

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 17, 2010, in Room 152-S of the Capitol.

All members were present except:
Senator Chris Steineger- absent

Committee staff present:
Theresa Kiernan, Office of the Revisor of Statutes
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:
Senator Anthony Hensley
Elwaine Pomeroy
Sue Storm, Legislative Coordinator,, State Board of Education
Karen Godfrey, V.P., Kansas National Education Association
Dale Dennis, Deputy Commissioner, Kansas Department of Education

Others attending:
See attached list.

Hearing on SB 487 - Teachers; special licenses

Theresa Kiernan, Office of the Revisor of Statutes, provided a brief summary of the proposed legislation. The bill provides that if an application for a teaching license is submitted to the State Board of Education, along with all required documentation, SB 487 would require the Kansas Board of Education to issue a special teaching license and specify on the document that the holder is authorized to teach. This special license applies to any person who has been convicted of an offense that was expunged on March 19, 2009.

Senator Anthony Hensley (Attachment 1), provided testimony in support of the legislation. He stated he felt the person whom this legislation was in support of had faced up to his responsibilities without making excuses, had paid his dues, and deserved a second chance, as most people do.

Elwaine Pomeroy (Attachment 2), former State Senator, also testified in support of the proposed legislation. As a former Chair of the Kansas Parole Board, he stated it was their responsibility to make decisions based on the person's criminal history, conduct while in prison, and input from the public. He felt there was convincing evidence this person had turned their life around and taken positive steps toward leading an exemplary life and, therefore, deserved to be issued a teaching license.

Sue Storm, Legislative Coordinator, State Board of Education (Attachment 3), testified in opposition to the proposed legislation. Although, as a member of the Board she voted in favor of granting a teaching license, she testified the State Board believes this is a matter that has been assigned to them and that it is inappropriate for the Kansas Legislature to mandate the issuance of a special license of this nature.

Karen Godfrey, V.P., Kansas National Education Association (Attachment 4), testified in opposition to the bill.

Kevin Ireland, legal counsel to the State Board of Education, responded to questions from the Committee regarding the possibility of this legislation usurping power given to the Board by the Constitution. He cited several cases which addressed this.

There were no other conferees. The hearing on SB 487 was closed.

SB 485 - Private and out-of-state postsecondary educational institution act; state board of regents, powers; reporting requirements; penalties; student complaints

Theresa Kiernan, Office of the Revisor of Statutes, presented a brief review of SB 485. This bill would amend

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CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 17, 2010, in Room 152-S of the Capitol.

several provisions in the Private and Out-of-State Postsecondary Educational Institutions Act. She also presented an amendment to the bill provided by the Board of Regents in response to several questions from the Committee during the hearing. Discussion followed on changes the amendment provided.

Senator Vratil moved for adoption of the amendments to SB 485. The motion was seconded by Senator Owens. The motion carried on a voice vote.

Discussion of the bill followed with members requesting information regarding the procedure used to arrive at the fee structure as well as information regarding the procedure for handling student complaints.

Senator Vratil moved the committee recommend SB 485, as amended, favorable for passage. The motion was seconded by Senator Owens. Motion carried on a 9 to 2 vote.

Chair Schodorf then stated Senate President Morris had approached her asking if there was something more that could be done in relation to **SB 359**. She reiterated the point that the legislative process had been followed in the Committee but that she would talk to the Committee and see if there was any interest in possibly reconsidering the bill.

Senator Abrams moved to reconsider SB 359. The motion was seconded by Senator Umbarger. The motion carried on a vote of 5 to 4.

Senator Owens moved to amend SB 359 by making it effective upon publication in the statute book July 1, 2010; and, enter a "hold harmless" provision that would state that for 2009-2010, no school district could receive more catastrophic aid than received in the 2008-2009 school year. The motion died for lack of a second.

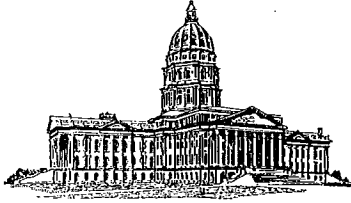
Following committee discussion, it was decided more information was needed and the proposed amendment should be put in writing before taking action. Chair Schodorf announced she would have the bill blessed.

The next meeting is scheduled for February 23, 2010.

The meeting was adjourned at 02:30 p.m.

State of Kansas

Senate Chamber



ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE, DOUGLAS & OSAGE COUNTIES

HOME ADDRESS:
2226 S.E. VIRGINIA AVENUE
TOPEKA, KANSAS 66605-1357
(785) 232-1944—HOME

E-MAIL
ANTHONY.HENSLEY@SENATE.KS.GOV

Office of Democratic Leader

STATE CAPITOL, ROOM 345-S
TOPEKA, KANSAS 66612
(785) 296-3245
FAX (785) 296-0103

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Statement of Support for Senate Bill 487

By Senator Anthony Hensley

February 17, 2010

Committee Members:

Thank you for allowing me to speak before you in support of Senate Bill 487, a bill which would allow Topeka resident Doug Wright to obtain a teaching license.

Someone once said, "To forgive is to set a prisoner free and then discover the prisoner was you."

While Doug's past mistakes should not be ignored, the lessons he has learned and will now teach to others should be deemed more relevant.

After all, most people deserve a second chance – and as a teacher for more than 30 years – I strongly believe Doug Wright has definitely earned his.

Someone also once said, "You can't undo anything you've already done, but you can face up to it. You can tell the truth. You can seek forgiveness. And then let God do the rest."

Instead of making excuses, Doug Wright has faced up to it. He is now dedicating his life to a future career in teaching, and is using his story as a warning to young people to prevent them from going down the wrong path.

*Senate Education
2-17-10
Attachment 1*

Doug Wright's convictions on four counts of felony theft and one felony perjury stem from several different incidents over a period of four years.

He was accused of stealing funds from his great-aunt, Vera Johnson, the Topeka Lawyers Club, and the David W. Husted estate. His perjury conviction stemmed from his testimony before the Kansas Board of Discipline for Attorneys.

The Kansas Board of Discipline for Attorneys recommended to the Kansas Supreme Court that Doug Wright be suspended from the practice of law for a period of three years.

On July 1, 2003, Doug Wright entered into a plea bargain. He was sentenced to one year in jail, even though his criminal history placed him within the presumptive probation zone on the sentencing grid. He was also sentenced to one year of post-release supervision and one year of supervised probation.

Prior to entering his plea, Doug Wright repaid the stolen funds to the victims. Therefore, the court did not order restitution.

After his convictions, the Kansas Supreme Court rejected the Kansas Board of Discipline of Attorneys' recommendations. Instead, the Court ordered disbarment.

At the suggestion of his probation officer, Doug Wright applied for and received a discharge from probation six months earlier than expected, in January 2006.

In Summer 2007, Doug Wright enrolled and completed classes at Washburn University in the area of education. While at Washburn, he was on the honor roll and received a 4.0 GPA.

As part of his training in education, Doug Wright completed a semester of student teaching at Highland Park High School in Topeka. He was also nominated to and participated in the Kansas State Department of Education's program to develop the Kansas Performance Teaching Portfolio.

After completing his education at Washburn, Doug Wright took the PRAXIS II exam and received recognition for his outstanding performance.

On January 14, 2009, the Professional Practices Commission (PPC) denied Doug Wright a teaching license and provided him an opportunity to show cause why his application should not be denied.

Doug Wright submitted multiple letters of support from people in the community to the PPC, including former District Attorney Robert Hecht, the prosecuting attorney in Wright's criminal cases. Hecht wrote his letter without Wright's request to do so.

Robert Hecht asserted that Doug Wright's life lessons learned from his misconduct would benefit his students. He also stated the Wright had taken full advantage of the opportunity to redeem himself in the community.

On March 14, 2009, the PPC voted to deny Doug Wright's application for a teaching license.

On March 23, 2009, Doug Wright's five felonies were expunged. The court stated that Wright did not exhibit a propensity to commit future criminal acts. The court also commended Wright for facing the stigma associated with his conduct head on.

On April 14, 2009, the Kansas State Board of Education reviewed the PPC's denial of Doug Wright's application for a teaching license. The Board discussed its policy regarding oral arguments in licensing cases. After voting to deny Wright an opportunity to present oral arguments, the Board voted again and granted Wright's request for oral arguments.

On May 12, 2009, Doug Wright and the PPC's attorney presented oral arguments.

Doug Wright told the Board that because his convictions were expunged, his previous criminal conduct should not be the sole basis for denying him a license. He also told the Board that if he waited to apply until after his convictions were expunged, he would not be required to disclose his convictions to the Board.

Subsequent to oral arguments, the Board voted 8-2 to deny Wright a teaching license and adopted the findings of fact and conclusions of the PPC.

After that, Doug Wright sought judicial review arguing before the court that the Board failed to properly consider his rehabilitation.

On October 28, 2009, Shawnee County District Court Judge Larry D. Hendricks found that "the Board failed to clearly explain why (Wright) is not sufficiently rehabilitated at this time." He further wrote, "The court instructs the Board to consider all of the evidence in the agency record when determining whether he has been rehabilitated and whether his previous conduct is no longer a factor in his fitness to receive a teaching license."

Judge Hendricks also cited K.S.A. 72-1397(a), which outright prevents the Board from issuing a license to persons convicted of certain crimes, such as murder and indecent liberties with a child. The Judge wrote, "Because (Wright's) convictions for theft are not included within K.S.A. 72-1397(a), (Wright's) conduct was not so serious in nature as to allow the Board to deny him a teaching license without considering whether he is sufficiently rehabilitated and whether he is *presently* fit to receive a teaching license."

On December 9, 2009, the Board adopted additional findings and voted 6-4 to deny Doug Wright a teaching license.

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Wright denied again

In 6-4 vote, board declines to grant former mayor a teaching license

BY ANN MARIE BUSH

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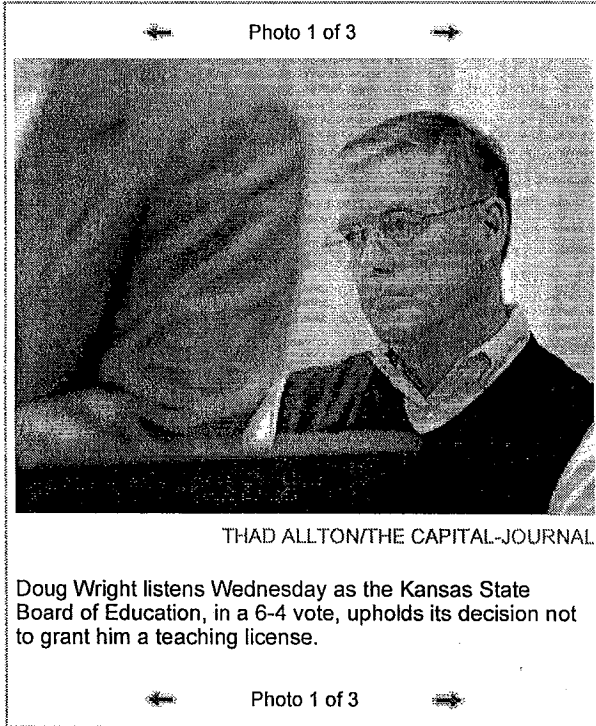
After the Kansas State Board of Education on Wednesday upheld its decision not to grant Doug Wright a teaching license, the former Topeka mayor said he wasn't sure if he will continue the fight.

Board members voted 6-4 to adopt additional findings and conclusions and send them back to Shawnee County District Court Judge Larry D. Hendricks.

Wright, who spent 10 months in prison for four felony thefts and a perjury count, sought a judicial review after board members rejected his request for a teaching license. The judge sent the final order on Wright back to the state board and asked that the board further consider if he has been rehabilitated and if he is fit to be licensed.

Wright, who repaid the thefts before he was charged, said he will contact his attorney in the next few days to see how he should proceed.

"I don't know if I have enough moxie to continue this fight because it has been difficult," he said. "I'm terribly disappointed with the action of the board."



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[Senate bill seeks Wright license](#)

There is an uphill battle to try to work in a public school for educators who have had legal run-ins. Some offenses, such as rape or murder, will cause teachers to permanently lose their licenses. Other felonies bar applicants from being licensed for at least five years before officials may consider if they are rehabilitated and fit to work in the profession.

Considerations may include the seriousness of the crime, the age of the person when he or she committed the crime, time that has passed, if the offense was isolated or recurring, and if the crime has been expunged.

On March 19, a judge expunged the convictions of Wright, who had returned to college, completed classes in education and served as a student teacher at Highland Park High School.

In May, the state board voted 8-2 to deny Wright a teaching license. After that, Wright sought the judicial review.

On Oct. 28, Hendricks sent the education board's order back for more work.

Hendricks wrote he thoroughly reviewed the agency record and its orders and found "the board failed to clearly explain why (Wright) is not sufficiently rehabilitated at this time."

Hendricks ordered the state board to make written findings of fact and "conclusions consistent" with this order.

"The court instructs the board to consider all of the evidence in the agency record when determining whether (Wright) has been rehabilitated and whether (his) previous conduct is no longer a factor in (his) fitness to receive a teaching license."

Board chairwoman Janet Waugh, of Kansas City, Kan., has said in the past she was confident Wright was rehabilitated but was concerned what parents of students taught by Wright might think of his past felony conduct.

At the November board meeting, Wright addressed board members again and said his Kansas Bureau of Investigation fingerprint card reflects no crimes on his record and the record of his convictions doesn't exist any more in Shawnee County or Kansas.

"I remain proud of my scholastic record and my record as a student teacher," he said.

Board members deliberated on the Wright case Tuesday night and decided to adopt the additional findings and conclusions late Wednesday morning.

Board member Carolyn Campbell, of Topeka, told other members Wednesday she thought Wright deserved a second chance.

"I believe Mr. Wright should be granted his license," she said.

By having Wright in the classroom, Campbell said, it will help students learn "if you pay for your mistake, you will be given a second chance."

Board member Walt Chappell, of Wichita, said he wasn't happy with the way the case was being handled.

"I'm very concerned with the way this is moving forward," he said.

Chappell said he was concerned that Wright's case was being tied to that of Terrance Vick, who in 1998 as a Wichita-area teacher pleaded guilty to possessing 28 grams of a substance containing crack cocaine with the intent to sell. Vick has approached the board to get his teaching license repeatedly during the past five years.

On Tuesday, the board once again denied him.

Board members voting to adopt the additional findings in the Wright case were Waugh, John Bacon, Sally Cauble, Jana Shaver, Kathy Martin and David Dennis.

Ann Marie Bush can be reached at (785) 295-1207 or ann.bush@cjonline.com.

SENATE EDUCATION COMMITTEE

FEBRUARY 17, 2010

TESTIMONY OF ELWAINE F POMEROY

IN SUPPORT OF SENATE BILL 487

Madam Chair: I know that you and the other members of the Senate Education Committee take your responsibilities as public servants very seriously. I certainly took my responsibilities seriously the twenty-two years I had the privilege of serving the public citizens of Kansas – sixteen years as a state senator, and six years as a member of the Kansas Adult Authority, which during my service on that agency was re-named the Kansas Parole Board. For five of my six years on that agency, I served as its Chair. It is from my perspective as a former Chair of the Kansas Parole Board that I testify today in support of Senate Bill 487, which has been carefully drafted to apply only to Douglas S. Wright, who has been seeking a teaching license.

On the Parole Board, we had to make our decisions based on the person's criminal history, the conduct of the person while in prison, and input from the public. We did not have the luxury of knowing what the person's conduct would be following release from prison. In the instance of Douglas S. Wright, there is a clear and convincing pattern showing he has served his time, taken positive steps toward leading an exemplary life, freely admits his past mistakes, and desires to assist students from making the wrong decisions like he did.

Senate Education
2-17-10
Attachment 2

In addition to serving his prison time, Doug has paid the serious price of public humiliation. He paid full restitution before he was charged, let alone convicted, in the criminal system. More than six years have passed since the date of his convictions. He has proven he has been fully rehabilitated. His convictions have been expunged.

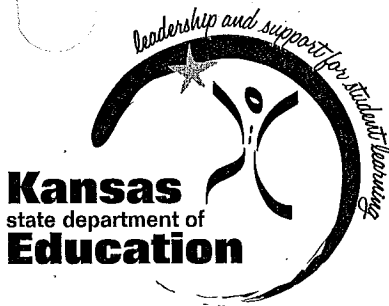
Upon his release from prison, despite already having two degrees from Washburn University, he took sixty additional hours from Washburn so that he could meet the educational requirements for a teaching license in the fields he desires to teach. He compiled an outstanding record in those sixty hours, receiving a grade of "A" in every one of them. He has received recommendations and endorsements from all of his professors and instructors who taught him in those sixty hours.

In his student teaching at Highland Park High School, he shared with his students his mistakes and his convictions, urging them not to engage in any type of criminal activities. He has been endorsed by his supervisors and administrators at Highland Park High School.

The criminal system in Kansas is not designed just to punish; it is designed to correct and rehabilitate offenders. That is why the prisons are under the jurisdiction of a Department of Corrections, not a Department of Punishment. Punishment is essential, but it is also essential that a person who violates the law be given the opportunity to turn that person's life around.

Douglas S. Wright has completely turned his life around, and deserves to be granted a teaching license. Senate Bill 487 would give him that opportunity. I urge you to report this bill favorably.

Elwaine F. Pomieroy



Division of Fiscal & Administrative Services

785-296-3872
785-296-0459 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • (785) 296-6338 (TTY) • www.ksde.org

February 17, 2010

TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: Senate Bill 487

My name is Sue Storm, Legislative Coordinator of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

Senate Bill 487 provides that the State Board of Education shall issue a special license to a person convicted of an offense which was expunged on March 19, 2009.

The State Board has reviewed the applicant's application for licensure and believes it is inappropriate to issue a license to this person at this time. Prior to the State Board's deliberations, the Professional Practices Commission recommended to the Board that a teaching license be denied. On two occasions, the State Board heard testimony from the applicant as well as supporters and considered all comments in their deliberations. The Board consistently voted to uphold the recommendation of the Professional Practices Commission. As an aside, during the Board's discussion, I voted to grant a teaching license to this person.

The State Board believes this is a matter that has been assigned to them and that it is inappropriate for the Kansas Legislature to mandate the issuance of a special license of this nature. Further, if this proposal were to pass in the legislature, many people denied a license could find a friendly legislator and try to secure a special license in this manner. The long range consequences of Senate Bill 487 could be immense.

The State Board of Education requests that you do not pass Senate Bill 487 through your committee.

Senate Education
2-17-10
Attachment 3



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Karen Godfrey, Testimony
Senate Education Committee
February 17, 2010
Senate Bill 487

Madame Chair, members of the Committee, thank you for the opportunity to come before you today to share my thoughts on Senate Bill 487.

We rise today in opposition to this bill. While we understand the impetus behind the bill – we’ve all read about the situation with Mr. Wright in the papers – we consider this bill to be an intrusion into responsibilities that belong to the State Board of Education, the Professional Practices Commission, and the Standards Board.

The issue of teacher licensure and the responsibility for licensure rest with the State Board of Education. They have advisory groups made up of practicing educators to set standards, evaluate programs, and give recommendations on the issuance of new or renewal teaching licenses.

I am proud to say that I once served on the Professional Standards Board and the Regulations Committee and I can assure you that these educators take their work and their profession very seriously. We do not make decisions lightly. Candidates have the opportunity to come before the board and make their case. But ultimately that decision rests with the Board.

In the case that this bill seeks to address, all the proper procedures were followed. The Board made their decision based on advice from those in the profession and their own judgment. While there are those that may disagree with the Board, the decision rests with them. We do not believe that it is appropriate for the legislature to substitute its judgment for that of the profession or the State Board of Education.

There is a long history of professional licensure in our state and nation. The legal community, medical community, even the cosmetology community are trusted to make decisions regarding entry into their respective professions. The system of educator licensure we have in Kansas is intended to keep decisions about licensure within that community.

We respectfully ask the committee to reject Senate Bill 487.

Senate Education
2-17-10
Attachment 4
Web Page: www.knea.org