

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 A.M. on March 14, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Benjamin Hodge- absent

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Senator Vicky Schmidt
Bruce Andrews

SB 129 - School safety violations; suspension of driving privileges.

Senator Vicky Schmidt spoke to Committee members in support of **SB 129**. (Attachment #1)

Bruce Andrews spoke to Committee members as a proponent of **SB 129** and told of an incident which occurred with a family member and events which followed. (Attachment #2)

The hearing was then closed on **SB 129**.

SB 69: School finance; cost of living and declining enrollment weightings; LOB requirements.

The Chairman advised Committee members that discussion on Representative Horst's amendment for **SB 69** would continue from the previous day.

As the Chair was in doubt of the voice vote, the Chair requested a show of hands to vote on the pending amendment for SB 69. By a show of hands, the motion carried with 10 yes and 9 no.

Representative Horst moved to pass out SB 69 favorably as amended and was seconded by Representative Phelps. The motion carried on a voice vote.

HB 2422 - Kansas state schools for the blind and the deaf, rates of compensation for teachers.

Representative Faber made the motion to base the Kansas state schools for the blind and deaf teachers' compensation on the previous years as the Olathe's teachers salary scale. Representative Horst seconded the motion.

After a brief discussion among Committee members, Representative Faber moved to pass out HB2422 favorably as amended. The motion was seconded by Representative Rhoades. The motion carried on a voice vote.

The meeting adjourned at 9:30 AM. The next meeting is scheduled for Thursday, March 15, 2007.

VICKI SCHMIDT
 SENATOR, 20TH DISTRICT
 (785) 296-7374



SENATE CHAMBER

COMMITTEE ASSIGNMENTS
 CHAIRMAN: JT. COMMITTEE ON ADMINISTRATIVE
 RULES AND REGULATIONS
 VICE-CHAIR: PUBLIC HEALTH AND WELFARE
 MEMBER: CAPITOL AREA PLAZA AUTHORITY
 FINANCIAL INSTITUTIONS AND
 INSURANCE
 HEALTH CARE STRATEGIES
 JT. COMMITTEE ON INFORMATION
 TECHNOLOGY
 STATE ADVISORY COUNCIL ON AGING
 TRANSPORTATION
 WAYS AND MEANS

House Education Committee
 March 14, 2007

Testimony in Support of Senate Bill 129

Good afternoon Chairman Aurand and Members of the Committee. I am here today to testify in support of Senate Bill 129 as amended in the Senate Education committee and passed out of the Senate on a vote of 40 - 0.

Early in the fall I was contacted by one of my constituents about an issue regarding the delayed reporting of an incident by local school officials. The student had been found guilty of a school safety violation. The student enrolled in an alternative school for the remainder of the school year. After this year the student returned to the public school environment, only to receive notification that his driver's license would be suspended for a year. The notification to the driver's license division had not been sent until approximately nine months after the incident. The current law requires the notification to occur within 3 days, but the current law does not allow for due process if this notification is delayed. The student could only appeal the original infraction, which was not disputed.

This bill changes the notification requirements for committing a school safety violation. Specifically, a school's chief administrative officer would be required to notify the appropriate law enforcement agency of the expulsion or suspension within ten days. Following receipt of this notice, the law enforcement agency would be required to notify the Division of Motor Vehicles of the Kansas Department of Revenue. The Division of Motor Vehicles would be required to immediately suspend the student's driver's license or privilege to operate a motor vehicle for one year.

My appreciation is extended to the National Education Association and to Donna Whiteman with the Kansas Association of School Boards for their assistance in making this a much better bill than the original.

Thank you for the opportunity to appear before you this afternoon. I would be happy to address any questions that Committee Members may have.

Senate Education Committee
Senate Bill 129

Committee Members,

I want to thank each of you for the opportunity to provide testimony on behalf of the Andrews family. My name is Bruce Andrews and I want to give you all a timeline of how SB 129 is before you for review.

This is the Andrews family experience:

September 19th, 2005 – our son Scott was involved in an incident on campus at Topeka West High School

September 28th, 2005 – A ten day suspension occurred and a hearing held at TWHS with Administrative staff

October 19th, 2005 – Hearing held at Topeka Public schools Administrative Center.

October 29th, 2005 – Topeka Public Schools, Board of Education voted to sustain the suspension from school of 136 days.

Our son enrolled in a program sponsored by USD 501, Second Chance and maintained his education credits to stay on line to graduate with his 2006-07 class.

January 17th, 2006 – Scott Andrews assigned to Court Services, Third District, and State of Kansas concerning incident at TWHS.

February 10th, 2006 – Order of Probation

Our family felt we were turning the corner with our son in making a bad choice into a learning experience. We felt a positive step in his life was occurring and that he was being held responsible for his incident. We had applied with USD #501 for our son to attend Topeka High School and were accepted for the 2006-07 school year. Our son was paying restitution and performing Community Service hours. Scott was also looking forward to his second season as a lifeguard with Parks and Recreation of Topeka. As parents we felt very good about the direction our son was choosing to follow to get his life in order.

June 23rd, 2006, received a letter Department of Revenue, Division of Vehicles stating June 22nd, 2006 – June 22nd, 2007 suspension of driving privileges. Agency, USD 501, Campus Police.

As parents we were completely caught off guard and felt a mistake had been made. We had been involved with the court system since January and no mention of losing driving privileges; we had worked with USD 501 and no mention of losing driving privileges. We were disappointed as another issue was affecting our lives and especially the life of our son as we felt we were moving in a positive direction. We contacted the KDOR, DOV who referred us to USD 501 Security. USD 501 Security was contacted and we were told by State Law the incident had to be reported. We were informed that the USD 501 Student Handbook stated the requirements of Chapter 119 Section 2 of the 2001

House Education Committee

Date: 3-14-07

Attachment # 2

session Law of Kansas (amending KSA 72-89c02 etc.) Director of Security Services or his/her designee will forward information to KDOR, DOV, within 3 school days of the incident. This information was turned into the KDOR, DOV towards the end of May 2006. We were not able to get a copy of the form from either KDOR or USD 501 Security on exactly what day the form was sent and received by the KDOR.

July 7th, 2006 – appealed the suspension with KDOR, DOV, concerning the timing of this incident.

July 12th, 2006 – DOV Hearing was held

July 17th, 2006 – our son Scott completed all terms of his probation

July 27th, 2006 – Hearing and suspension of driving privileges upheld. Scope of Hearing was to review if individual was involved or not.

August 28th, 2006 – Kansas District Court, Petition for Review filed

October 24th, 2006 – DOV responded to review petition filed against suspension of license and timing requirements

January 31st, 2007 – Hearing Senate Education Committee

March 7th, 2007 – Shawnee County District Judge Andrews ruled in favor of KDOR, DOV concerning the timing issue of incident. Suspension of driving privileges upheld until June 22nd, 2007.

We have not allowed our son to drive as his license is suspended. We as parents are extremely disappointed in the accountability of USD 501 their Security and Administrative staff in working with our family to move forward in working to make a bad choice into a positive situation. We were also disappointed with the KDOR and KDV as the appeal process and hearing officer did not seem to be interested in information other than if our son was involved in the incident at TWHS or not. As parents we are held accountable, our support systems as parents include the education system which also must be accountable and work hard to be fair and accurate for all students. We cannot imagine the impact on an individual if an incident similar to ours where suspension of driving privileges for one year would be left unreported for more than one, two or three years. Would the State of Kansas allow this to occur? Our hope is that we may not be able to turn this Law around for our son but if we can save a young person and their family confusion/disappointment in the future we have made a good choice.

We will always follow our laws and systems to support our son. We have always taught our children to make good choices, be positive and think of how your actions will affect not only you but those around you. Please review SB 129 and make a positive change for the families of Kansas who support their children in times of need.

Thank you for the opportunity to provide testimony concerning our experience. We also want to give special thanks to Senator Vicki Schmidt for listening, caring and understanding what we feel is right.

Bruce Andrews
3532 SW Wood Valley Terrace
Topeka, Kansas 66614-3549

D

WRITTEN DETERMINATION OF

PROPOSED EXTENDED-TERM SUSPENSION (11-90 school days)

OR

PROPOSED EXPULSION (91-186 school days)

On the 18th day of September, 2005 at 1:00 p.m., at Topeka West High School (Place of hearing) school a hearing was held before the undersigned on the (PROPOSED EXTENDED TERM SUSPENSION) (PROPOSED EXPULSION) of 136 days for Andrews Scott C a student at Topeka West High School School (Student's name) Middle Initial

REPORT OF FINDINGS AND RESULT OF HEARING in accordance with the Kansas Statutes and the specific rules and regulations of the Board of Education of USD 501. On the basis of the evidence, the undersigned made the following findings and determination. (Make findings on each charge, setting out the names of the witnesses and a brief statement of the evidence in support of each finding. Also make a determination as to whether extended term suspension or expulsion should or should not be imposed against student. Make a determination as to the length of suspension or expulsion including beginning and ending dates). Use additional sheet(s) if needed.

See attached sheets.

The undersigned further finds: (If extended term suspension or expulsion is to be imposed, make one or the other of the two following findings):

- That the return to classes by such student, pending any appeal, or during the period allowed for notice of appeal, is not reasonably anticipated to cause continuing, repeated, material disorder; disruption or interference with the operation of any public school; or substantial and material infringement upon or invasion of the rights of others, and that such student may return to his regular classes until the period for filing a notice of appeal has expired with no such appeal filed, or until the determination of any such appeal (if a notice of appeal is filed).
That suspension or expulsion shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired.

Dated this 19th day of September, 2005.

(Signed) M.L. [Signature] (Authorized hearing officer) 8:30 A.M. (Time)

Written notice of this extended term suspension or expulsion was given by delivering copies of the report to the student and his parent(s) or guardian(s) personally and/or by the United States mail on this 19 day of September, 2005 (within 24 hours after date of report).

M.L. [Signature] (Authorized hearing officer) Assar Principal (Title)

RIGHT OF APPEAL: Students 18 years of age or older or parents or guardians of students younger than 18 years, may appeal the extended term suspension or expulsion to the Board of Education of U SD 501, by filing a written notice of appeal with the Clerk of the Board at 624 SW 24th Street, Topeka, Kansas, not later than ten (10) calendar days after receiving written notice of extended term suspension or expulsion.

STUDENTS ARE NOT ALLOWED ON SCHOOL GROUNDS OR AT A USD 501 SPONSORED ACTIVITY DURING THEIR SUSPENSION.

DIRECTIONS AND DISTRIBUTION OF COPIES: Type form or complete using a ballpoint pen and pressing firmly. Distribute copies as indicated: ORIGINAL-Principal; GREEN-Superintendent; CANARY-Pupil; PINK-parent or guardian; GOLDENROD-Authorized representative.

X PLEASE REPORT TO ROOM 104 - COURT SERVICES

J.O. COURT ACTION WORKSHEET

JUDGE: Pro Tem ossmann, DIVISION: 5, DATE: 1-17-06, TIME: 9:16

RESPONDENT: Andrews, Scott, C. IN PERSON X ABSENT

CASE # (S) 05 JV 884

APPEARANCES: STATE: M. Brazzel ATTY: Rosell RETAINED OR APPOINTED

PARENT/GUARDIAN Mother & Father OTHER FAMILY/FRIENDS

CSO STAFF MLP IJA SRS/KCSL/OTHER PRO'S.

TYPE OF HEARING: DOCKET X SENTENCING REVIEW ROV

ALLEGATIONS/ CHARGES:	AMENDMENT:	FINDING CODES
CT. 1 <u>Battery</u>		<u>M</u>
CT. 2		
CT. 3		
CT. 4		

HEARING RESULTS:

GUILTY: NO CONTEST: X PLEA NEGOTIATIONS:
PLEAD TO: As charged - could have been a felony but DA
CONTINUED FOR: DATE:

PRE SENTENCE ORDERS:

PRE SENTENCE INVESTIGATION: ORDERED: PSI WAIVED: X Good kid
SET FOR: (DATE): (TIME): DIVISION: will remove
INTERIM SUPERVISION ORDERED HOUSE ARREST ORDERED
INTERIM LOCATION: HOME: JDC: FOSTER CARE PLACEMENT:
OTHER PLACEMENT: (ADDRESS)

SENTENCING ORDERS:

SUPERVISED PROBATION: X UNSUPERVISED PROBATION: UNTIL:

COURT ORDERED SPECIAL CONDITIONS:

EMPLOYMENT: X, GED: DRUG/ALCOHOL EVAL. AND/OR TX. RANDOM UA'S:
NA/AA MEETINGS: COUNSELING DNA PSYCH. EVAL:
MEDIATION (TYPE): EXTEND JURISDICTION TO AGE:

→ APOLOGY LETTER TO: 3 VICTIMS, NO CONTACT WITH:
ADDITIONAL COMMUNITY SERVICE WORK (CSW): # OF HOURS:
48 HOUR SANCTION HOUSE APPROVED: OTHER:

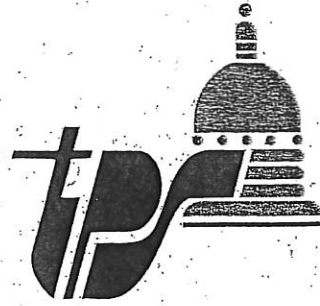
COST AND FEES ASSESSED:

COURT COSTS: 25.00 ATTORNEY FEES: Retained PROBATION FEES: 25.00
SURCHARGE: 3.00 KBI LAB FEE: RESTITUTION:
FINE: 100.00 OTHER:

ASSESSED TO: Respondent CSW APPROVED FOR: No one allowed

★ ASSIGN CSO FOR: SUPERVISION X PSI CSO ASSIGNED he must pay

NOTES: Shot a pellet gun at car and people -
but - pellets were plastic - no one hurt
Fall at remove !!!



October 21, 2005

Parents of Scott Andrews
Scott Andrews
3532 SW Woodyalley Terrace
Topeka, Kansas 66614

Re: Board of Education Decision

Dear Bruce and Laurie Andrews:

The Topeka Public Schools Board of Education met during its regular meeting on Thursday, October 20, 2005, at 6:30 p.m. to decide whether or not Scott Andrews should be expelled from Topeka West for breaking of school rules, possession or use of a weapon (Board definition), and violent act against student.

The Topeka Public Schools Board of Education took the action to sustain the proposed action.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vicki L. Vossler', is written over the typed name.

Vicki L. Vossler
Board of Education Appointed Hearing Officer

DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
JUVENILE DIVISION 10

PAM
STATE OF KANSAS
Plaintiff

Case Number: 05JV884

vs

ANDREWS, Scott Charles
Defendant

ORDER OF PROBATION

In accordance with the authority conferred by the State of Kansas, you have been placed on probation this date, 01/17/06 for a period of six months by the Honorable Daniel L Mitchell, District Judge.

IT IS THE ORDER OF THE COURT THAT YOU WILL COMPLY WITH THE FOLLOWING STANDARD CONDITIONS OF PROBATION.

- 1) You will not violate any law (federal, state, or local).
- 2) You will notify your probation officer, the next working day, if questioned or arrested by a law enforcement officer. You will not act as an informant for any law enforcement agency without first discussing the situation with your probation officer.
- 3) You will not have contact with victims, witnesses, or co-defendant(s), in this or any other cases.
- 4) You will attend school everyday, obey all rules, and participate in a manner which will result in graduation. Any suspension will result in house arrest. If you are convicted of a felony, the school will be notified.
- 5) If not enrolled in school, you will attend any education and/or training approved by the probation officer.
- 6) You will seek and maintain employment and provide proof of such unless you are under age or the probation officer determines it will interfere with educational or treatment needs. You will advise your employer of your probation status.
- 7) You will notify your probation officer by the next working day if you change or lose your job and report your progress in seeking a new job.
- 8) You will keep your probation officer informed, and provide proof, of your current address and notify your probation officer before making any changes in your address.
- 9) You will not own, possess, purchase, receive, sell, or transport any firearms, ammunition, explosive devices, or any dangerous weapons as defined by state or municipal laws or ordinances.
- 10) You will not leave Shawnee County, Kansas, without permission of your probation officer.
- 11) You will provide your probation officer with full and truthful information at all times.
- 12) You will report as directed, follow the probation officer's instructions, and permit home and school visits at reasonable times. It is your responsibility to contact your probation officer prior to a scheduled appointment if you are ill or unable to appear.
- 13) You will not consume alcohol, cereal malt beverages, or illegal drugs and you will not associate with persons or places where alcohol, cereal malt beverages, or illegal drugs are sold or consumed.
- 14) You will submit to a breath, blood, or urine test upon the request of a probation officer, or any other law enforcement officer, at any time during the term of your probation and pay the cost of the test.

STATE OF KANSAS
Kathleen Sebelius, Governor



DEPARTMENT OF REVENUE
Joan Wagnon, Secretary

Driver Control Bureau
Docking State Office Building
915 SW Harrison St. - Rm 100
PO Box 12021
Topeka, KS 66612-2021

Telephone: (785) 296-3671
FAX: (785) 296-6851
Hearing Impaired TTY: (785) 296-3613
Web Site: www.ksrevenue.org/dmv

Division of Vehicles

June 22, 2006

SUSPENSION NOTICE (SCHOOL SAFETY)
(K.S.A. 72-89C02)

ANDREWS SCOTT CHARLES
3532 SW WOODVALLEY
TERRACE
TOPEKA KS 66614

DRIVER LICENSE NUMBER: K01622946
DATE OF BIRTH: 07/31/1988

YOUR DRIVING PRIVILEGES HAVE BEEN SUSPENDED FOR ONE YEAR FOR AN ACT RELATED TO SCHOOL SAFETY AS DOCUMENTED IN A NOTICE RECEIVED FROM THE LAW ENFORCEMENT AGENCY SHOWN BELOW:

SUSPENSION: FROM 06/22/2006 TO 06/22/2007

LAW ENFORCEMENT AGENCY: USD 501 CAMPUS POLICE DEPT

YOUR FULL DRIVING PRIVILEGES WILL BE REINSTATED AT THE END OF THIS SUSPENSION PERIOD WITHOUT FURTHER ACTION NEEDED ON YOUR PART PROVIDED THERE ARE NO OTHER ACTIONS AGAINST YOUR DRIVING PRIVILEGES IN THIS OR ANY OTHER STATE. IT IS A CLASS B NON PERSON MISDEMEANOR TO SHOW OR DISPLAY A REGULAR DRIVER'S LICENSE WHILE SUSPENDED.

YOU HAVE A RIGHT TO AN ADMINISTRATIVE HEARING REGARDING THIS ISSUE. REQUESTS MUST BE IN WRITING AND BE POSTMARKED OR DELIVERED TO DRIVER CONTROL (ATTN: ADMINISTRATIVE HEARING SECTION) WITHIN 30 DAYS OF THE DATE ON THIS LETTER.

IF YOUR ADDRESS IS DIFFERENT FROM THAT SHOWN ABOVE, YOU NEED TO INFORM US OF THE CHANGE IN WRITING PER K.S.A.8-248. YOU CAN CHANGE YOUR ADDRESS ON THE INTERNET, BY MAIL OR FAX, OR BY GOING TO ANY DRIVER'S LICENSE EXAMINING STATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcy J Ralston".

Marcy J Ralston
Chief, Driver Control Bureau

DC73A RVDCTNK

2-8

STATE OF KANSAS
Kathleen Sebelius, Governor

Driver Control Bureau
Docking State Office Building
915 SW Harrison St. - Rm 100
PO Box 12021
Topeka, KS 66612-2021



DEPARTMENT OF REVENUE
Joan Wagnon, Secretary

Telephone: (785) 296-6911
FAX: (785) 296-0275
Hearing Impaired TTY: (785) 296-3613
Web Site: www.ksrevenue.org/dmv

Division of Vehicles

July 7, 2006

ANDREWS SCOTT CHARLES
3532 SW WOODVALLEY TERRACE
TOPEKA, KS 66614

DOB: 07/31/1988
DL#: K01622946

NOTICE OF HEARING

A representative from the Division of Vehicles will conduct an administrative hearing at the **KANSAS DEPARTMENT OF REVENUE, DRIVER CONTROL, 1ST FLOOR, DOCKING STATE OFFICE BUILDING, 915 SW HARRISON, TOPEKA, KS**, at **07/12/2006 11:10 AM** regarding the suspension or revocation due to:

DRIVER'S LICENSE FOR BEING SUSPENDED OR EXPELLED FROM SCHOOL

Failure to attend the above scheduled hearing will result in suspension, restriction, suspension then restriction, or revocation of your driving privileges as applicable. Requests for continuances may be granted on a very limited basis if received by Driver Control Bureau, Administrative Hearing Section in writing by mail or fax. Requests should be sent as soon as a conflict is known and at least seven days prior to the hearing date.

If you need an interpreter at the hearing, please contact the Administrative Hearing Section in writing, by mail or fax, at least seven days prior to the hearing date. You must also indicate what type of interpreter you will need, (Spanish, Asian, sign language, etc.). We will arrange to have ~~an interpreter attend the hearing to assist you with the translation of the hearing procedures.~~

Pursuant to K.S.A. 8-259, all orders issued at the hearing may be appealed to district court within 10 days after the effective date of the order.

Cindie L. Hysten

Cindie L. Hysten
By direction

KANSAS DISTRICT COURT COURT SERVICES

July 10, 2006

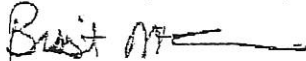
Bruce Andrews
3532 SW Woodvalley Terrace
Topeka, KS 66614

RE: Scott Androw
Case # 05JV884

Dear Mr. Andrews:

This letter is to inform you that Scott will successfully complete probation on 7-17-06.

Respectfully Submitted



Brist McConico
Court Services Officer I

KANSAS DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

HEARING ORDER
(Non-alcohol/drug issue)

Licensee's name: Andrew Scott

Occurrence date: 6-29-06

DL number: K01622946

A representative of the Director, Division of Vehicles of the Kansas Department of Revenue conducted an administrative hearing at the request of the named respondent/licensee. Appearances were made by:

- No appearances
- Respondent
- Attorney: Russell
- Other: _____

ADMINISTRATIVE ORDER

- ISSUE REGARDING:
- Accident or traffic stop with no insurance
 - Insurance lapse
 - Cancellation of driving privileges for medical reasons
 - Other: _____

DISMISSED: The hearing officer hereby dismisses the administrative action to suspend, restrict, cancel or revoke the respondent's driving privileges.

Comments: _____

AFFIRMED: The hearing officer hereby affirms the administrative action to suspend, restrict, cancel or revoke the respondent's driving privileges based upon the following findings:

____ Respondent failed to show satisfactory proof that he/she had liability insurance at the time of the accident (K.S.A. 40-3104) or traffic stop (K.S.A. 40-3118).

____ Respondent failed to show satisfactory proof that he/she had continuous liability insurance required by K.S.A. 40-3118.

Other: According to the Statute, K.S.A. 72-2202 (c) the scope of the hearing is limited to determining whether there was reasonable grounds to believe the subject was in possession of a weapon, controlled substance
Upon receipt of this order, the Division of Vehicles will start or re-start the suspension, restriction, cancellation or revocation of the respondent's driving privileges as appropriate. An order will be mailed to the most recent address for the respondent in the Division's records setting out the action taken on the respondent's driving privileges. If you have any questions regarding this order or your driving record, you can call a Driver Control customer representative at (785) 296-3671 for assistance.

Pursuant to K.S.A. 8-259, respondent has thirty (30) days from this order date to file a petition for review with the district court and serve a copy of the petition upon the Secretary of Revenue.

A copy of this order was personally served upon respondent or respondent's attorney;

A copy of this order was mailed to respondent and to respondent's attorney.

Comments: Russell was in a car with other people in the car... Police searched the car... 7/19/06... school parking lot

Signature of Hearing Officer: [Signature]

Hearing Order date: 7/27/06