conclusion, I urge you to favorably consider Senate Bill 433 and advance it for consideration by the Senate.

**Olathe School District
Testimony on Senate Bill 519
February 7, 2000**

Madame Chairman and members of the committee, thank you for permitting us to address you on this important issue.

As you know, the primary focus of Senate Bill 519 is to increase the period of short-term suspension from five to ten days. Currently, a short-term suspension is limited to five days unless weapons, drugs or major violence is involved. This bill would give school administrators one additional tool to create a safe and secure school environment. Issues of theft, vandalism, repeated misbehavior; etc. would then be subject to a ten-day suspension.

In September 1999, Phi Delta Kappa/Gallup Poll asked groups about desired changes to improve public education. The answers were varied but 'discipline/more control/stricter rules' was at the top or near top for all groups identified. In a second question, when parents were asked about the biggest problems with public schools, lack of discipline and the need for more control topped the list.

The current five-day rule makes it very difficult for all parties to be well prepared for hearings. This period allows little flexibility for mail delays and arranging and holding the hearing. It is

for mail delays and arranging and holding the hearing. It is even more difficult if legal counsel is involved for the family or the school district.

The added five days may help reduce the number of long-term suspensions. Currently, if an administrator wants to suspend a student longer than five days, a hearing is required. This often results in a suspension through the semester. A ten-day suspension may be long enough particularly if coupled with interventions such as counseling.

A second focus of this bill provides clarification that an appeal from a minor must be made by the parent and that if the suspension has been served, no appeal will be heard.

In summary, Senate Bill 519 would allow school districts and families a more reasonable time frame to deal with short-term suspensions. It also provides minor students parental support in the appeal process.

As school districts strive to provide a safe environment for their students and staff, we ask you to consider the short-term suspension changes provided by Senate Bill 519.

Thank you.



TO: Senate Committee on Education
FROM: Cynthia Lutz Kelly, Attorney
DATE: February 6, 2000

RE: Testimony on S.B. 433 and 519

Madame Chair, members of the committee, thank you for the opportunity to testify, on behalf of our members, in favor of changes to the pupil suspension and expulsion act which will give boards of education the additional flexibility they need in responding to student misconduct.

Senate Bill 519 extends the permissible length of a short term suspension to 10 days for any behavior, a position our association has long supported. Last year, as part of the special education legislation, subsection (a)(2) was added to the pupil suspension and expulsion act to ensure schools would have adequate short term suspension time to complete a manifestation determination and other necessary procedures under special education law before proposing a long term suspension or expulsion. After those provisions were adopted, Congress passed an amendment to the federal discipline provisions in IDEA. The language in SB 433 would bring state law back in conformity with federal law. At a minimum, this language should be adopted, although we prefer the approach in SB 519 on this issue.

Finally, we support the provisions of SB 433 that would allow persons other than certificated employees to conduct formal suspension or expulsion hearings. This change will give boards the necessary flexibility to appoint hearing officers who understand due process requirements and feel comfortable with their duties under the pupil suspension and expulsion act.