

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on January 27 in Room 313-S of the Capitol.

All members were present except:

Representative Bill Reardon- excused
Representative Patrica Barbieri-Lightner- excused
Representative Tom Holland- excused
Representative Valdenia Winn- excused
Representative Dan Williams - excused

Committee staff present:

Carolyn Rampey Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the Committee:

Dale Dennis - Deputy Commissioner State Board of Education

HB 2558 - concerning charter schools; relating to the establishment thereof.

The Chair introduced Dale Dennis who explained **HB 2558**. He asked that the date on line 11, page 3 be changed from April 1 to April 15.

The hearing on **HB 2558** was closed.

A sub-Committee was appointed by the Chair to look into the present charter school laws and give an over-view of what charter schools are doing now. This would be a vehicle for any changes that needed to be made. Named to the sub-Committee were: Representative DeCastro, Chair; Representative Hutchins and Representative Holland.

Representative Yonally made a request that the Committee introduce a bill that dealt with the definition of at risk students.

It was moved by Representative Storm and seconded by Representative Horst that this be introduced as a Committee bill. The motion passed on a voice vote.

HB 2504 - concerning school districts; relating to residency.

Copies of supplemental testimony on **HB 2504**: School District Residency Issues were provided by Stuart J. Little of Little Government Relations. (Attachment 1).

The meeting was adjourned at 9:15. No date was set for the next Committee meeting.

STUART J. LITTLE, Ph.D.
Little Government Relations

January 26, 2004

Supplemental Testimony on HB 2504: School District Residency Issues

Madame Chair and Members of the Committee,

On behalf of the Shawnee Mission School District #512, I wanted to follow up on my testimony of Thursday, January 22, 2004 and provide supplemental information in support of HB 2504. Representative Storm and other members of the committee requested some specific case studies of residency issues we have faced necessitating our request for HB 2504 which would limit the too liberal law allowing students to claim residency.

Attached you will find six case studies from just two Shawnee Mission high schools and I believe these examples answer your questions regarding the need for this legislation. The examples include:

- A district resident who repeatedly allowed out-of-district students the use of his address and appeared at school as a family member. This was done at least three times.
- A mother and daughter fraudulently argue the daughter is residing with a "sister" in the district. When both the mother and the daughter are arrested at school, we learn the "sister" is not a family member.
- An out-of-state student falsely claims residency with a non-family member to avoid out-of-state tuition. This issue addresses Representative Phelp's question regarding the type of tuition avoidance issues raised in testimony.
- Numerous accounts of students caught falsifying residency, especially when disciplinary and attendance issues arise.

You will also find attached a sample of the current residency provider form.

Finally, I wanted to address the issue of wartime family disruption and the speculative issue of the children of men and women in the armed forces who may be serving away from home. The Kansas National Guard's Judge Adjutant General's office reports that every service soldier without a spouse, parent with custody rights, or legal guardian at home must annually complete a Department of Defense form designating a guardian or power of attorney for all minor children before leaving home.

I appreciate the opportunity to provide some additional information, welcome your questions, and future consideration of HB 2504.

Supplemental Testimony on HB 2504: School District Residency Issue:

**Shawnee Mission School District #512
Selected Case Situations Regarding Abuse of the Provider Form Provision**

Shawnee Mission West High School

Introduction: The abuse of the provider form in our school district has grown considerably over the past 4 years. The cases that I'm about to share with you are an example of what we are seeing at all levels. Speaking about our building alone, most of the providers themselves are not fulfilling the requirement of supervision and child advocacy. In many cases the provider is another family member living in another community and because of either trouble with the law, family crisis, or student problems, they opt to use the provider provision to seek alternative opportunities. A good portion of the time, the families are lying or creating stories that often times don't come to the surface until the child is in trouble and notification of the provider becomes impossible. In addition, we're also working with more and more families who lack financial resources to pay for fees, or they fail to bring appropriate immunization records, or they have no past school records which makes placement in classes difficult.

Case #1

This case involves a family who came to our school with their son, claiming they were having family and financial problems in [REDACTED]. They wanted him to live with his uncle who happened to reside in our attendance area. The uncle supplied appropriate documentation required, proving residency (phone bill, heating bill, gas bill – proof of identification of the address) in our school district. There were no school records, but there were immunization records. We asked the student if he had had any discipline problems in school, to which he stated they were all minor. Upon calling his former school, we got a completely different story. The problems were so bad that the school was considering expulsion. (This might not sound bad to this point, but read on, it gets better)

A couple of weeks later another family came into our school with their son, making similar claims to the family above. They brought with them another family member who lived in our attendance area. This family, supposedly family member, provided documentation that supported the claim that they resided in our attendance area. Unknown to us at the time, the address that was given was the exact same address of the uncle described in the first paragraph.

Both students became huge discipline problems, eventually leading the second one to expulsion. We later believe that this uncle and other family members were basically

unrelated. We believe the uncle and the other person (who claimed they were a family member at the same address) were simply lying to provide an opportunity for both families to place their children in their home for a price. Please understand we were never able to prove our theory; eventually they moved from our attendance area and so did the kids. The first student we now know is in jail.

Ironic as it is, the uncle returned again, living at another address (also inside our district) with another family. This family made the same claims as before. We denied their entrance into our school. I later informed this uncle and the other person living with him that I would no longer recognize them as legitimate providers.

Case #2

This second case involves a single parent who brought their son in with his grandmother. The single parent claimed that she could no longer provide for her son and wanted him to live with his grandmother who resided in our attendance area. Again everything checked out on residence, except that the kid never stayed with the grandmother. He drove to and from school everyday from [REDACTED]. The basic thing going in this case is that the parent did not want their child in the [REDACTED] school system and she didn't want to have to pay any out-of-district tuition for him to attend school in the Shawnee Mission School District. To avoid paying tuition they lied. I have to tell you we are seeing more and more students coming from [REDACTED] and [REDACTED] [REDACTED] schools who just don't want their kids to attend school in either district. So they find a family member (or lie that even an acquaintance is a family member) that lives here, they use their address, avoid tuition, and come to school in SM. In a lot of these cases, like this one, the family member is a front from where they are really living. A majority of these kids never spend a night in the home but return daily to their [REDACTED] address.

Case #3

In this case a single parent brings her two daughters in with the parent's sister. She claims that she and her two daughters are going to live with her sister at the same residence, except the mother really doesn't stay in the residence and lives where she was always living. The so-called sister is not the sister. Both girls were major problems, one day initiating a fight in our Times Square area that might have been one of the most violent attacks I've seen in a long time (reviewed from our videotaped camera). To make the matter worse, their mother was present at the time. When the attack started the mother is seen in the videotape letting her daughter pound away on this innocent student. Charges were filed on the student and charges were pending on the mother. The parent was told

that her provider form was being rescinded and that the girls could not attend school at SMW. Charges were filed on the girls and were pending on the mother when they disappeared from the area overnight.

Conclusion: This is only a snapshot of the kinds of cases we have encountered with students who come to SMW with providers. These are not the worst cases. We had a student last year on a provider who located here from [REDACTED] because she had witnessed a murder (needless to say that caused a few concerns). Some use providers to escape prosecution from where they lived before. Almost all of the cases never get fully revealed until after things begin to happen. Investigating past history, gathering appropriate documents, and finding school records adds to the problem. The abuse and issues continue to grow and the stories are so varied that a writer certainly wouldn't have much trouble gathering enough information for a novel.

Shawnee Mission North High School

All scenarios listed below are actual accounts of people using the residence provider form to attend Shawnee Mission North High School. The residence provider form was filled out by a legal guardian and by a person who lives in the North attendance area.

Scenario 1

A student at Shawnee Mission North was bragging to her friends at practice one night about how she lived in [REDACTED] but was using a residence provider form to attend Shawnee Mission North. This information was reported to the Shawnee Mission North administration by a parent of a student who had heard the student sharing this information at practice. Once this information was reported to Shawnee Mission North administration, the student who stated she lived in [REDACTED] was called in and questioned about her residence. When the student was questioned about where she lived, the student reported the address of the residence provider. The Shawnee Mission North administration continued their investigation by sending a letter requesting proof of residency to the student's legal guardian. A few days later, the student withdrew from Shawnee Mission North High School.

Scenario 2

A student was attending Shawnee Mission North High School on a residence provider form. A friend of this student and her family were allegedly allowing the student to live with them. The student and the friend began to have difficulties and their relationship ended. The family that was allegedly providing the residence for the student informed the Shawnee Mission North administration that the student did not live with them and, in fact, lived in [REDACTED]. The student's legal guardian was notified and the student

withdrew from Shawnee Mission North High School.

Scenario 3

Two students from the same family were attending Shawnee Mission North on a residence provider form. The person who was serving as the residence provider for the two students was a friend of the family. One of the students began to have attendance and behavior problems. The residence provider began being contacted on a regular basis about these problems. As a result of this, the residence provider informed school officials that the two students lived in [REDACTED] and weren't living with them. Once the Shawnee Mission North administration verified this information, the legal guardian of these two students was contacted and the students withdrew from Shawnee Mission North High School.

1.5

STUDENT ADMISSIONS TO/WITHDRAWALS FROM SCHOOL
REQUEST FOR SHAWNEE MISSION RESIDENCE STATUS
PARENT CONSENT

I, _____, being first duly sworn on my
oath that I am the parent (or have been granted custody by a court of competent jurisdiction) of

Type or Print Name of Student

and that I give my consent for him/her to live on a full-time basis with

Type or Print Name

whose address is _____
for the purpose of gaining admission to and enrollment in the Shawnee Mission School District,
pursuant to Board of Education Policy JF.

I also state that I will notify the security staffing officer of the Shawnee Mission School
District if at anytime I withdraw my consent and/or if the student moves from the above address
anytime during the current school year.

Signature of Parent

Address

Date of Signature

City

State

Zip

Home Telephone

Work Telephone

THIS STATEMENT MUST BE NOTARIZED.

Subscribed and sworn to, before me, this _____ day
of _____ 19__.

SEAL

Notary Public

Exhibit #2

Adopted: 8-11-97

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