

Approved: 3/7/01
Date

MINUTES OF THE HOUSE K-12 EDUCATION COMMITTEE.

The meeting was called to order by Vice-Chairperson Kathe Lloyd at 9:00 a.m. on February 16, 2001 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Avis Swartzman, Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Natalie Haag, Governor's Chief Counsel
Diane Gjerstad, Wichita Public Schools
Dr. Peg Dokken-Opat, Salina Public Schools
Jerry Stewart, Dir. of Special Education, Wichita
Mark Talman, Kansas Assoc. of School Boards

HB 2289 - School safety, suspension of driving privileges of pupils for commission of certain acts.

Natalie Haag appeared before the Committee as a proponent of **HB 2289**. (Attachment 1). Ms Haag pointed out the balloon that would change wording on page 4 by inserting "there are reasonable grounds to believe" between the word "whether" on line 4 and "the pupil" on line 5 and deleting "committed an act which involved the" and in it's place, add "was in". (Attachment 2).

HB 2073 - School safety violations, suspension of driving privileges.

Mark Tallman spoke in favor of both **HB 2289** and **HB 2073**. (Attachment 3).

The hearing on **HB 2289** and **HB 2073** was closed.

A motion was made by Representative Tomlinson and seconded by Representative Horst to amend **HB 2289** to include the stun gun language that was passed in **HB 2155**. The motion carried on a voice vote.

It was moved by Representative Ray and seconded by Representative Reardon to accept the amendment recommended in Natalie Haag's bill. The motion carried on a voice vote.

Representative Peterson moved and Representative Horst seconded the favorable passage as amended of **HB 2289**. The motion carried on a voice vote.

HB 2187 - School district finance, revising definition of enrollment for count of exceptional children.

Speaking as a proponent to **HB 2187** was Diane Gjerstad. (Attachment 4).

Next to speak in favor of **HB 2187** was Dr. Peg Dokken-Opat and Jerry Stewart (Attachment 5).

The meeting was adjourned at 10:10 a.m. The next meeting is scheduled for Monday, February 19, 2001.

STATE OF KANSAS

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OFFICE OF THE GOVERNOR

Before the House Education Committee
February 16, 2001

Testimony by Natalie G. Haag
Chief Legal Counsel
Director of Governmental Affairs
House Bill 2289

Chairman Tanner and members of the committee:

Thank you for the opportunity to testify in support of House Bill 2289. As many of you will recall, two years ago Governor Graves proposed the State suspend driver's license privileges for students 13 years and older who possess illegal drugs or weapons at school, upon school property, or at a school-supervised activity. Governor Graves' proposal was adopted into law. The purpose of this legislation was to encourage safe schools.

Under current law, the school administrator is required to notify the Division of Motor Vehicles when a pupil over the age of 13 has been suspended from school for possession of a weapon, controlled substance, or illegal drug at school, on school property, or at a school-sponsored activity. The school administrative hearing process provides the due process protections for the pupil. A few school districts are concerned that the school administrator's obligation to report student information to the Division of Motor Vehicles might violate the Federal Education Right to Privacy Act (FERPA). The Attorney General's office reviewed the provisions in question and found a potential violation of FERPA if a school district had a policy of disclosing protected student information.

House Bill 2289 would amend the current law to require the school administrator to contact law enforcement officers when a pupil is found in possession of a weapon, controlled substance, or illegal drug at school, on school property, or at a school-supervised activity. The law enforcement agency will investigate the matter and make a finding of probable cause regarding the allegation. Upon a finding of probable cause, the law enforcement agency will report their findings to the Division of Motor Vehicles. The Division of Motor Vehicles will notify the pupil in question that his/her driving privileges will be suspended. The student is entitled to a hearing on the issue of the appropriateness of the suspension or revocation. The hearing officer must find reasonable evidence that the pupil possessed a weapon, controlled substance, or illegal drugs at school, on school property, or at a school-supervised activity.

The amendments set forth in House Bill 2289 will ensure the State's ability to enforce current law in all school districts. These modifications have been shared with the Attorney General's office and found to address the potential FERPA conflicts raised by a few school districts. On behalf of Governor Graves, I request your support for House Bill 2289.

House Education Committee

Date: 2/16/01

Attachment # 1

1 quest for hearing within 30 days after such notice of suspension or rev-
 2 ocation, the division of vehicles shall afford the pupil an opportunity for
 3 a hearing as provided by K.S.A. 8-255, and amendments thereto, except
 4 that the scope of the hearing shall be limited to determination of whether
 5 the pupil committed an act which involved the possession of a weapon,
 6 controlled substance or illegal drug at school, upon school property, or at
 7 a school-supervised activity.

there are reasonable grounds to believe

8 (d) For the purposes of this section, the term driver's license includes,
 9 in addition to any commercial driver's license and any class A, B, C or M
 10 driver's license, any restricted license issued under K.S.A. 8-237, and
 11 amendments thereto, any instruction permit issued under K.S.A. 8-239,
 12 and amendments thereto, and any farm permit issued under K.S.A. 8-
 13 296, and amendments thereto.

was in

14 Sec. 3. K.S.A. 2000 Supp. 72-89c01 and 72-89c02 are hereby
 15 repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
 17 publication in the statute book.

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TO: House Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 15, 2001

RE: Testimony on H.B. 2073 and H.B. 2289

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify on these two measures. Both would amend the state law that requires school officials to notify the division of vehicles when a student age 13 and older has been suspended or expelled for certain serious acts. The division is then required to suspend the student's driving privileges for one year. Our concern is that schools are prohibited from providing records of student discipline under the federal Family Educational Records Privacy Act without parental permission. Therefore, schools were put in a position of potentially having to choose between violating state or federal law.

The committee introduced H.B. 2073 at our request. It simply repeals the state law in question. H.B. 2289 would retain the basic principals of current law, but require school officials to notify "the appropriate law enforcement agency" if a student is found in possession of a weapon or illegal drugs and it appears that the student has committed an act which constitutes the commission of a crime. The law enforcement agency is then charged with investigating this report and probable cause is found to believe that the reported act constituted a crime, the law enforcement agency contacts the division of motor vehicles and a similar penalty is imposed.

KASB believes that either bill would address our basic concern. School officials are already required to report criminal activity involving, weapons, drugs and violent acts to law enforcement. This does not violate the privacy of student records, because a student or educational record is not created in this case. However, there may be other issues raised by H.B. 2289 that the committee will need to consider.

We would urge you pass a bill that resolves the conflict between state and federal law in student discipline cases.

Thank you for your consideration.

House Education Committee

Date: 2/16/01

Attachment # 3



**House Education Committee
Representative Tanner, chair
H.B. 2187
Special Education Funding**

February 16, 2001

*Diane Gjerstad
Wichita Public Schools*

Mr. Chairman, members of the committee:

The school finance act embodies the funding for schools from 65 students to 49,000. The formula set out general funding principals. And from time to time the legislature finds situations so unique as to require special attention.

Today, I bring to you a special cause: the influx of special education students into the Wichita Public Schools after September 20.

The attached graph illustrated the continued influx of special education students through out the school year. These students have already been identified as needing special education serves. The students have an "individual education plan" in hand. In other words, a demand for service.

During the year 653 special education students arrive on our doors. That is equivalent to "growing" a district.

From October to April, 404 special education students arrived. Because they arrive after the September 20 count date, we do not receive the base per pupil. The district receives special education categorical aid only if a teacher or paraprofessional is hired.

After September 20 count date 404 special education students enter Wichita schools:

- 270 in-state special education students
- 132 out-of-state special education students

H.B. 2187 would permit additional count dates for special education students. Simply put districts which receive high cost, high needs students after September 20 would receive a little help.

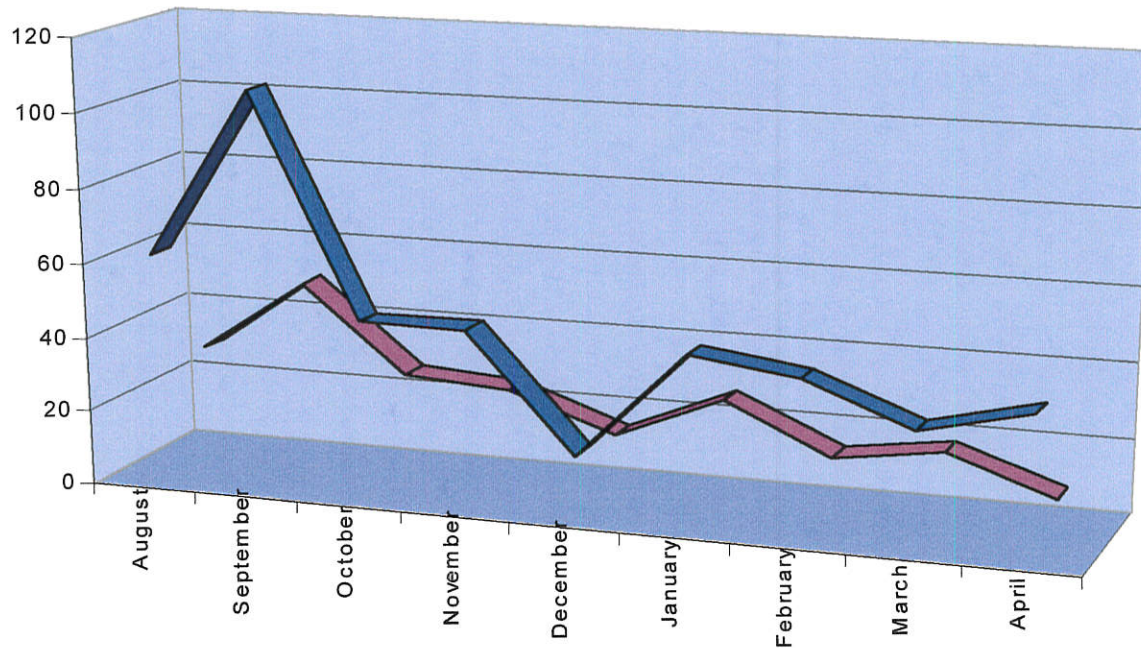
Thank you, Mr. Chairman.

House Education Committee

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Attachment # 4-1

Walk-Ins 1999-2000



	August	September	October	November	December	January	February	March	April	Totals
■ IN-STATE	62	107	48	48	17	46	42	31	38	439
■ OUT of STATE	30	50	27	25	15	27	14	18	8	214

■ IN-STATE ■ OUT of STATE

Presentation to Board of
Education Workshop on July 17,
2000

**TESTIMONY AS TO IMPACT OF SRS PRIVATIZATION OF
CHILD WELFARE ON SPECIAL EDUCATION COSTS**

**Given by Dr. Peg Dokken-Opat
Executive Director of Administration and Student Support Services
Salina Public Schools USD 305
February 16, 2001**

Foster care provides a wonderful and needed service to every community. But, at the same time, Saline County schools and community leaders have concerns about the drain on the community's resources and how children's needs are being met. I am here today to delineate only one of those concerns.

Currently, Saline County has 352 foster care beds. Approximately 15% of those students are from Saline County—the other 85% are from other counties in our state. About 80% of these foster care students need special education services. Let me share with you as to what that means to USD 305.

Year to date:

We've done

- 147 foster care new IEP's
- 4 foster care initial evaluations
- 34 foster care reevaluations
- 21 foster care functional behavior assessments
- 74 foster care behavior intervention plans

These services, plus Behavior Disorder staffing expenditures only, have cost our district approximately ½ million dollars (School Planning and Management, January 2001) to date.

Most of our special education numbers are transfers in and out. Our starting and ending numbers do not substantially fluctuate. Although our district would not benefit from HB 2187 as significantly as Wichita Public Schools, the additional dollars we would receive could be used to hire additional staff to handle our severe increase in special education demands.

Again, I'm not here today to discuss our frustration and concerns about privatization, however, if anyone would like to know more about the appalling effects privatization is having on our children, schools, and community and the suggested recommendations from the Salina Interagency Coalition on foster care, please contact me at (785) 826-4721.

House Education Committee

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Attachment # 5