

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on February 19, 2007, in Room 123-S of the Capitol.

Committee members absent: Pat Apple

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Senator Phil Journey
Mark Desetti, Kansas National Education Association
Kathy Cook, Kansas Families United for Public Education

SB 143 – School districts; procedure to adopt local option budget

Theresa Kiernan, Revisor of Statutes Office, noted that **SB 143** was introduced by the Committee at the request of Senator Vratil and that it rewrites the LOB provision in an easier to understand version. She went on to outline the provisions as shown in her handout. She explained that the key difference between **SB 143** and a bill last year was that the under-the-average spending provision is not repealed. (Attachment 1)

Senator Vratil clarified that the intent of **SB 143** was to simplify the statutes pertaining to LOBs without making any changes to the existing law. He commented, “Apparently a change was made to the substantive law in that this bill eliminates the mandatory election to increase a LOB from 30 to 31 percent. It was not my intention that that be in the bill.”

Mark Tallman, Kansas Association of School Boards, testified in support of **SB 143**. (Attachment 2)

There being no others wishing to testify, the hearing on **SB 143** was closed.

SB 280 – Schools; corporal punishment; civil and criminal immunity

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 280** would provide civil and criminal immunity to school districts and its officers and employees when they impose corporal punishment if they impose it in accordance with the provisions of the act. The bill requires school districts which choose to impose corporal punishment to adopt a policy authorizing corporal punishment. The list of requirements to be included in the policy includes the following: the cause for imposing punishment, corporal punishment would not be the first form of discipline unless it was in response to behavior that was shocking to the conscience, a written explanation as to why the punishment was imposed and who was present when the corporal punish was imposed, it could only be imposed by a principal or a teacher or another administrator employed by the district, parental consent is required and is to be reviewed annually, the school district is authorized to adopt restrictions in addition to those in the act, the district must give written notice of its policy to parents, officers, and employees of the district. There also is a provision under which parents could revoke their permission for the imposition of corporal punishment against their child.

Senator Phil Journey, who requested the introduction of **SP 280**, commented that the most important thing to remember about the bill was not the emotional nature of some who have reacted to it in a rather alarmist way; but rather to understand that Kansas currently does not have a corporal punishment statute to give guidance to school districts, educators, parents, or students. In addition, he noted that there are no Kansas appellate cases dealing with this topic. He went on to say, “The reality is that this legislation severely restricts corporal punishment in Kansas in a trade off for the grant of immunity.” He explained that Congress provided immunity for teachers nationwide in 2001 but required that there be a state law for that grant of immunity. The state of Kansas has no statute to trigger to this federal immunity. He noted that 25 states ban corporal punishment. He emphasized that the bill has elements of both local and parental control, it would

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not be the first-line punishment for misbehavior, and students would be informed of the reason corporal punishment is to be imposed. In support of the bill, Senator Journey called the Committee's attention to a copy of the corporal punishment section in the Kansas Association of School Board's copyrighted manual for school board members and school administrators (*Student Discipline in the Public Schools*, 4th edition updated 2005). A copy of the manual can be obtained from the KASB office at 1420 SW Arrowhead Road, Topeka, Kansas. He pointed out that the manual cites several appellate court cases outside Kansas and that the guidelines for corporal punishment are very similar to the provisions incorporated into **SB 280** except the manual does not include a provision for parental permission. In addition, he called attention to a copy of a copyrighted article relating to a poll conducted by Public Agenda for Common Good in May 2004 entitled, "Teaching Interrupted – Do Discipline Policies in Today's Public Schools Foster the Common Good?". The article is available online at www.publicagenda.org. In a poll of a random sample of 725 middle and high school teachers and 600 parents of middle and high school students on the causes, effectiveness, and the impact of discipline on the climate in public schools, more than half of those surveyed said that districts backed down from assertive parents. Nearly 78 percent of teachers said that there are persistent troublemakers in their schools, and they should be removed from regular classrooms. Teachers almost unanimously said that a school needs good discipline and behavior in order to flourish, and 78 percent of parents agreed. Nearly 8 in 10 teachers said students are quick to remind them they have rights or that their parents can sue. More than 1 in 3 teachers say they have considered quitting the profession, or know a colleague who has left, because student discipline and behavior became intolerable. In conclusion, Senator Journey noted that all discipline options, including corporal punishment, have the potential to be effective. He emphasized that **SB 280** was simply an attempt to codify rules in the application of corporal punishment and grant the immunity desired by parents and teachers so that schools can be operated in an effective way and enhance the learning environment for Kansas students. (Attachment 3)

Mark Desetti, Kansas National Education Association, testified in opposition to **SB 280**. He emphasized that corporal punishment is prohibited in many school districts because educators generally believe that corporal punishment is not effective as a discipline tool and that it is not appropriate for school employees to administer corporal punishment. He suggested that, if legislation in this area is needed, it is legislation that enforces administrative support for teachers in enforcing discipline. He urged the Legislature to join the states which have banned corporal punishment. (Attachment 4)

Kathy Cook, Kansas Families United for Public Education, testified in opposition to **SB 280**. In her opinion, rather than giving immunity for corporal punishment in schools, corporal punishment should be banned. She noted that many national organizations favor the ban of corporal punishment. She contended that corporal punishment is ineffective and detrimental to learning and that it does nothing more than perpetuate a cycle of child abuse. (Attachment 5)

There being no others wishing to testify, the hearing on **SB 280** was closed.

Committee discussion on previously heard bill: **SB 129 – School safety violations; suspension of driving privileges**

Theresa Kiernan, Revisor of Statutes Office, summarized the proposed amendments to the bill as shown in a handout she distributed to committee members. She then responded to questions. (Attachment 6)

Committee discussion followed regarding the notification and appeal provisions in the bill. It was the consensus of the Committee that no action on the bill be taken until members had sufficient time to fully study the proposed amendments.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 20, 2007.

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