

Approved: 2/21/94  
Date

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on February 16, 1994 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Dr. Phyllis Chase, Topeka Public Schools  
Pat Baker, Kansas Association of School Boards  
Robin Clements, Wichita Public Schools  
Susan Chase, Kansas National Education Association

Others attending: See attached list

### SB 602 - Compulsory school attendance, compliance requirements

Staff explained that the current compulsory attendance law provides that a student is in violation if he/she is inexcusably absent three consecutive days or five days in a semester. SB 602 would change the time frame to a school year rather than a semester.

Dr. Phyllis Chase, Topeka Public Schools, testified in support of SB 602 (Attachment No. 1). She said that all tracking of student data, except for trancies, is on an academic year basis. She suggested that the Committee consider changing the total number of absences to five consecutive absences or eight unexcused absences. Responding to questions from Committee members, Dr. Chase said for an absence to be excused, requires only a phone call from a parent in most cases. She said the school can override excuses if there are excessive absences or unacceptable reasons. Dr. Chase said the school's responsibility ends with the filing of a truancy.

Pat Baker, Kansas Association of School Boards, spoke in favor of the bill (Attachment No. 2). She stated that the problem faced by schools is that definitions of truancy are only as effective as the enforcement mechanism.

Robin Clements, Wichita Public Schools, testified in favor of the bill (Attachment No. 3). She said the Sedgwick County Juvenile Court, Wichita Public Schools, SRS and the Sedgwick County District Attorney's Office formed an Interagency Task Force on Truancy in Sedgwick County in 1991. She said the task force has identified problems and developed strategies for dealing with truancy and SB 602 addresses what the task force believes is the most pressing of changes needed.

Gerald Henderson, United School Administrators of Kansas, spoke in support of the bill (Attachment No. 4). He stated that the real issue at hand is enforcement.

### SB 574 - Schools and community colleges, evaluation of employees

Staff explained that the bill would amend the statute regarding criteria used in the evaluation of certified personnel of community colleges, school districts and accredited nonpublic schools by adding "improvement in the academic performance of pupils" as an additional item in the current list which includes efficiency, personal qualities, professional deportment, ability, results and performance, etc.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on February 16, 1994.

Pat Baker, Kansas Association of School Boards, testified in favor of the bill (Attachment No. 5). She said that all elements of schools should be accountable for improved student learning and that the professional evaluation law for certificated staff should reflect the most important issue -- improved academic performance. Responding to questions, Ms. Baker said there is a section in the law that says that a teacher's contract cannot be nonrenewed for incompetency unless the statutory evaluation procedures have been followed as well as the district's policy. She added that district policies are filed with the State Board of Education but the Board takes no action on them. Ms. Baker said the courts have basically determined that the local boards of education can establish criteria but must negotiate the procedures with regard to evaluation. She said that it isn't clear to either party what is meant by the statutory reference to "results". Ms. Baker believes that academic performance should be measured by the same processes used by the State Board of Education under Quality Performance Accreditation to ensure that there is improvement in the classroom. She said that SB 574 does not specify that a particular level be attained but rather that there be improvement.

Gerald Henderson, United School Administrators of Kansas, testified in support of SB 574 (Attachment No. 6). He said that this concept is currently being included to evaluation instruments in Kansas.

Susan Chase, Kansas National Education Association, spoke in opposition to the bill (Attachment No. 7). She said that an individual person should not be held completely responsible and evaluated on something over which they do not have total control. She suggested that the bill be amended to include the phrase "to the extent the professional has control over such increased academic performance". In response to questions, Ms. Chase mentioned that her organization is in the process of developing a handbook of best teacher practices which includes teacher evaluation. She said that the proposed amendment should apply to both teachers and administrators.

### SB 602 -- Compulsory school attendance, compliance requirements

Senator Jones made a motion that SB 602 be recommended favorably for passage. Senator Emert seconded the motion. Senator Oleen made a substitute motion that SB 602 be amended to refer to a regular school term. Senator Downey seconded the motion. The Revisor advised that SB 602, in its original form, applies to "when a child is required to be in school". Upon a vote, the substitute motion failed. The original motion carried.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for February 17, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 2/16/94

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Craig Grant	Topeka	HNFA
Jim Youakim	Overland Park	USD #512
Susan Chase	Topeka	KNEA
Brent Davis	Wichita	KANITS
John Herring	Wichita	USD 259
Ralph Clements	Wichita	Wichita Public Schools
Gerald Thompson	Topeka	USA of KS
Phyllis A. Chase	Topeka	Topeka Public Schools
William S. Dr. Miller	Longview	St. Paul's Sch.
Vic Braden	Topeka	KACC
Merle Hice	Topeka	KACC
Bret LAWSON	Wattsville KS	Leadership Coffeyville
Don Wilson	Independence KS	Leadership Coffeyville
William Jantz	Prairie Village	Senior Citizens
Denise Abbott	Topeka	U.S.A.
Pat Baker	Topeka	KASB
Mark Eldridge	Coffeyville	Leadership Coffeyville
Paul Sherr	Mullenville	USD 424
Jacqui Dale	Topeka	SQE
Debby Henderson	Manassasville	Citizen
Carly Holthaus	Seneca	Citizen
Jack Long	Coffeyville	Leadership Coffeyville
Wesley Fortwood	Coffeyville	Leadership Coffeyville

SENATE EDUCATION COMMITTEE

TIME: 1:30 PM PLACE: 123-5 DATE: 2-16-94

GUEST LIST

NAME

ADDRESS

ORGANIZATION

LARRY MESSERBACH	Coffeyville	Leadership Coffeyville
Jeffrey Wanzor	Coffeyville	Leadership Coffeyville
Jeff [unclear]	"	"
Heidi Hartzell	"	"
Chris Montross	Colony, Ks.	Leadership Coffeyville
Dave DeRue	Topoka	Council on VECED



**TESTIMONY**  
**SENATE BILL 602**  
**February 16, 1994**  
**Phyllis A. Chase, Ed.D.**  
**General Director of Curriculum and Instruction**  
**Topeka Public Schools**

Having been the district truancy officer for Topeka Public Schools for the previous eight years, it has been my observation that the truancy process is a source of frustration on the part of the schools who serve as monitors of the process as well as Social and Rehabilitation Services and Court Services, the enforcers of the truancy process. These frustrations stem from concerns about the tracking and reporting of the process. However, a major source of consternation of school staffs is the current regulation that indicates truanies are tracked on a one semester basis only. The question begs to be asked, "What is magical about one semester?" Student grade reporting, student attendance reporting, student immunization reporting, all tracking devices currently of student data, is for one academic year. The tracking of student truanies currently is anomaly. It is the only tracking device that is specific to one semester. Why? Is there reason to believe that a one semester snapshot of a student's attendance is a significant index of projected anticipated attendance? If in fact that were the case, why are those truanies totally eliminated with the beginning of the second semester? It does not support any logical discourse. As a student accumulates unexcused absences from school, our district would be in support of increasing the number of unexcused absences prior to filing a truancy. Currently, the number stands at three consecutive absences or five absences within a semester that are unexcused. Our recommendation would be to increase that number to five consecutive absences or eight unexcused absences within the current school year. What that does is allow for the student to document an identified trend in terms of student non attendance. Basically, this is what our purpose should be anyway: the establishment of an identified non attendance trend that affects the student negatively. Whether that happens first semester or second semester is irrelevant. The point is, "What has the student demonstrated over the course of an academic year?" We encourage this body to positively adopt this resolution.

Sen. Ed.  
2/16/94  
Attachment 1



Testimony on S.B. 602  
before the  
Senate Committee on Education

by

Patricia E. Baker  
Associate Executive Director/General Counsel  
Kansas Association of School Boards

February 16, 1994

Mr. Chairman, Committee members, thank you for the opportunity to appear in support of S.B. 602. Kansas school boards agree that the law should ensure regular attendance by students under the compulsory attendance law. We would also like to call the attention of the Committee to the fact that a tighter definition of truancy will not, in and of itself, guarantee improved compliance. What is really needed is a more efficient, effective enforcement procedure. The current process is cumbersome, time consuming and too often just doesn't work. We urge the legislature, at some point, to address the whole issue of compulsory attendance.



Public Affairs

Testimony In Support Of Senate Bill 602:  
By Robin Clements, Wichita Public Schools  
February 16, 1994

Mr. Chairman, Members of The Committee:

Thank you for sponsoring Senate Bill 602 which would change the counting of unexcused absences from "semester" to "school year," and would allow us to monitor and assist those students who may be having problems staying in school.

Currently when a student is absent from school for all or a significant part of three consecutive school days or five school days in a semester without a valid excuse, he or she becomes legally truant. When a student reaches that status, parents must be notified in writing (through personal delivery or first class mail) that if the unexcused absences continue, a report will be made to either SRS or the county attorney.

A report is made to SRS if the child is 13 or younger, or to the county attorney if the child is between 14 and 16. If parents of children do not take responsibility for the student's attendance, SRS may file a child-in-need-of-care petition. The change which SB 602 addresses overcomes the gap that exists between the time a truancy report is filed and the point at which corrective action may be taken.

In 1991 the Interagency Task Force on Truancy was formed in Sedgwick County to work on the problem of educational neglect. Sedgwick County Juvenile Court, the Wichita Public Schools, SRS, and the Sedgwick County District Attorney's office began working jointly to identify problems and strategies for solving them. The positions reflected in this testimony and attached documents reflect Task Force conclusions and are jointly supported by all of Task Force agencies.

Attached please find:

- a report on the highlights of Task Force work and recommendations;
- the Task Force's 1992-93 report on referrals and assignments; and,
- a copy of the Wichita Public School's 1992-93 drop-out report which shows that over the past six school years the single

Sen. Ed.  
2/16/94  
Attachment 3

SB 602  
PAGE TWO

most significant number of drop-out cases (70.6%) list "unexplained absences" as the contributing factor.

The Task Force believes the single most pressing need is that which SB 602 addresses. A bottleneck has developed because there are too few court staff to handle referrals from the district attorney's office which create long delays in response time.

To assist with the bottleneck among younger children, the Wichita Public Schools have assigned two school social workers and one school clerical worker full-time to SRS to handle elementary truancy cases. However, when the intervention process runs its full 40 day course, SRS refers the case to the district attorney because the truancy issue has not been resolved. By this time the semester is likely to have run and we can lose track of the child as the statute allows him or her a clean slate at the beginning of the new semester.

Because older children are referred directly to the district attorney's office, there is a tendency for district attorney personnel to work those cases first for adjudication. Court backlog and staff shortages add to the dilemma and, cases of elementary children often get neglected.

On behalf of the Sedgwick County Juvenile Court, Wichita Area SRS, the Sedgwick County District Attorney's Office, and the Wichita Public Schools, I thank you for sponsoring SB 602 and ask that you report it favorably for passage.



**Highlights Of  
The Sedgwick County Interagency Task Force On Truancy  
1991-1994**

As a result of the Task Force problem and strategy identification:

- two full-time Wichita Public Schools' social workers and one full-time clerical are housed at SRS to staff the Truancy Unit; and,
- six practicum students from Wichita State University are housed and supervised in the Unit.

Prevention strategies developed and now practiced in the Unit include:

- site visits to all elementary, middle and alternative schools to train and advise school staff;
- intensive work in six elementary schools identified as having high truancy rates; and,
- the Kid Check program in which parent volunteers call to check on any child who is absent, and if there is no phone, a daily letter is sent until contact is made.

Major problems have been identified in the petition processing done by the D.A's office which can take from one to three months. In response to the court backlog, one school district social worker moves to the juvenile court offices to assist with the scheduling of truancy cases during the last month of the school year.

The Task Force hopes to have additional practicum students from Wichita State University assigned by next Fall.

The Task Force and Unit have found success through continuous contact with students, families, and agencies with interventions such as:

1. direct contact with parents, children, school personnel and other persons deemed appropriate;
2. referrals to community resources;
3. monitoring school attendance continuously; and,
4. filing petitions at the district attorney's office.

Most cases are initially filed by schools as truancy, yet many reveal more complex family problems upon further Unit investigation such as neglect, abuse, school - special education conflicts, drug and alcohol addiction, and misinformation on school policy regarding school admissions. Truancy unit reports on referrals, assignments, and court cases for the 1992-93 school year is attached.

TASK FORCE HIGHLIGHTS  
PAGE TWO

TASK FORCE RECOMMENDATIONS

The Task Force recommends legislation or regulation to modify educational neglect statutes to do four things:

1. reflect all unexcused hours absent (not just by day);
2. in a school year (not by semester only);
3. reflect parental accountability for a child's school attendance; and,
4. make parents accountable for distinguishing between home schooling and educational neglect.

The Task Force strongly supports parent accountability approaches which include court costs or fines, and parent-school involvement. The Task Force is not certain that damaging families economically by forcing attendance at school during working hours or sending them to jail are appropriate solutions. In fact, Judge Jim Burgess is beginning an experiment this month based on a Tulsa project by which both the court bottleneck and parent accountability may be partially addressed. Parents will now be charged court costs in these cases.

The Task Force believes that parents are responsible and that their involvement is key to solving the problem, including an accountability to the State Board of Education that their child is being schooled the appropriate number of hours per day, and days per year as set forth in compulsory attendance statutes. While mom may certify that Jim is fully schooled and he is actually babysitting, that is a tragedy that public schools cannot correct, and for which they should not be liable. Only the parent can be ultimately liable for the child in his/her charge.

Of note is the fact that the compulsory attendance law says the teacher must be "competent." The district attorney's office will not touch home school issues because the term is as yet undefined. However, when a child is handicapped society must become concerned about the "competency" of his/her home schooling experience.

TRUANCY REFERRALS AND ASSIGNMENTS  
SPRING SEMESTER 1993

Approximately 294 families received services during the period September 1, 1992 through April 1993. Several of these families involved more than one child.

Approximately 18 families are home schooling their children.

<u>RACE</u>		<u>SEX</u>	
Caucasian	- 162	Female	179
Black	- 138	Male	155
Hispanic	- 25		
American Indian	- 3		
Asian	- 3		
Other	- 3		

<u>USD 259</u>		<u>GRADES REPRESENTED</u>	
			<u>HOME SCHOOLS</u>
Kindergarten	49	Kindergarten	0
First	41	First	0
Second	29	Second	0
Third	30	Third	2
Fourth	27	Fourth	3
Fifth	28	Fifth	1
Sixth	30	Sixth	5
Seventh	8	Seventh	3
ECSE	3	ECSE	0
Unknown	51	Unknown	24

<u>SCHOOLS REPRESENTED</u>			
<u>(ELEMENTARY)</u>			
Adams	1	Dodge	1
Allen	4	Earhart	1
Anderson	9	Emerson	1
Arkansas Ave	4	Enterprise	10
Benton	2	Field	5
Black	7	Franklin	2
Bryant	6	Funston	2
Buckner	1	Grieffenstein	2
Caldwell	1	Griffith	1
Carter	2	Harris	3
Cessna	2	Harry Street	1
Chisholm	2	Horace Mann	2
Clark	2	Isley	1
Cloud	16	Irving	12
College Hill	4	Jefferson	3
Colvin	13	Kellogg	2
		Kelly	1
		Kensler	2
		Lawerence	1
		Levy	2
		Lewis	7
		Lincoln	1
		Linwood	1
		Longfellow	2
		L'Overture	3
		McCollow	1
		Minneha	24
		Mueller	2
		OK	1
		Payne	1
		Peterson	3
		Price	1

OUTSIDE USD 259  
ELEMENTARY SCHOOLS

Park	5
Riverview	17
Stanley	3
Sunnyside	4
Washington	1
Woodland	1
Woodman	6

Derby	1
Garden Plaine	1
Goddard	1
Holy Saviour	3
Maize	1
Oaklawn	1
Oatville	1
Swaney	1
West Ele.	1
Mulvane Middle	2

SCHOOLS REPRESENTED  
(MIDDLE)

Allison	1
Coleman	3
Curtis	2
Hadley	4
Hamilton	10
Jardine	4
PV Middle	3

Marshall	2
Mayberry	4
Meade	2
Robinson	5
Truesdell	1
Wilbur	2
Wells	2

STUDENTS NEVER ENROLLED  
 Misc. 4

STUDENTS HOME SCHOOLED  
 Total 38

INFORMATION & REFERRED REFERRALS

Cloud	1
Enterprise	3
Lawerence	1
Lincoln	1
Marshall	1
MLK Preschool	1
Mueller	2
CPS	4



TRUANCY UNIT REPORT  
SPRING 1993

TRUANCY REFERRALS RECEIVED FROM AUGUST 92 THROUGH SPRING 93

334	* Children reported as truant from Aug. through April
176	Family cases opened to truancy practicum students
104	Family cases opened to School Social Workers
14	Cases not opened due to children over age, late reports, whereabouts unknown, other services rendered
33	Total reports not opened - (Other services rendered)
86	Community Calls
327	Families that received direct service through the truancy program.
18	Total home schools (not included in the 334)

TOTAL COURT CASES FOR THE 1992 - 1993 SCHOOL YEAR

17	Total petitions presented to District Attorney
10	Cases filed by practicum students
7	Cases filed by School Social Worker (1 Project West)
7	Cases reported as truancy, but escalated into SCAN reports and filed by CPS investigators, District Attorney (Older siblings involved) or into court system as J.O.'s.
27	Total number on children involved

\* - This number represents reports generated by schools, other interested parties and other children in same family discovered after investigation.

ALL NUMBERS LISTED IN THIS STATISTICAL REPORT REFLECT INFORMATION RECEIVED BY MAY 1, 1993.

**WICHITA PUBLIC SCHOOLS  
YOUTH SERVICES DIVISION  
YEARLY DROPOUT RATE  
1987-1993**

	92-93	91-92	90-91	89-90	88-89	87-88
EMPLOYMENT	49	40	64	69	37	42
EXPULSION	38	17	22	13	6	4
LONG TERM SUSPENSION	1	2	0	0	0	0
PARENTAL SUPPORT	4	49	60	96	70	77
ACADEMIC DIFFICULTY	26	27	39	27	14	20
WD PARENT REQUEST	69	88	0	0	0	0
EXCESSIVE ABSENCES	787	681	807	786	472	256
WHEREABOUTS UNKNOWN	55	375	0	0	0	0
OTHER ENROLLMENT	90	89	0	0	0	0
<b>TOTAL</b>	<b>1119</b>	<b>1368</b>	<b>992</b>	<b>991</b>	<b>599</b>	<b>399</b>
ENROLLMENT	12473	12516	12418	12296	12472	9712
<b>DROPOUT RATE</b>	<b>8.97%</b>	<b>10.93%</b>	<b>7.99%</b>	<b>8.06%</b>	<b>4.80%</b>	<b>4.11%</b>
Comparing 9th grade enrollment to number of						
<b>GRADE</b>	<b>87-88</b>	<b>88-89</b>	<b>89-90</b>	<b>90-91</b>	<b>91-92</b>	<b>92-93</b>
NINE	3355	3268	3323	3855	3864	3866
TEN	3517	3355	3301	3262	3347	3334
ELEVEN	3086	3108	3002	2773	2773	2720
TWELVE	2611	2741	2670	2528	2532	2553
<b>DROPOUT PERCENT</b>				<b>24.65</b>	<b>22.52</b>	<b>23.17</b>



## **SB 602**

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 16, 1994

Mister Chairman and Members of the Committee:

United School Administrators of Kansas has no difficulty supporting the change outlined in this bill. Since the definition of unexcused absence is left to the discretion of local school districts, this bill would still allow for the flexibility needed to deal with unique circumstances. Changing the time period for truancy from a semester to a school year might well provide either the motivation needed to keep a student engaged in the educational process, or the legal basis for the school to initiate procedures to part company.

We encourage committee support of **SB 602**.

LEG/SB602

Sen. Ed.  
2/15/94  
Attachment 4





Testimony on S.B. 574  
before the  
Senate Committee on Education

by

Patricia E. Baker  
Associate Executive Director/General Counsel  
Kansas Association of School Boards

February 16, 1994

Thank you, Mr. Chairman, for the opportunity to appear before the Committee on behalf of our member school boards.

The last several years have seen statewide attention paid to school improvement. Quality Performance and Accountability are the watchwords as we all seek to improve our state's educational programs. The legislature has adopted mechanisms for holding school districts accountable for improved learning environments.

In 1973 this legislature adopted a professional evaluation law for all certificated staff. The stated legislative intent is to "provide for a systematic method for improvement of school personnel in their jobs and to improve the educational system in this state." K.S.A. 72-9001. The law sets forth timelines, and procedures. It also, in K.S.A. 72-9004, sets forth the minimum criteria to be evaluated.



We believe all the laws affecting school improvement should consistently reflect the common theme of improving academic performance. Accountability must be clearly established throughout our schools and especially in the classroom. Since we have chosen in this state for twenty years to have minimum evaluation criteria listed in the law--that criteria should definitely include the most important issue.

We urge the Committee to recommend passage of S.B. 574. Thank you.



## SB 574

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 16, 1994

Mister Chairman and Members of the Committee:

United School Administrators of Kansas supports the addition of *improvement in the academic performance of pupils or students* to the items to be considered in developing evaluation policies for school districts. I would report to you that this concept is already being added to evaluation instruments in Kansas schools.

In each of the past seven years, USA has sponsored a workshop on teacher evaluation conducted by Dr. Richard Manett of Iowa State. Attendance at these workshops has averaged 50 people, including both administrators and teachers. A feature of USA seminars is the establishment of information networks so that conference participants can share both successes and concerns with each other. In a network report received in our office just last week, a principal reported that her building site council was in the process of developing a new evaluation instrument which would incorporate the improvement measures included in Quality Performance Accreditation. Change is occurring.

We would urge you to act favorably on SB 574.

LEG/SB574

Sen. Ed.  
2/16/94  
Attachment 6





KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony Before  
Senate Education Committee  
Wednesday, February 16, 1994

Thank you Mr. Chairman. I am Susan Chase and I represent Kansas NEA. I appreciate your giving me the chance to address the committee on SB 574 relating to evaluation of education employees.

I would like to begin by stating that we support accountability and have had a resolution to that effect since 1974. We are, however, opposed to a single person being held completely accountable when they do not control the circumstances in which they work. We do not hold a physician responsible for the well-being of his patients, because he does not have control over the diet, actions, or genetics of his patients. The same applies to education employees covered under this bill, whether they are teachers, building principals, or superintendents. None of these people have unilateral control of either the resources or the influences on students.

The philosophy of QPA, which is a system of building accreditation, is that the entire community plays a part in a student's learning; therefore, they also are accountable for the improvement in academic performance of that student. If this is the philosophy of education in the state of Kansas, then evaluating one person on something that is the responsibility of a whole community is inappropriate.

Kansas NEA believes that each person should be evaluated on their ability to support the learning of the students within the range of their control of the educational environment. If language could be added which, in essence, would qualify the proposed change and say "to the extent the professional has control over such increased academic performance," many of our concerns would be alleviated.

Without this change, Kansas NEA does not support this legislation and asks that the committee reject SB 574. Thank you for listening to our concerns.