

Approved: 3/21/94
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:00 p.m. on March 15, 1994 in Room 123-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:

Representative Lisa Benlon
Mary Kibbe, Silver Lake
Tammy Rystrom, Topeka
Mark Tallman, Kansas Association of School Boards
Susan Chase, Kansas National Education Association
Carolyn Hill, Department of Social and Rehabilitation Services
Representative Pat Pettey
Representative Bob Mead
David Goldstein, Jewish Community Relations Bureau/American Jewish Committee
Dr. Scott Waters, Emporia
Dr. Tamara Agha-Jaffar, Overland Park
Janet Hammeke, American Heritage Alliance
Rev. Harold LeMert, Jr., Prairie Village

Others attending: See attached list

The Committee was provided with a copy of a memorandum from the State Board of Education regarding the Revised and Simplified Procedures for Breakfast Waiver Applications (Attachment No. 1) and information on the school breakfast program from the Corporation for Change (Attachment No. 2).

HB 2553 - School districts, extraordinary school programs

Senator Emert made a motion that SB 2553 be amended by providing for waiver of fees for students who qualify for free and reduced lunches (as was presented by Representative Tomlinson on March 14). Senator Langworthy seconded the motion, and the motion carried. Senator Langworthy made a motion that HB 2553, as amended, be recommended favorably for passage. Senator Emert seconded the motion, and the motion carried.

HB 2755 - School districts, school breakfast programs

It was noted that SB 2755 was amended on March 9 to provide that those schools with 35 or more percent of students qualifying for free and reduced priced lunches would be required to provide a school breakfast program, schools with between 15 and 34 percent of students qualifying for free and reduced price lunches would continue to be subject to the current waiver process and those schools with a percentage of 14 or less would be exempt from the waiver process.

Senator Langworthy made a motion that HB 2755 be further amended by deleting the amendment previously adopted and by providing that schools who have less than 30 percent of their students who qualify for free and reduced priced lunches are exempt from the mandate to provide a breakfast program. Senator Frahm seconded the motion.

Senator Emert made a substitute motion that HB 2755 be further amended by deleting the amendment previously adopted and by providing that schools who have less than 25 percent of their students who qualify for free and reduced priced lunches are exempt from the mandate to provide a breakfast program, that the provisions of HB 2755 will sunset in three years and that those districts who do not provide breakfast programs report to the State Board of Education and include in that report information as to whether or not an alternative program is provided. Senator Walker seconded the motion. Senator Emert clarified that the

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:00 p.m. on March 15, 1994.

requirement to report to the State Board is intended to be a very brief information-type of report, merely listing the name of the school building, an indication that the building does not participate in the breakfast program under the State Department of Education and whether or not an alternative program is offered. The substitute motion carried.

Senator Tiahrt made a motion that HB 2755, as amended, be recommended favorably for passage. Senator Langworthy seconded the motion. Senator Walker made a substitute motion that the bill be tabled. The motion died for lack of a second. The original motion carried.

Chairman Kerr announced that the members of the Subcommittee on Inclusion (referred to during the March 14 meeting) are as follows: Senator Frahm, Chair; Senator Corbin and Senator Downey.

HB 2768 - School districts, pupil suspensions, expulsions and permanent exclusions from school

Staff explained that HB 2768 adds language to the current statute on suspensions and expulsions providing that behavior which reasonably can be anticipated to result in disorder, disruption or interference with the operation of the public school or conduct that substantially impedes upon the rights of others can be the basis for suspension or expulsion. It also adds language referring to conduct which endangers the safety of others at school, on school property or at school events. Under current law, the term of suspension cannot exceed the current school semester. HB 2768 provides that a suspension may be up to 90 days. Under current law, the term of an expulsion may extend only to the end of the current school year. HB 2768 provides that the term of an expulsion may extend for a period of 186 school days. HB 2768 also provides that when a pupil is suspended or expelled from one school district, another district may honor the suspension or expulsion and deny admittance to the pupil. Staff advised that the bill also contains provisions requiring that pupils who are suspended or expelled must be provided with information about counseling services that are available.

During questions about the bill, Senator Oleen requested that staff research and provide information regarding laws and regulations relating to suspensions and expulsions of special education students.

Representative Lisa Benlon testified in support of HB 2768 (Attachment No. 3). She described an incident in her school district where a student was responsible for a pipe bomb explosion in a school building last spring. The student was expelled through the end of the school year. The district had no further recourse and the student was attending summer school a short time later. She said that HB 2768 will assist in making schools a safe environment. Responding to a question about the phrase relating to "disobedience can reasonably be anticipated to result in disorder...", Representative Benlon said the language was originally in subsection (f) under Section 1, and she feels it is more appropriate in that portion of the bill.

Mary Kibbe, Silver Lake, testified in opposition to HB 2768. She said she has been a foster parent for ten years and presently has two grade-school aged children in her home who are facing expulsion under the current law and described their situations. Ms. Kibbe said the children in her care have been abused and have many problems. Often they prefer to be at home rather than in school and deliberately violate school regulations in order to be suspended. She said that exceptions need to be made for children with behavior disorders. She expressed concern about lengthening the term of suspensions and expulsions and about provisions for educational services for children who are suspended or expelled.

Tammy Rystrom, Topeka, testified in opposition to the bill. She advised that she is a house parent for 11 children at the Villages, Inc. She advised that six of the children are not in any kind of special education program and she has received at least one call concerning each child, from their school this year, regarding some type of disorderly behavior. She said that behaviors should not be considered and treated the same as actions involving drugs, guns, weapons, bombs, etc. Ms. Rystrom said that all children, including those whose activities involve drugs, guns, weapons, etc., need to be educated.

Mark Tallman, Kansas Association of School Boards, testified in favor of HB 2768 (Attachment No. 4). He said his organization strongly supports the lengthening of the maximum period for expulsion and the reciprocity issue for students who are expelled from one district and attempt to enroll in another. He urged that the language on lines 2-6, page two, be restored to lines 23-26, page one, as discussed by Representative Benlon.

Susan Chase, Kansas National Education Association, testified in support of the bill (Attachment No. 5). She said it is essential that teachers have the option to remove disruptive students so that other students may learn. She urged that consideration be given to the provision of education for children who are suspended or expelled.

Carolyn Hill, Department of Social and Rehabilitation Services, testified in opposition to HB 2768

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:00 p.m. on March 15, 1994.

(Attachment No. 6). She expressed concern about the phrase "resulting in disorder" and said measures, such as HB 2768, place some of the already most at risk children of being in danger of not getting an education. She feels that the bill could result in an increasing number of children being placed under state custody, as has happened in other states. Ms. Hill said they have found that school has not typically been a positive experience for most youthful offenders and it is a reward for them to get out of the school environment. She said that alternatives to this type of action should be considered and some sort of alternative education provisions should be made.

Representative Pat Pettey testified in support of the bill (Attachment No. 7). She said her district has been proactive in dealing with school problems and utilizes a wide range of programs and interventions. She discussed the importance of ensuring that the classroom is a safe setting for learning. She noted that the statutes affected by HB 2768 have not been addressed for 20 years. Representative Pettey stated that districts across the state, both urban and rural, have expressed great concern with the transfer of students who have been expelled from a school district.

The Committee was provided with written testimony in favor of HB 2768 by Jacque Oakes, Schools for Quality Education (Attachment No. 8).

HB 2514 - Textbook purchases and rental plans maintained by school districts

Staff explained that HB 2514, in its original form, provided that pupils in accredited nonpublic schools would be treated as residents for textbook purposes and that those pupils would also fall under the law requiring school districts to provide free textbooks to children who are unable to purchase or rent textbooks. House committee amendments changed the bill to provide that pupils in accredited nonpublic schools would be permitted to purchase textbooks from public school districts if the public school district adopts a policy on the issue. Staff advised that an additional amendment was added to the bill during House debate which provides that local boards of education may authorize certificated employees to read or post a variety of documents, as listed in the bill, relating to the state and national heritage and that there be no exclusion of American history in this state in the writings, documents and records listed.

Representative Bob Mead testified in support of HB 2514 (Attachment No. 9). He said the posting and reading of the listed historic documents is not happening in a consistent manner and, in some cases, the documents are being presented in a censored manner. With his testimony, he provided a reading from the 1993 Kansas Reading and Mathematics Assessment which included a portion of the Pledge of Allegiance omitting the phrase "under God".

David Goldstein, Jewish Community Relations Bureau/American Jewish Committee, testified in opposition to the bill (Attachment No. 10). His testimony was directed to Section 3 of the bill and said the organization he represents believes it seeks to violate the U. S. Constitution and the Bill of Rights.

Dr. Scott Waters, Emporia, testified in favor of the bill (Attachment No. 11). He noted that he is a teacher educator in the area of social science teaching methods. He is concerned about the trend of less importance and less attention to given to founding documents and historical accuracy. He said the bill is needed because many texts do not include primary source documents and because of inaccuracy and distortion which exists in texts.

Dr. Tamara Agha-Jaffar, Overland Park, testified in opposition to HB 2514 (Attachment No. 12). She said that, as a member of the Muslim community, she is concerned that Section 3 of the bill will promote a single religion to young children.

Janet Hammeke, American Heritage Alliance, testified in favor of the bill (Attachment No. 13). She expressed concern about a trend to compromise and endanger the accuracy of American history and said that specifically authorizing the utilization of the documents identified in the bill will safeguard the quality and accuracy of education.

Rev. Harold LeMert, Jr., Prairie Village, testified in opposition to the bill (Attachment No. 14). He said that Section 3 of the bill could be used as a religious weapon to those of other beliefs and would allow indoctrination in a particular tradition religious tradition in the classroom.

Chairman Kerr announced that the hearings on HB 2768 and HB 2514 would be concluded at the beginning of the March 16 meeting.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for March 16, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:00

PLACE: 123-S

DATE: 3/15/94

GUEST LIST

| NAME | ADDRESS | ORGANIZATION |
|-----------------------|---------------|--------------------------|
| SYDNEY HARDMAN | Lawrence | KS ACTION FOR CHILDREN |
| Susan Clode | Topeka | KNEA |
| Barbara Cole | Topeka | KNEA |
| Mark Tallman | Topeka | KSB |
| Shirley Wadsworth | Topeka | USA of KS |
| Richard Connell | Claphin | Retired |
| FRANK FORTNER | Claphin | Retired |
| Carolyn Riley Hill | Topeka | SRS |
| Kirk Peters | Shawnee | Intern |
| LISA BENLON | SHAWNEE | LEGISLATOR |
| OWAN BURNETT | Topeka | USD 501# |
| Jim Youally | Overland Park | USD #512 |
| Debbie App | Topeka | U.S.A |
| Rep Bob Fontaine | Overland Park | Dist #24 |
| Norothy Herkavich | K.C. Mo. | visitor |
| Phyllis May | K.C. Mo. | visitor |
| David H. Goldstein | O.P. KS | JCRB/ATC |
| Harold W. LeMert, Jr. | O.P. KS. | Mainstream Coalition |
| TAMARA AGHA-JAFFAR | O.P. KS | Muslim Community |
| Clara Remmer | Salatha | R to S. of Ks |
| Marsha Strahm | Salatha | CWA of Kansas |
| Wanda Weidner | Madison | Madison Community Impact |
| Melba Hise | Topeka | KACC |
| Ken Kuhn | " | 4th Enrollment USD's |

SENATE EDUCATION COMMITTEE

TIME: _____ PLACE: _____ DATE: _____

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Craig Grant

Tape ka

HWEA

Scott Waters

Empoona

Emporia State University

Janet L. Hammock

Heat Bird

American Heritage Alliance

Karla Taylor

Great Bend

Tammy Rystrom

Topeka

The Villages, Inc.

Mang Kelbes.

Topfka

The Villages Inc.

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

DATE: March 10, 1994
TO: Senator Tim Emert
FROM: Kansas State Department of Education
SUBJECT: REVISED AND SIMPLIFIED PROCEDURES FOR BREAKFAST
WAIVER APPLICATIONS

We are pleased to provide the following revised and simplified procedures for schools applying for waivers from the School Breakfast Program requirement.

1993-94

- one application per school was required
- prescribed student and parent surveys were required
- detailed financial data was required
- documentation for projected costs and participation was required
- percent of enrolled students eligible for F/RP meals and number of students who come to school without breakfast were required
- meal service options were required if excessive costs were reason for application
- statistics from March, 1993 were required
- evaluation criteria was not sent to districts with application forms

1994-95

- schools with similar characteristics may use same application
- no surveys are required
- no financial data is required
- documentation is no longer required
- data is no longer required
- meal service options are no longer required
- will allow February, 1994 statistics so district can prepare applications at an earlier date
- evaluation criteria was sent to districts with application forms

KANSAS STATE BOARD OF EDUCATION
Development of Waiver Process
School Breakfast Program

| 1993-1994 | Mid-year | 1994-1995 |
|---|---|---|
| <u>Procedures:</u> In accordance with Kansas Administrative Procedures Act | <u>Procedures:</u> In accordance with Kansas Administrative Procedures Act | <u>Procedures:</u> In accordance with Kansas Administrative Procedures Act |
| <u>Application:</u> One per school required: 1. School Data - enrollment - eligibility F/RP - % eligibility - # students without breakfast 2. Reason for Application (one or more) - lack of parental support - lack of student support - low projected participation - excessive costs labor cost food cost equipment cost other cost - other reasons | <u>Application:</u> One per school required: 1. School Data - # students without breakfast 2. Participation - average daily participation - bkfst price - bus arrival - breakfast time 3. Cost Analysis - break even point - income - expenses - labor added 4. Promotional Activities 5. Technical Assistance 6. Breakfast Alternative | <u>Application:</u> Schools with similar characteristics may use one form: 1A. Schools with breakfast program - Y/N bus schedules allow adequate time for students to get breakfast - Y/N breakfast made available at each site listed - Y/N ADP less than eligibility OR 1B. Schools with no breakfast program - document no need for breakfast 2. Breakfast Alternative 3. Y/N Technical assistance initiated |

| 1993-1994 | Mid-year | 1994-1995 |
|--|--|---|
| <p><u>Criteria:</u></p> <ol style="list-style-type: none"> 1. Breakfast is beneficial to learning. 2. Legislative intent is that breakfast be provided in all schools. 3. Parental interest, student interest and number without breakfast will be weighed with regard to the age of the students. 4. Secondary students have more options for receiving breakfast than elementary/j.h. students. 5. The breakfast program may be as simple as a daily offering of milk, juice and bread items. 6. Cost will be reviewed for relevance to a basic breakfast program. 7. To grant or not grant a waiver will be determined by a majority vote. | <p><u>Criteria:</u></p> <ol style="list-style-type: none"> 1. Participation is 75% or less of the break even point. 2. Bkfst revenue is not adequate to cover breakfast expenses. 3. All students and parents are aware of the program and all students have an opportunity to participate. 4. An effort to request tech. assistance from the food serv. asst. network or Nutrition Services was initiated. 5. An alternative plan acceptable to State Board for meeting nutritional needs of students eligible for free meals. | <p><u>Criteria:</u></p> <ol style="list-style-type: none"> 1A. Breakfast has been made available to all students and participation was poor. <p>OR</p> <ol style="list-style-type: none"> 1B. Breakfast has not been available at this location. There is no need for breakfast at this site. 2. An alternative plan acceptable to the State Board will be available to a student with nutritional need. |

**SCHOOL BREAKFAST PROGRAM
APPLICATION FOR WAIVER
1994-1995**

District Number _____ District Name _____

School(s): Schools with similar characteristics may be included on one form.

SECTION 1: BREAKFAST AVAILABILITY AND PARTICIPATION

A. TO BE COMPLETED BY SCHOOLS CURRENTLY OFFERING BREAKFAST
Circle one.

YES NO Bus schedules allowed all students adequate time to eat breakfast prior to instructional time.

YES NO Breakfast was available at each building site.

YES NO In each school, ADP for February, 1994, was less than the number of students eligible for free and reduced meals.

| ADP | Eligibility | School |
|-------|-------------|--------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

B. TO BE COMPLETED BY SCHOOLS WHICH HAVE NOT OFFERED BREAKFAST

Provide documentation that there is no need for breakfast at this (these) attendance center(s).

SECTION 2. BREAKFAST ALTERNATIVE - Administration and teachers will be aware of nutritional needs of students. The school will use the following alternate plan for meeting the nutritional needs of students who have not had breakfast.

YES NO An effort to request technical assistance from the Food Service Assistance Network or the Nutrition Services Team was initiated.

Superintendent

Date

Return on or before April 11, 1994, to Nutrition Services, Kansas State Board of Education, 120 SE 10th Avenue, Topeka, KS 66612-1182.

**SCHOOL BREAKFAST PROGRAM (SBP)
APPLICATION FOR WAIVER
1994-1995**

INSTRUCTIONS

General:

- * Only attendance centers with a free/reduced price meal eligibility of 35% or less may apply for a breakfast waiver.
- * Each attendance center to be considered for a waiver must be named on an application form. Schools which have similar characteristics may be included on one form.
- * A waiver application is due in the Kansas State Board of Education office on or before April 11, 1994.
- * Incomplete applications and applications that are not accompanied by required documentation will not be considered.
- * In Section 1 either Item A or B must be completed for the school(s) making application. Section 2 must be completed on all applications.
- * Technical assistance is available from the Breakfast Consultant or Area Consultants of the Nutrition Services Team or the Food Service Assistance Network made up of food service professionals from each area of the state. These individuals may help conduct a thorough evaluation of your breakfast program. Phone (913) 296-2276 for further information.

School Data:

- * On each application, enter the USD number and name.
- * Enter the name of the school to be considered for a waiver. Schools within a district which have similar characteristics may be listed on one form.

OVER

SECTION 1: BREAKFAST AVAILABILITY AND PARTICIPATION

- * Complete Item A for all attendance centers which currently offer the school breakfast program. Complete Item B for all attendance centers which do not offer a school breakfast program.

A:

- * Schools must meet each of the criterion regarding breakfast availability and participation. Circle yes to indicate each criterion which has been met.
- * Bus schedule information should be available at the request of the waiver review committee.
- * In districts in which more than one building/school share a serving site, breakfast was available at each of the buildings represented.
- * Enter the Average Daily Participation (ADP) and the number of students eligible for free and reduced price meals in February, 1994, at each attendance center.

B:

- * Provide the documentation which supports the district's determination that there is no need for breakfast at the attendance center(s) included on this application. Documentation may include survey information, site council reports, district demographic analysis, reports of pilot breakfast programs, or a la carte participation information. Use an additional page if necessary.

SECTION 2: BREAKFAST ALTERNATIVE

- * Explain the alternate plan by which the nutritional need of students who have no breakfast option will be met. An acceptable alternative must consist of one or more servings from one or more of the major food groups on the Food Guide Pyramid. To be acceptable the plan must avoid overt identification of students eligible for free meals. Use an additional page if necessary.

Return completed application on or before April 11, 1994, to Nutrition Services, Kansas State Board of Education, 120 SE 10th Avenue, Topeka, KS 66612-1182.

The Corporation for Change
700 SW Jackson St. • Suite 902 • Topeka, Kansas 66603
913•296•4300 (Phone) 913•296•4880 (Fax)

Kansas School Breakfast Program:

May 1993: 682 attendance centers offered the school breakfast program
October 1993: 1346 attendance centers offer the school breakfast program

January 1994: 52,978 a day (1,038,372 breakfasts over 19.6 days)
October 1993: 52,849 a day (1,109,822 breakfasts over 21 days)
October 1992: 28,807 a day (604,970 breakfasts over 21 days - Estimated)

Initial Waiver Review Process

Initial Waiver Review Committee Members

Chuck Stuart, Clay Center, Retired Superintendent
Sue Grieg, Manhattan, Retired Food Service Director
Mildred McMillan, State Board of Education
Bill Musik, Montezuma, State Board of Education
Jolene Grabill, Topeka, Corporation for Change
Connie Hubbell, Topeka, State Board of Education (Alternate)

Out of the 199 waivers requested: 59 waivers were approved
140 waivers were denied and encouraged to appeal

Out of the 140 waivers denied: 93 appeals were requested
47 denials were not appealed

Out of the 93 appeals requested: 75 waivers were granted on appeal
18 waivers were denied on appeal

Note: The source of dissatisfaction lies in the negative decisions for the 47 schools who did not appeal and the 18 schools who had their waiver request denied on appeal. That's about 33% of the schools requesting a waiver who received a negative decision at some point in the process.

Mid Year Waiver Process

Waiver Review Committee Members:

Fred Campbell, Ft. Scott, Retired Principle
Charles Hubbard, Derby, Retired Principle/Superintendent
Bessie Bell, Retired Food Service

13 schools applied for waivers (10 districts)
11 waivers were granted
2 schools were not granted: Ulysses High School & a Gardner Middle School

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Attachment 2

The Corporation for Change
700 SW Jackson St. • Suite 902 • Topeka, Kansas 66603
913•296•4300 (Phone) 913•296•4880 (Fax)

Number of Attendance Centers by Percentage of Free & Reduced Price Lunch Eligibility

| | |
|--|---------------|
| Total Attendance Centers: | 1478 schools* |
| Attendance Center below 35% free & reduced lunch: | 851 schools* |
| Attendance Centers below 30% free & reduced lunch: | 695 schools* |
| Attendance Centers below 25% free & reduced lunch: | 519 schools* |

* These numbers are from Spring 1992. The State Board of Education - Nutrition Services will have new numbers available in late spring 1994)



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE CHAIRMAN: FEDERAL AND STATE AFFAIRS
MEMBER: EDUCATION
GOVERNMENTAL ORGANIZATION
AND ELECTIONS

LISA L. BENLON
REPRESENTATIVE, 17TH DISTRICT
REPRESENTING PORTIONS OF
SHAWNEE AND LENEXA
7303 EARNSHAW
SHAWNEE, KANSAS 66216
TOPEKA: (913) 296-7678
SHAWNEE: (913) 268-4326

HB 2768

Testimony Before the Senate Education Committee

March 15, 1994

Chairman Kerr and Education Members,

I appreciate the opportunity to discuss and speak in support of HB 2768.

What brought this issue to light was an incident that happened in my school district. A student placed a pipe bomb in one of our high schools last Spring. It caused damage to the building. We were lucky no one was hurt as it detonated during school hours. The student was expelled as long as permissible by statute-through the end of the school year. This same student was attending summer school a few months later. Even though a potential danger to other students was there, we were unable to take further action.

HB 2768 does several things:

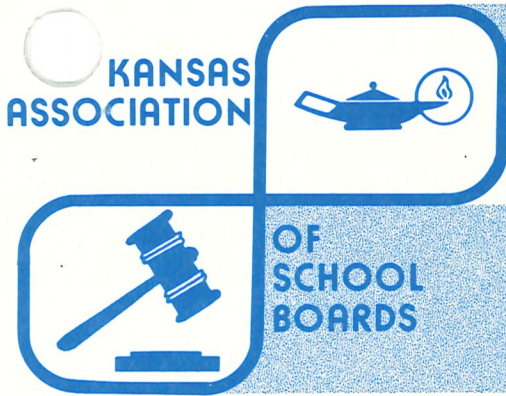
- . long term suspension will be changed from 'unlimited' to '90 days'.
- . expulsion will be changed from 'the end of the current school year' to 'not to exceed 186 school days'. In essence, one full calendar year.
- . allows for a hearing and appeals process.

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Attachment 3

- . a student who is suspended or expelled will be provided with information concerning services or programs offered by public or private agencies that work toward improving the aspects of the student's attitudes or behavior that contributed to the conduct upon which the suspension or expulsion was based. If the student is a juvenile, the parents also would be provided with the information.
- . New section 5 of the bill speaks to the issue of a student who attempts to set up residency in another school district. HB2768 allows the new district to choose whether it wishes to accept him.

With the fact that we are finding weapons and more criminal activity among our young people today, it is important that we do everything possible to protect that student, and more importantly, those around him. We have the responsibility to make our schools as safe as we possibly can. HB2768 will be a step in making that happen.

Mr. Chairman, I will stand for questions.



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

**Testimony on H.B. 2768 Before the Senate Committee on Education
By Mark Tallman, Director of Governmental Relations**

March 15, 1994

Mr. Chairman, Members of the Committee,

Thank you for the opportunity to appear today in support of H.B. 2768. This legislation has emerged as a priority issue for KASB over the past year. Concerns over student disciplinary procedures were brought to our Legislative Committee last summer, which presented a resolution regarding the issues raised by this bill to our Delegate Assembly. School board representatives overwhelmingly approved the resolution in December. However, we are concerned about one change adopted by the House Committee, and we will propose an amendment to address it.

We support two major provisions of H.B. 2768. First, it would change the maximum period for which a student can be expelled following a disciplinary proceeding, so that a board's action can be more consistent. [Section 2 (a)] Second, it would allow boards to maintain the terms of expulsion for a student who transfers to a new district, so that changing residency cannot be used to circumvent a disciplinary action. (New Section 5) We do not believe these changes would represent a significant policy change. Instead, they would address what we consider inconsistencies or "loopholes" that hinder the ability of school districts to maintain safe, orderly schools.

Because the maximum length of a student expulsion is currently until the end of the school year, a student who commits a dangerous or disruptive act at the end of the year faces a much less serious consequence than a student who commits the same act at the beginning of the year. This seems to us inconsistent and irrational. The bill would provide a uniform maximum suspension based on school days, not an arbitrary point on the calendar.

The second issue results from that fact the Legislature several years ago made it much easier for a student to establish residency in different districts. KASB agreed with the intent of these changes. Because a child is constitutionally guaranteed the right to an education, it seemed counterproductive to spend a lot of time trying to legalistically establish residency. The important thing is that the education be

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provided. There has, however, been a result we did not anticipate. When a student is expelled from a district, if the family can move or simply place the student with someone in another district, the new district must accept the student immediately, no matter what the reason for the expulsion. By changing districts, a student can effectively circumvent the disciplinary action of expulsion. This bill would allow the school board of the new district to maintain the terms of the first board's disciplinary action.

We want to stress that neither of these changes are mandatory. A student may be expelled for less than 180 days, and the board of a new district may choose to give an expelled student a chance to start over right away.

KASB does oppose an amendment made by the House Committee to Section 1. Basically, the committee moved the language from lines 2-6 on page two to lines 23-26 on page 1. Under current law, this language refers to an action in one of several grounds for suspension or expulsion. Under the amendment, "disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the right of others" would have to part of **any** grounds for suspension or disruption.

We are concerned that this would make it more difficult for boards to take any disciplinary action. For example, a student could not be suspended for violation of published regulations for student conduct unless the student's action met the test described above. This would be a new and more difficult standard to meet. We urge you to restore section 1 to its original language.

Because of growing concern about school safety and discipline, we urge to you recommend H.B. 2768 favorably, and give school boards additional flexibility to do their job in this area.

Thank you for your consideration.



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

Susan Chase Testimony Before
Senate Education Committee
Tuesday, March 15, 1994

Thank you Mr. Chairman. I am Susan Chase and I represent Kansas NEA. I appreciate this opportunity to visit with the committee today regarding HB 2768 relating to pupil suspensions and expulsions from school.

Kansas NEA supports this bill. We believe that it is important to give school districts the latitude in expulsions and suspensions this bill allows. Teachers are facing an ever increasing amount of disruptions in the learning environment they try to create in their classrooms. We feel that it is imperative that teachers have an option for removing disruptive students so that others can benefit.

Unfortunately this bill does not solve the problem of educating those students who are removed from the school setting, nor does it address how we keep students from being at risk of removal. We believe it is just as important to deal with these issues as it is to address the issue of expulsion and suspension. As research shows, education is the best deterrent to crime and we would hope the committee will also take the time to work on issues that would preclude the need for suspension and expulsion.

Thank you for listening to our concerns.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

Senate Education Committee
Testimony on House Bill 2768

March 15, 1994

SRS Mission Statement

"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others."

TITLE

An act concerning school districts; relating to pupil suspensions and expulsions from school.

Mr. Chairman, members of the committee, on behalf of Secretary Whiteman, I am appearing today in opposition to House Bill 2768. This legislation allows school districts to suspend or expel youth for behavior which reasonably can be anticipated to result in disorder, disruption, or interference with the school operation. This expulsion could be the maximum of one school year, continuing into the following school year up to the maximum 186 school days. No expelled child would be allowed to enroll in another school district.

BACKGROUND

I am deeply concerned House Bill 2768 allows school districts to expel children with a lack of specificity as to the behavior which constitutes "resulting in disorder". Running in the hallways of a crowded school results in disruptive behavior to school operations.

EFFECT OF PASSAGE

The Department of Social and Rehabilitation Services continues to have education at the cornerstone of services to children in their families and communities. House Bill 2768 does not contain provisions for alternative educational settings for youth expelled. Those youth expelled for an entire school year are vulnerable to never returning due to an inability to remain at grade level without educational supports. These youth, in the experience of states with mandatory expulsion laws, come into the custody of the Department in order to provide an education.

I believe the withdrawal of educational supports for disruptive students is irresponsible of school districts. Providing structure and support in the community is a difficult task for education as well as the Department. However, it is a task worth doing. Data is available which dramatically demonstrates that young people between the ages of 15-26 years perpetrate the most crime. Most of the youth we see in the youth centers have not done well in school. When these youth are given the support, structure and education which leads to viable employment potential their rate of repeat offenses drops. The strength of the education provided to youth is the single most important factor in disrupting a cycle of criminal activity.

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3 2768 Testimony
page two

SRS and the State Department of Education must continue partnerships to strengthen and expand community based educational programs for youth. In order to continue to target available resources on the basis of individual youth and their families's needs, the Department relies on school districts to provide a full range of educational options to children. The withdrawal of these educational options could result in the Department's over-reliance on institution based education rather than educating children in their home communities.

RECOMMENDATION

I encourage the defeat of House Bill 2768.

Sincerely,

Carolyn Risley Hill
Commissioner, Youth and
Adult Services

CRH:VLA

PAT HUGGINS PETTEY
REPRESENTATIVE, THIRTY-FIRST DISTRICT
WYANDOTTE COUNTY
3500 GIBBS
KANSAS CITY, KANSAS 66106
(913) 236-7463

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TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY
Senate Education Committee
March 15, 1994

COMMITTEE ASSIGNMENTS
MEMBER EDUCATION
LOCAL GOVERNMENT
JOINT COMMITTEE ON CHILDREN
AND FAMILIES

Mr. Chairman, and members of the committee. I am Representative Pat Huggins Pettey and I appreciate the opportunity to speak in support of HB 2768 relating to pupil suspensions and expulsions from school. One of the goals of school improvement is to provide a safe and secure environment. School should provide an environment that promotes peace and tranquility while protecting the free exchange of ideas and not a place to fear and avoid.

Our public schools want to assure that children can learn and educators can teach. As a professional educator in the Turner district, I have witnessed the efforts my district has made to be pro-active to the increasing problems. We have a wide range of programs/intervention in place which are designed to increase student success and decrease behavior which results in expulsion. I have attached a list of these initiatives.

These are programs that we are hopeful will help At Risk students.

We are still faced with addressing statutes that have not been reviewed for twenty years. In checking with districts around the state, I discovered that a problem of utmost concern was students who have been expelled in another district and move. Presently the law requires that the expelled student must be allowed entrance into a new district. New Sec. 5 on page 6 of the bill changes the law to allow a district to refuse admission regardless of residency, until such time as the period of suspension or expulsion has expired.

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Districts around the state believe that this change will insure the safety of the students that want to learn. Expulsion is an action of last resort and one for which we need legislative support to ensure a safe, orderly, learning environment for all students and staff.

Thank you for allowing me to testify and I ask that you pass out HB 2768 as amended favorable for passage.

Mr. Chairman, I would be glad to stand for questions.

Turner USD #202

District-wide initiatives designed to promote student success and reduce dropouts and expulsions.

Parents as Teachers--Designed to assist parents in recognizing children's needs and providing learning opportunities at home. The goal is to partner in the education of children so that they will be successful in their educational career.

Developmental Preschool--Provides instruction and learning experiences for children who are developmentally delayed.

At Risk Plan:

Turner uses its at risk money in the following ways. All are designed to promote student success thereby reducing behavior problems which often lead to suspension, expulsion, and dropout.

1. All Day Kindergarten
Pays half of the salary of six all day kindergarten teachers who teach students who are developmentally delayed and thus are at risk of failure.
2. Six para professionals who are assigned to our only minority/majority elementary school, the alternate school, and middle school. These paras work in small groups and individually with students who are having difficulty in school.
3. TEAMS/Refocus
A program offered to sixth through eighth grade students who are having problems being successful in regular classes. The intent is to teach these students coping and behavior skills which will allow them to function in regular classrooms.
4. Parent/Teacher Workshops
The district is using at risk money to pay for the registration for any district parent/patron or teacher who wants to attend a series of workshops entitled, "When Being a Good Parent or Teacher is Not Enough".

THOT Teams

All sites have THOT (Teachers Helping Other Teacher) Teams which review profiles of students who are exhibiting problems in behavior or success. The teams analyze the symptoms and collaboratively design action plans for each student.

This intervention process is designed to alleviate problems before they become extreme.

Mentoring Programs

Some secondary school/elementary school initiatives are now in place which allow older students to work with younger students who are having trouble in school.

COC

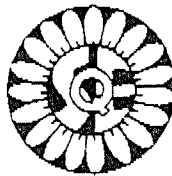
The District operates an alternative school which accommodates students who are not able to succeed in the regular settings.

CPI Training--Crisis Prevention Intervention Training

The district has provided this training to the entire staff at several of its sites to assist with students who exhibit behavior problems. Many of our elementary school staffs have used this training to defuse behavior problems and to assist the student to focus on academic success.

Professional Development Opportunities

The district regularly supports requests from teachers who want to attend workshops/seminars which are designed to assist them in working with students who are at risk of failure due in part to inappropriate behavior.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

March 15, 1994

To: Senate Education Committee

Subject: HB 2768 -- Pupil Suspensions and Expulsions

From: SCHOOLS FOR QUALITY EDUCATION

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Schools for Quality Education, an organization of 102 small school districts.

We are appearing in favor of HB 2768 which would extend the days of suspensions and expulsions giving districts the ability to carry over those days remaining into the succeeding school year. It better defines reasons for suspensions and expulsions, and it allows a district to refuse admission of a pupil from another district until the period of suspension or expulsion has expired.

These changes have been long overdue and needed by school districts for some time. Particularly important is the ability to carry over remaining days into the succeeding year and the refusal to admit a student from another district until the period of suspension or expulsion has expired. We believe that all districts' use of those procedures is carefully guarded. In calling several of the SQE districts, there might be on the average eight or ten short-term suspensions, one long-term suspension, and hardly any expulsions. We believe that suspensions and expulsions are used only when all other efforts have failed.

Thank you for your time and positive consideration of HB 2768.

"Rural is Quality"

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STATE OF KANSAS

BOB J. MEAD

REPRESENTATIVE, 112TH DISTRICT
BARTON COUNTY

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TOPEKA

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REPRESENTATIVES

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CHAIRMAN, JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT
MEMBER, APPROPRIATIONS
BOARD MEMBER, KANSAS TECHNOLOGY
ENTERPRISE CORP.

TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE
on
HB 2514

Tuesday, March 15, 1944

Chairman Kerr and members of the committee, thank you for the opportunity to appear in support of HB 2514.

I will be brief and direct my comments more specifically to Section 3, the amendment to HB 2514 which was added in the full House.

Specifically the amendment permits school district certified employees to read and post in a school building or classroom, or at any school event, certain historic documents relating to our American heritage. The bill further directs that there be no exclusion of American history in this state in the writings, documents, and records mentioned in the bill.

There are those who will say that this bill is not needed because these things are already being done in our state. My response is that if in fact these things are happening, they are not happening in a consistent manner

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and in many cases they are being presented in a censored manner.

I will give you but one example of a censored presentation of the pledge of allegiance, where it quotes the pledge of allegiance as "one nation, indivisible, with liberty and justice for all". This is taken directly from the Kansas Reading and Mathematics Assessment 1993.

I have no idea how many children will read this assessment but without changes, each time they read it, it will be without reference to God. We all know that "under God" is a part of the pledge and we should be appalled that the Board of Education chooses to delete that reference.

I ask for your favorable consideration and passage of HB 2514.

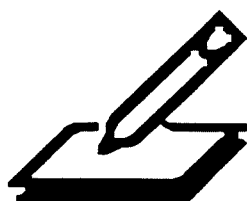
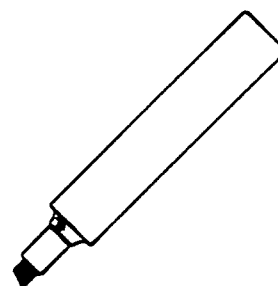
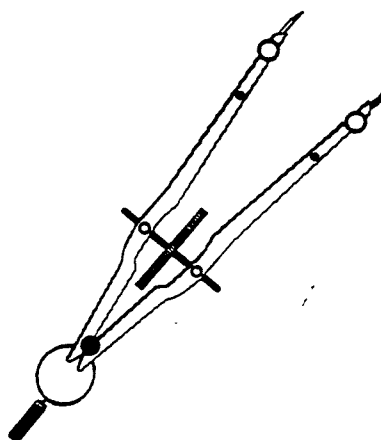
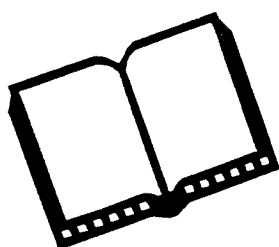
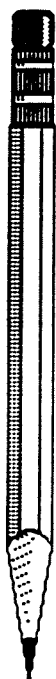
Thank you.

KANSAS

READING AND MATHEMATICS

ASSESSMENT

1993



SENIOR HIGH

FORM F6

stars, but it's up to us to make them know. As a teacher in the public schools of this city, I myself will go before the school board and ask them to remove from our system the offer of any prizes or awards denied to any student because of race or color."

Suddenly Miss O'Shay stopped speaking. Her clear, clear blue eyes looked into those of the girl before her. The woman's eyes were full of strength and courage. "Lift up your head, Nancy Lee, and smile at me."

Miss O'Shay stood against the open window with the green lawn and the tulips beyond, the sunlight tangled in her gray hair, her voice an electric flow of strength to the hurt spirit of Nancy Lee. The Abolitionists who believed in freedom when there was slavery must have been like that. The first white teachers who went into the Deep South to teach the freed slaves must have been like that. All those who stand against ignorance, narrowness, hate, and mud on stars must be like that.

Nancy Lee lifted her head and smiled. The bell for assembly rang. She went through the long hall filled with students toward the auditorium.

"There will be other awards," Nancy Lee thought. "There're schools in other cities. This won't keep me down. But when I'm a woman, I'll fight to see that these things don't happen to other girls as this has happened to me. And men and women like Miss O'Shay will help me."

She took her seat among the seniors. The doors of the auditorium closed. As the principal came onto the platform, the students rose and turned their eyes to the flag on the stage.

One hand went to the heart, the other outstretched toward the flag. Three thousand voices spoke. Among them was the voice of a dark girl whose cheeks were suddenly wet with tears, "... one nation indivisible, with liberty and justice for all."

"That is the land we must make," she thought.



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Testimony of David H. Goldstein, Executive Director,
Jewish Community Relations Bureau/American Jewish
Committee, Overland Park, Kansas
on HB 2514

Senate Education Committee
March 15, 1994

On behalf of the Jewish Community Relations Bureau/American Jewish Committee, a Jewish social action organization located in Overland Park, Ks, with constituents in all the major cities in the state of Kansas, I wish to speak in opposition to the Mead Amendment that was placed on HB 2514 on the House floor. The Mead Amendment is HB 2763 which was introduced in the House this year but has never been exposed to a public hearing.

We oppose the amendment because we believe it to be an attempt to do an end run around the U.S. Constitution, the Bill of Rights and especially the establishment clause of the First amendment.

It seeks to override the constitutional principles of separation of church and state, and would make clearly illegal actions have the appearance of legality. It seeks to establish one religion, Christianity, as the only acceptable religion. It would be a vital step toward creating the Christian theocracy that some are seeking.

As our JCRB/AJC Board member Rep. Carol Sader said to explain her "no " vote in the House, "it would encourage teachers to read in the classrooms, or at assemblies, or before an athletic contest a quote that is pre-US Constitution, pre-the Bill of Rights, such as one from Patrick Henry, 'This great nation was not founded by religionist, but by Christians, not on religion but on the gospel of Jesus Christ'."

It is clear that there is no censorship in the public schools of Kansas, a teacher may now quote from any document in American History, as long as that is done in a way not violative of the Bill of Rights. This bill seeks to violate the Bill

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of Rights. Indeed, it seeks to allow such unconstitutional practices as prayer in the schools, not even non-sectarian prayer, but Christian prayer.

At best, this amendment mischievously seeks to cause a legal action the result of which is known now, it is unconstitutional. However, the years such a case could take in the courts would certainly cause many teachers to act according to state law. At worst, this is a serious effort to remove the legitimacy of non-Christians as Americans.

We in the Jewish Community know about this kind of action. We saw it in Germany in 1935 when the Nuremberg Laws were passed by the Reichstag. Those laws said that only those of German blood could be regarded as German and hence no Jew could be a

German. This meant Jews were no longer citizens of Germany, they were barred from almost all positions and professions. These legal actions of the Reichstag denied not only the equality of Jews but our humanity.

Those of you who may have seen "Schindler's List" know what happens when a government acts in this way. Our community says, never again. We hope you too will say never again and not take the first step to again make us, the Muslims and other minority faiths the victims of tyranny..

Date: Tuesday, 3/15/94

Proponent Testimony for Amendment to
H.B. 2514

By: Scott D. Waters, Ph.D., Emporia State
Box 4037, Emporia State, Emporia, KS 66801

Mr. Chairman and Committee Members:

My name is Scott Waters. I am on the faculty at Emporia State, in the Teachers College. My specific responsibility is in the area of social science teaching methods. I train teacher education majors, who will eventually teach social studies; thus my interest in this particular bill. I became involved with this bill about a year ago when I learned of its purpose in promoting use of primary source materials in teaching American History. As a teacher educator, I am constantly reviewing textbooks and strategies for teaching social studies. In that vein, I have become increasingly concerned about a trend I have seen emerging in the teaching of history. That trend I speak of is teaching history with less and less importance being assigned to our "Founding" documents, and with less and less attention being paid to

historical accuracy. The result of this trend is twofold: students who are being given a distorted and incomplete view of history, and students who are leaving our schools with a dreadfully inadequate understanding of U.S. history. In the words of the U.S. Department of Education, "our students are unaware of prominent people and seminal ideas and events that have shaped our past and created our present."

Why Is This Bill Needed?

Textbooks simply do not include the foundational documents, quotes, or themes they once did. Perhaps the best example of this would be George Washington's Farewell Address. This address, written as Washington was leaving office, regularly appeared in textbooks and was sometimes even printed as a separate text. Two examples would be this 1941 publication of the National Education Association, The American Citizens Handbook, and this 1910 text. Both include the full text of Washington's remarks to the citizenry about what had brought the United States to greatness, and what would keep her on that path. Students studied, analyzed and memorized parts of this address as a key component of their history studies. In an analysis of texts used by Kansas 5th, 8th and 11th graders, I found no text that included more than a few paragraphs of the address, and many that included no reference at all to it. Moreover, in a recent study of students nationwide, one-fifth could not identify George Washington as the commander of the Colonial forces during the revolution. Additionally, one-third did not know the Declaration of Independence signaled the American Colonists' break from England; forty percent could not say approximately when the Constitution was written; and sixty percent did not know the purpose of the Federalist Papers.

The content of school textbooks is crucial: The facts, interpretations, and values taught today's students will largely determine the character of tomorrow's citizenry. If texts do not include the type of foundational historical information this bill addresses, use of primary source documents to supplement these

texts becomes crucial. This bill encourages
and authorizes teachers to use those documents.

While it is true that teachers are already free to use these documents, I

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would see passage of this bill as an affirmation of the crucial role they play in students' understanding of our heritage and an encouragement to teachers to use them in their classrooms.

In addition to the fact that many texts do not include primary source documents, a second reason why I believe this bill is needed is because of the inaccuracy and distortion that often exists in texts. Time will only permit me to give a few examples. In a major study, funded by the federal government through the National Institute of Education, researchers found only 5 of 670 history stories for elementary students contained a patriotic theme. Of the five stories, which represent less than 1%, none were about a mainstream historical figure who played a key role during this time period, such as Nathan Hale, Patrick Henry, Paul Revere, etc. Clearly, this type of omission leaves students with a distorted and incomplete picture of this rich component of our history.

The importance of this situation is seen when considering a quote by Abraham Lincoln, who said, "The philosophy of the school room in one generation will be the philosophy of the government in the next."

A second example that I will only refer to briefly, is a study of U.S. History textbooks done in 1992. In an analysis of five widely used texts, 512 errors of fact were documented throughout the texts. An American Heritage bill is not going to in itself solve this problem. I am simply making the point that texts cannot be the sole source of historical knowledge for our students. Encouragement of use of primary source documents, that speak for themselves, would be a step in the right direction toward producing students who have a solid understanding of their heritage.

Conclusion

There seems to be confusion about what to teach about history these days. An illustration of this is this editorial in the February 28, 1994 U.S. News & World Report, titled "The junking of history." I see no better way to solve this confusion than to let primary source documents speak for themselves. Why not encourage teachers to put the actual speeches, quotes and documents in the hands of students, and let them be the historians.

I close by quoting President Woodrow Wilson, an accomplished historian, who said.

"A nation which does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about." Thank you for your time.

1 American Education: Making It Work, (April 1986). U.S. Dept. of Education.

2 Ibid.

3 Censorship: Evidence of Bias in Our Children's Textbooks, (September 1985), National Institute of Education.

4 512 Errors of Fact in U.S. History Texts, (1988), Educational Research Analysts.

ANALYSIS OF 5th, 8th, and 11th GRADE SOCIAL STUDIES TEXTS FOR INCLUSION OF KEY HISTORICAL DOCUMENTS

At the most recent National Council for the Social Studies conference held November 18-22, in Nashville, 5th, 8th and 11th grade history texts from every major publisher of textbooks were analyzed to document the inclusion of historical documents. Such documents include the Declaration of Independence, Constitution, Mayflower Compact, George Washington's Farewell Address, etc.

5th grade summary:

- Declaration of Independence and United States Constitution - Included in Our Country, 1993, Silver Burdett and Ginn, pgs. 650-681 MacMillan-McGraw Hill, and Harcourt-Brace-Jovanovich. pgs R 4-37
Exploring America's Heritage, 1991, Heath, pgs. 560-591
The United States, Its History and Neighbors, 1993,
- Mayflower Compact - Partial text found in Silver Burdett and Ginn. Mentioned (no text of complete document) in Our Country, p. 162
Exploring America's Heritage, p. 165
The United States, Its History and Neighbors, p. 177.
- Washington's Farewell Address - Not included in any text
- Silver Burdett and Ginn and MacMillan-McGraw Hill are most widely used in Kansas 5th grade classrooms.

8th grade summary:

- Declaration of Independence and United States Constitution - Included in The Story of America 1991, Holt, Rinehart, and Winston, pgs. 158-161 and 200-218
A More Perfect Union, 1991, Scott Foresman, and Houghton-Mifflin, pgs. 636-659.
Constitution alone found in Prentice Hall.
One Flag, One Land, 1991, Silver Burdett Ginn. pgs. 152-156 and 194-219
- Mayflower Compact - Full text in Houghton-Mifflin; partial text with phrases edited out in Prentice Hall. Included in:
One Flag, One Nation, p.77.
The Story of America, pgs. 53-54. A More Perfect Union p. 663

- Washington's Farewell Address -Not included in silver Burdett Ginn or Houghton Mifflin texts. Brief partial text in Holt, Rinehart, and Winston, Scott Foresman, and Glencoe (subdivision of Macmillan-McGraw Hill). Editing noted pertaining to values & beliefs.
Briefly mentioned in : The Story of America, pgs. 251-253
- Alexis De Tocquevill's Democracy in America - Some references from this book found in Holt, Rinehart, and Winston. No reference to family life or the moral climate of the country, a prominent initial observation of DeTocquevill in writing the book.
- Prentice Hall and Silver Burdett and Ginn are most widely used in Kansas 8th grade classrooms.

11th grade summary:

- Declaration of Independence and United States Constitution - Included in History of the United States, 1991, Houghton Mifflin, pgs. 92-95 and 138-164. America's Story, 1990, Houghton Mifflin, pgs. 180-183 and 206-235. The Americans: a History, 1991, McDougal Littell, pgs. 121-123 and 156-172
- Mayflower Compact - Full text included only in History of the United States, p. R 16, Mentioned in: America's Story, p. 80, The Americans: A History, p. 25
- Washington's Farewell Address - Partial text in Houghton Mifflin, History of the United States, p. R 18. The Americans: A History p. 221. References to values and beliefs edited out.
- Houghton Mifflin is one of the most widely used text in Kansas 11th grade classrooms. It was the only 11th grade text available for review at the conference.

Social Studies Textbooks Use in Kansas:

Approximately 1/4 of Kansas School Districts were surveyed to determine what textbooks are used to teach Social Studies.

Analysis of texts done by:

Scott Waters, Ph.D.
Associate Professor. The Teachers college
Emporia State University

TESTIMONY OF DR. TAMARA AGHA-JAFFAR, 12527 NIEMAN ROAD, OVERLAND PARK,
KANSAS 66213.

Senate Education Committee
March 15, 1994

I am a resident of the city of Overland Park, Kansas. I am here as a member of the Muslim community. I am here as a tax-paying citizen of this country. I am also here as an educator. I am a faculty member in the Department of English at Kansas City Kansas Community College. But I am here, primarily, as a concerned mother.

I have two sons, both of whom attend schools in the Blue Valley School District. My eldest, Bashar Staitieh, attends Oxford Middle School, and my youngest, Reshad Staitieh, attends Oak Hill Elementary. My children are proud to be American and proud to be Muslims.

I would like to share with you an incident that happened last year to Bashar, who was then 11 years old. It was just before the winter break, and one of his teachers strongly urged all the students in his class to participate in a Christmas function. My son declined. He explained to his teacher that as a Muslim, he did not celebrate Christmas and would not, therefore, participate in the function. Even though the teacher tried to be somewhat conciliatory at that point, Bashar still felt very uncomfortable and awkward at having been singled out. When he told us of this incident, my husband and I spoke to his teacher and explained to her that we did not appreciate her lack of sensitivity on this issue and, furthermore, that we did not appreciate her assumption that all the students in her class were Christian. The matter was handled to our satisfaction. As a member of a religious minority, my son took comfort in the fact that his parents, his school, and, ultimately, the law of this country, prohibits the promotion of any single faith in the public school system.

My husband and I are raising our sons to have respect for people of all racial, ethnic, and religious affiliation. We want them to be sensitive, caring, and compassionate human beings. We want them to know that as American citizens attending American public schools, they have a place in this country, that they belong. We want them to know that every child, regardless of race, religion, or creed belongs. We want them to know that the people who first came to this country were fleeing from religious persecution. And we want them to know that this country is built on freedom and on a celebration of diversity.

I wish to voice my opposition to the Mead Amendment on HB 2514. Although at face value the amendment seems fairly harmless, I am concerned that, with its potential to promote Christianity, it will encourage young, impressionable children to believe that Christianity is the only acceptable religion. I am concerned

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that young, impressionable children of minority faiths be made to feel inadequate, ostracized, inferior. I am concerned that as a result of this amendment, my children and the children of all people of a minority religious faith be made to feel that they do not belong.

It is because of these concerns that I, as a member of the Muslim community, as a tax-paying citizen, as an educator, and as a mother oppose the Mead Amendment to HB 2514.

Date: Tuesday, 3/15/94

Proponent Testimony for Amendment to H.B. 2514

By: Janet L. Hammeke, American Heritage Alliance
P.O. Box 1922, Great Bend, KS 67530

Mr. Chairman and Committee Members;

My name is Janet Hammeke, and I represent the American Heritage Alliance. The American Heritage Alliance was born out of a local effort by my family to practice good citizenship in our community and state. I would like to testify as a proponent of the amended portion of H.B. 2514. (The original H.B. 2763)

It was our family who called upon our state representative to introduce the "History Bill" in the House of Representatives. The purpose of the bill is to promote among students a knowledge and awareness of the writings and documents of our forefathers. This bill deals with the importance of a reliance upon such documents to assemble a sound knowledge of our past, and to preclude the danger of losing our heritage. The education of the next generation must include a basic understanding of the principles upon which this country was founded. We as a family have seen this eroding away within our lifetime. Our family is taking this legislative proposal to the authorities placed over us as an appeal to encourage the preservation of this history.

In the amendment of H.B. 2514 only the documents themselves are included. The emphasis is with the primary source documents of our Historical past. A 1988 U.S. Dept. of Education Report, entitled "American Education: Making it Work", shows that when today's children graduate from school, fewer than 5% are able to think independently, while using documents of any kind. The study also found that "many students are unaware of prominent people and seminal ideas and events that have shaped our past and created our present."¹ To encourage students to read the actual documents of American History is to keep an open mind about the past and the future. It is our conviction that history is best taught by history itself.

This bill specifically authorizes--though does not require--teachers and administrators to utilize documents or materials central to an accurate understanding of American history. Specifically authorizing the utilization of these documents actually safeguards the quality and accuracy of education itself. They are able to speak for themselves without any commentary or interpretation.

Missing segments of the Founders' original language risks a misportrayal of American history in changing the emphasis of the original message delivered. For example, the Texas Education Agency has proposed revised course standards ("Essential Elements") for U.S. History. These revisions reduce or eliminate coverage of important U.S. historical topics in favor of a more universal and socially acceptable approach. The omitted requirements are the U.S. colonial period, U.S. political

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history, U.S. foreign relations, U.S. economic history, Anti-Federalists ratification arguments, principles that underlie the U.S. Constitution, the Bill of Rights and all other amendments and the Declaration of Independence. These time honored educational requirements would be replaced by Pre-Columbian Indian cultures, significant ethnic, racial entertainment and sports figures, traditions and customs among differed groups, protection of the environment and environmental issues. U. S. History teaching will be influenced nationwide, because textbooks written to Texas standards sell across the country.²

H.B. 2514 as amended is a response to counteract this trend to compromise and endanger the accuracy of America's history. This bill encourages academic freedom and advancement of study and thoughtful inquiry among students.

We are encouraged by the fact that similar legislation has passed in several states. At present there are approximately 23 states that have introduced their version of the "History Bill." Virginia passed a companion bill this past week, and Kentucky, Tennessee, Arkansas and Arizona passed similar bills with significant margins.

Robert Bryan, a trained historian and Ph.D., gives this observation of American history textbooks approved for use in Montgomery County. The school system, is in Maryland,--a suburb of Washington, D.C. "It is here, in history, that the student should make serious contact with the primary goals of education. According to the Montgomery County school board, a primary goal of high school education is to acquaint the student with his or her legal, moral, ethical, and cultural heritage. A work is not historical...if it fails to place the past in this context."³

Textbooks that compromise the teaching of real history will fail our students who deserve a quality education. We cannot understand the present or chart a course for the future without accurately understanding the past. The amendment addresses this issue by encouraging the use of primary source documents central to America's history apart from the confines of textbooks. The American Heritage Alliance is appealing to you for your serious consideration of H.B. 2514 as amended. Let's do everything we can to encourage our teachers to keep the academic avenue of historical documents open to students in Kansas schools. If there is any additional information that we can supply we would be glad to do so. Thank-you for your time.

¹ *American Education: Making It Work*, (April 1988), U.S. Dept. of Education, p.10

² The Texas Education Agency (TEA) for Texas State Board of Education approval of new 5th, 8th, Grade & High School U.S. History course standards 1993, Sept/ Oct.

³ Robert Bryan, *History, Pseudo-History, Anti-History* (Washington, D.C.: Learn, Inc. the Education Foundation, ca. 1984).

AGAINST THE MEAD AMENDMENT ATTACHED TO HOUSE BILL 2514

I WISH TO EXPRESS MY DEEP CONCERN ABOUT THE MEAD AMENDMENT WHICH IS ATTACHED TO HOUSE BILL 2514.

I WONDER IF THOSE WHO VOTED FOR THE AMENDMENT IN QUESTION, DID NOT WONDER WHY LEGISLATION WOULD BE PROPOSED WHICH GRANTS TO TEACHERS RIGHTS WHICH THEY ALREADY POSSES? TEACHERS ARE ALREADY AUTHORIZED, TO READ AND EVEN POST DOCUMENTS FROM AMERICAN HISTORY OUTLINED IN THE MEAD AMENDMENT. THAT BEING THE CASE, THE QUESTION COMES QUICKLY TO MY MIND AND SURELY TO OTHERS, WHAT IS THE PURPOSE OF SUCH AN AMENDMENT?

COULD IT CONCERN RELIGION? COULD THIS AMENDMENT INTEND TO CHANGE THAT BALANCE BETWEEN CHURCH AND STATE WHICH IS SO IMPORTANT TO OUR NATION? THE FIRST AMENDMENT TO THE CONSTITUTION LAYS A CAREFUL FOUNDATION FOR THE RIGHT RELATIONSHIP BETWEEN THE STATE AND THE POWER OF RELIGION. FROM THE BILL OF RIGHTS TO THE PRESENT, OUR NATION HAS DEVELOPED THAT VERY IMPORTANT BALANCE. OTHER NATIONS SURELY LONG FOR A PLACE WHERE RELIGIONS ARE ABLE TO COEXIST IN PEACE. WE SHOULD VALUE DEEPLY THE STRUCTURES OF RELIGIOUS FREEDOM WE HAVE ERECTED.

SOME NATIONS OF THE WORLD ARE TORN APART BY RELIGIOUS HOSTILITY. IN AMERICA WE HAVE BEEN, UNTIL NOW, ABLE TO SEE THAT RELIGION CAN MANIFEST ITSELF AS A GIFT, AS INSIGHT GIVEN TO EACH US IN DIFFERENT WAYS TO BE USED FOR THE COMMON GOOD. RELIGIONS CAN BRING INTEGRITY, DEDICATION TO TRUTH AND COURAGE THE HUMAN SOCIETY. BUT RELIGIONS CAN ALSO BRING CURSE, EVEN, AS OUR WORLD ATTESTS, BLOODY WARFARE.

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I AM DEEPLY TROUBLED THAT THERE ARE THOSE IN OUR NATION WHO LOOK FOR OPPORTUNITIES TO USE THEIR RELIGION AS A WEAPON AGAINST THOSE WHO DO NOT BELIEVE AS THEY DO. I CAN IMAGINE THE AMENDMENT BEFORE YOU BEING USED AS A TOOL TO SUCH AN END. UNDER THIS PROPOSED LAW, THOSE WHO WISH TO USE THE CLASSROOM AS A PLACE TO INDOCTRINATE IN A PARTICULAR RELIGIOUS TRADITION WOULD BE GIVEN ENCOURAGEMENT TO DO SO. QUOTATIONS AND PRAYERS INTENDED LESS FOR TEACHING HISTORY THAN FOR INDOCTRINATING IN CHRISTIAN RELIGION COULD BE POSTED AND READ. WHAT THE BILL CALLS "ORGANIC DOCUMENTS" (I AM NOT SURE WHAT THAT MEANS.) FROM THE DAYS BEFORE THE BILL OF RIGHTS, COULD BE USED TO TEACH THE NARROWEST AND MOST INTOLERANT CHRISTIANITY.

OUR GREAT NATION IS MADE UP OF PERSONS WITH VERY DIFFERENT FAITHS. I REMEMBER A SEVENTH GRADE TEACHER, MISS COHEN. WE, WITH ALL OUR SEVENTH GRADE SOPHISTICATION, KNEW THAT MISS COHEN WAS A JEW. BUT MISS COHEN HAD COME TO OUR SCHOOL FOR ONE REASON, TO GIVE US THE LOVE AND DEDICATION TO TRUTH THAT AROSE OUT OF HER FAITH. INDEED, HER FAITH HAD THE EFFECT OF MAKING MY FAITH MORE MEANINGFUL. IT DID NOT EVER OCCUR TO US THAT SHE OR ANY TEACHER WOULD USE FAITH EXCEPT AS THE GIFTS TO THE COMMON GOOD. AND THE COMMON GOOD INCLUDED ALLOWING US EACH TO THINK FOR OURSELVES. I ASK THE SENATORS TO MAKE SURE THAT THOSE WHO WOULD UPSET THE BALANCE OF RELIGIOUS AUTHORITY AND STATE AUTHORITY NOT BE ENCOURAGED. I ASK THAT THIS BILL BE DEFEATED.

The Rev. Harold W. LeMert, Jr.

Pastor, Southminster Presbyterian
Church, Prairie Village, Kansas.