

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on February 19, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Tom Sawyer- excused  
Representative Julie Menghini- excused

Committee staff present:

Martha Dorsey, Legislative Research Department  
Matt Spurgin, Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Harriet Lange  
Joan Barrett  
Shayla Johnston  
Adam Gash  
Robert Garcia  
Diane Gjerstad  
Brad Bryant  
Rocky Nichols

Others attending:

See attached list.

**HB 2281** Elections; advance ballots; disabled persons

Chairman Burgess opened the hearing on **HB 2281**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 1). He explained that Section 1 of the bill also contains some cleanup language to update references to voters with disabilities or lack of proficiency in reading the English language.

Written testimony in support of the bill was submitted by Kevin Siek, Topeka Independent Living Resource Center (Attachment 2).

Rocky Nichols, Disability Rights Center of Kansas, testified in opposition to the bill (Attachment 3). He explained that the bill puts new requirements on the person with a disability and on the person who is transporting their ballot.

Chairman Burgess closed the hearing on **HB 2281**.

**HB 2309** Open records; information about persons transporting students, members of the public

Chairman Burgess opened the hearing on **HB 2309**.

Harriet Lange, Kansas Association of Broadcasters, testified in support of the bill (Attachment 4). She explained that the bill would provide the same level of accountability for all drivers who transport students or other members of the public, irrespective of their employer, whether a private contractor or a public agency.

Joan Barrett, Sunflower Broadcasting, Inc., testified in support of the bill (Attachment 5). She stated that by simply hiring private companies to perform duties for public bodies, the records all become private.

Shayla Johnston, resident of Kechi, Kansas, testified in support of the bill (Attachment 6). She explained that the bill cures a defect in the current Kansas Open Records Act that has previously been abused by companies like Durham to protect the privacy of their drivers over the safety interests of the children whom they are paid

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on February 19, 2007 in Room 231-N of the Capitol.

tax dollars to serve.

Written testimony in support of the bill was submitted by:

Randy Brown, Kansas Sunshine Coalition (Attachment 7)

Doug Anstaett, Kansas Press Association (Attachment 8)

Robert Garcia, Durham School Services, testified in opposition to the bill (Attachment 9). He explained that the bill is not the answer. He said that the answer would be to mandate state changes in how school bus drivers are licensed and screened at the state level.

Diane Gjerstad, Wichita Public Schools, testified neutral to the bill (Attachment 10). She explained that the bill would require school districts who contract for transportation services to make available the name, position, salary, and length of service of the employees of the private contractor.

Chairman Burgess closed the hearing on **HB 2309**.

The meeting was adjourned.

The next meeting is scheduled for Tuesday, February 20, 2007.



**RON THORNBURGH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

**STATE OF KANSAS**  
**House Committee on Elections and Governmental Organization**

**Testimony on House Bill 2281**

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

February 19, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2281. This bill is similar to a Senate bill that was proposed by the Secretary of State as an advance ballot security bill. It contains two main provisions:

- It would prohibit anyone from signing another person's application for an advance voting ballot, but it would maintain current exceptions for voters with disabilities.
- If a voter wishes to designate another person to mail or deliver the ballot to the election office, the voter must designate the person in writing and the person designated must sign a statement that he/she has not exercised undue influence on the voter's decisions.

Section 1 of the bill also contains some cleanup language to update references to voters with disabilities or lack of proficiency in reading the English language. This is consistent with updates of similar language in other statutes made in recent years. It does not affect the substance of the bill or the voting procedures used by voters with disabilities.

We have security procedures and chain of custody for voting machines and ballots in all other aspects of the electoral process. Advance voting by mail is one part of the process where election officials do not have control over who handles ballots. House Bill 2281 will create a record of who has handled a ballot in the event of an investigation about improper activities.

House Bill 2281 is similar to Senate Bill 142 in 2005 after it was amended. We believe this bill contains language acceptable to all who expressed opinions on it during the past two legislative sessions, and it represents an important step in improving the security of advance voting by mail. House Bill 2281 is also very similar to Senate Bill 159, which was recently passed by the Senate. We urge the committee to adopt language in House Bill 2281 that will reflect the intent of Senate Bill 159 as well.

In order to bring House Bill 2281 into agreement with the amended version of 2005 Senate Bill 142 and with this year's Senate Bill 159, we propose two amendments which are detailed on the attached page.

We urge the committee to amend House Bill 2281 as proposed and to report it favorably, as amended, for passage. Thank you for your consideration.

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 1

## Proposed Amendments to House Bill 2281

1. Add a new section to the bill amending K.S.A. 25-1121:

**25-1121. Advance voting; ballots and instructions; forms.** It shall be the duty of the secretary of state to prescribe the general forms of advance voting ballots to be used in all primary and general elections and, the form of the printed instructions to voters containing a statement of all the requirements of this act, and any other written forms or statements required by this act to enable voters to comply with such the requirements of this act. ~~Such prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.~~

2. Section 2, page 3, Subsection (g), line 9:

We propose adding the following sentences at the end of Subsection (g):

Any person designated by a voter to deliver such voter's advance voting ballot shall mail or deliver the ballot and the designation and statement required by this section to the county election office. Such delivery shall occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.

NOTE: Two other sections of HB 2281 differ from SB 159. The differences do not significantly alter the bill in our opinion. We point them out in case the committee wishes to make the two bills agree.

1. Section 1, page 1, Subsection (c), lines 36-39. This subsection was deleted in Senate Bill 159.
2. Section 2, page 2, Subsection (c), lines 32-35. This subsection was deleted in Senate Bill 159.
3. Section 2, page 3, Subsection (g), line 5. The words "on the ballot envelope" do not appear in Senate Bill 159.



---

## Topeka Independent Living Resource Center

785-233-4572 V/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207  
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

---

### Testimony on HB 2281 before the House Committee on Elections and Governmental Organization February 5, 2007

Chairman Burgess and members of the committee, thank you for the opportunity to appear before you today. My name is Kevin Siek and I am a disability rights advocate for the Topeka Independent Living Resource Center. Our agency is a civil and human rights organization with a mission to advocate for justice, equality and essential services for all people with disabilities.

I am here today to provide testimony in support of HB 2281, which would clarify who may assist voters with disabilities who cast an advance ballot.

The language from HB 2281 is identical to the language that we and other disability rights advocates worked out with the conference committee on SB 142 last session.

Topeka Independent Living Resource Center is happy to be able to support this legislation which will allow voters with disabilities to receive assistance from any person they choose, while preserving the integrity of the advance voting process.

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 2



## **Disability Rights Center of Kansas**

**Rocky Nichols, Executive Director**

635 SW Harrison, Ste 100 ♦ Topeka, KS 66603

785.273.9661 ♦ 877.776.1541 (Voice)

877.335.3725 (TDD) ♦ 785.273.9414 FAX

*rocky@drckansas.org* ♦ Telephone Ext. #106

### **Testimony Regarding HB 2281**

#### **To The House Elections and Governmental Organization Committee**

**February 19, 2007**

Chairman Burgess and the honorable members of the committee, my name is Rocky Nichols. I am the Executive Director of the Disability Rights Center of Kansas, formerly Kansas Advocacy and Protective Services (KAPS). The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is the officially designated protection and advocacy system for Kansans with disabilities. DRC is a private, 501(c) (3) nonprofit corporation, organizationally independent of both state government and disability service providers. As the federally designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including the right to vote.

I am here to testify concerning the effect of HB 2281 on voting by people with disabilities. For those citizens of Kansas who have a disability, the right to vote is a fundamental concern. People with disabilities have been dramatically disenfranchised when it comes to participating in society, including voting. Until recently, many polling places were not accessible to people with disabilities, etc. Is it any wonder that in the 2000 elections 27 million Americans with disabilities did not vote?

It is in this light of the historic discrimination against people with disabilities that DRC must express concern about the language in HB 2281. Before I talk about our concern regarding new requirements, let me start on a positive note. DRC is pleased with the language change in the bill where the words "sick, physically disabled or illiterate" are replaced with the more accurate language "has a temporary illness or disability or

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 3

who is not proficient in reading the English language.” This clear non-judgmental language is an improvement in the statute.

The new language in section (g), however, raises some concerns. I want to preface my remarks, that when compared to 2005’s SB 142, which thankfully the Governor vetoed, that 2007’s HB 2281 is an improvement, if for no other reason that it only deals with the transportation of ballots issue. I do want also to acknowledge that this language is also an improvement upon the transportation of ballots language in the original SB 142 as introduced. The overarching concern regarding HB 2281 is that it puts a new requirement and new burden (albeit potentially a small one) on the person with a disability in regards to voting. Many people with disabilities already have a huge barrier placed on them in the form of poverty because government generally forces people with disabilities to live in poverty in order to receive life saving services and supports. People with disabilities who receive SSI receive only around \$620 per month. In order to qualify to Medicaid, Kansas adults with disabilities are generally not allowed to make or retain over \$716 a month. Could you live on \$7,400 to \$8,500 per year? When you are living on around \$600 a month, the \$60 or so cents it takes to mail back the advance ballot is a barrier. Some Kansans with disabilities get around that barrier by having someone drop the ballot off for them and return it to the election office.

HB 2281 puts new requirements on the person with a disability and on the person who is transporting their ballot. Remember, many times the person with a disability is forced by the government to live in poverty and the person dropping off their ballot is doing them a favor (saving them postage, ensuring that their vote counts if its too late to mail, etc.). HB 2281 makes the voter with a disability fill out additional paperwork “by written designation on the ballot envelope” that they are having the person deliver the ballot for them. Though this may not be a huge burden, it puts the new requirement back on the voter. The person doing them a favor and delivering the ballot must also fill out additional information. What happens if it’s Election Day or it’s too late to mail the ballot. The voter with a disability leaves the ballot at their house with a roommate – because the voter went to a doctor’s visit – the ballot is to be picked up and the volunteer, but the voter didn’t fill out the additional information on the ballot? Can the person still deliver ballot for the person with a disability? Is it a provision ballot? Does the vote count? **If the person who is doing the voter with a disability a favor hand-returns**

their ballot for them and the voter has not filled this new required information, has that good Samaritan just committed a level 9 non-person felony (as per lines 10-11 on page 3 of HB 2281)? Has the voter unknowingly committed a felony? What if the voter forgets to fill out the new sections on the ballot? Are they a felon? Are there protections in this bill to *absolutely ensure* these votes will be counted when the voter left the ballot to be dropped off and didn't fill out the additional sections on the ballot? If there are these protections, we don't see them.

Our biggest problem is that HB 2281 puts the requirement back on the voter with a disability. We think that voting is such a fundamental right that HB 2281 is going about this issue all wrong. Instead of having the voter sign additional statements, and adding requirements on the voter, why not have government break down barriers and simply pay the postage for returning the advance ballot? That would put the requirement on the government, not the person with a disability. Some counties already pay for the return postage. Shawnee County has done this. Paying the return postage can be done simply by a return pre-printed postage paid indicia. Doing this would have the government help break down a barrier instead of erecting a new requirement on the voter with a disability (albeit, though, this perhaps a minor barrier/requirement). If the government would pay for the return postage, then you would most likely take much of this entire issue of handling of advance votes and personal delivery of advance votes off the table. People would avail themselves of the paid return postage, and more of them would drop the ballot in the mail. This would, we believe, greatly reduce the number of ballots delivered by hand. If the postage was paid by government to mail back the ballot, that positive step forward could justify the additional requirements in HB 2281 of having the voter fill out the additional information on the ballot to allow their ballot to be returned, etc.

Government could pay for the return postage by either the State of Kansas paying for it as a provision of this bill, or requiring the Counties to pay for it in this bill. The State of Kansas provides funding to counties and broad latitude in the area of taxation authority (no longer have the strict tax lids, etc.). Paying for the return postage for ballots should simply be a cost of doing business that the government pays. Who can more afford it? State/local governments or a person with a disability living on \$7,000 a year?

We do appreciate the progress made on this issue. We hope you will agree that if new requirements are going to be placed on voting, that the State should start with requiring government to pay for the return postage of advance voting before it places new requirements on voters with disabilities and those who are doing them a favor by returning their ballot by hand.

Thank you for your attention to our concerns.



2709 SW 29<sup>th</sup> St, Topeka KS 66614  
TEL (785) 235-1307 FAX (785) 233-3052  
e-mail: [harriet@kab.net](mailto:harriet@kab.net) web site: [www.kab.net](http://www.kab.net)

Testimony - HB 2309  
House Committee on Elections and Governmental Organization  
February 19, 2007  
By Harriet Lange, President  
Kansas Association of Broadcasters

Mr. Chairman, Members of the Committee, I am Harriet Lange, president of the Kansas Association of Broadcasters (KAB). KAB serves a membership of free-over-the-air local broadcast stations in Kansas. We appreciate the opportunity to appear before you in support of HB 2309.

HB 2309 would provide the same level of accountability for all drivers who transport students or other members of the public, irrespective of their employer – whether a private contractor or a public agency. It would require public agencies which employ or contract for transporting students or the public, to make available only that information which is available about their own employees – no more, no less.

We believe that the vast majority of drivers are responsible and probably would never come under scrutiny if HB 2309 is enacted. However, for those few who do betray their public trust, HB 2309 provides a means for the public to hold them accountable.

School districts in Kansas spend millions of dollars annually to contract with private bus companies to transport our kids. The idea that parents are denied access to information about the drivers who transport their kids, just simply because the drivers are not directly employed by a public agency is a loophole which needs fixing. HB 2309 will close that loophole.

The situation has arisen in which parents have been unable to get information about the drivers who are transporting their kids. It's been a frustrating problem for parents as well as news organizations which serve as the public's eyes and ears. You'll hear more on this from KAB Board Member and Wichita Broadcaster Joan Barrett and Parent Shayla Johnston about the problems encountered in Wichita. In Topeka, USD 501 contracts with Durham School Services, and you can see from the story which aired on WIBW TV that the district here is not forthcoming with information about the drivers who transport Topeka school children.

(over)

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 4

When asked for driver information, school districts who contract with bus companies, will decline by saying the driver is not a district employee. The bus company will decline by saying we're not a public agency. The bus companies will cite privacy and confidentiality concerns for their employees. But we ask why shouldn't their drivers be held to the same standard of accountability as their counterparts in the public sector? What is more important than the safety and security of our children? That safety and security can only be insured when the drivers in whose care we leave our children are held accountable and to the same standard of openness of other public employees.

As the structure of government changes and more and more government services are privatized, our open government laws must change to reflect this changing structure. Private companies which provide government services of high public trust, should be held to the same standard of openness as a public agency. HB 2309 is a step in this direction.

Please pass HB 2309.

Thank you for your consideration.

News story which aired on WIBW TV/13

((RON))

FOR THE PAST TWO WEEKS WE'VE TOLD YOU ABOUT BUSING PROBLEMS THE TOPEKA 501 SCHOOL DISTRICT IS HAVING WITH DURHAM SCHOOL SERVICES. BUT YESTERDAY...AN ON YOUR SIDE CALL BROUGHT UP A WHOLE NEW ISSUE, WITH POTENTIALLY MORE SERIOUS OVERTONES.

AN EMPLOYEE OF A NORTH TOPEKA LIQUOR STORE SAYS IT HAPPENED AROUND 10:30 IN THE MORNING LAST THURSDAY OR FRIDAY.

SHE SAYS THE DRIVER PULLED UP TO MIKE'S LIQUOR...IN A DURHAM BUS, WEARING A BUS UNIFORM AND .....BOUGHT ALCOHOL AND LEFT.

13'S MARLA CARTER CHECKED INTO THE STORY.

PKG

((SOT))

CHANDRA CREEK HAS BEEN WORKING AT MIKE'S FOR A YEAR. SHE SAYS WHILE MANY CUSTOMERS COME IN DURING THE DAY.... THIS WAS NOT TYPICAL.

"10.48 guy came in and i noticed the shirt said durham school services, but I didn't think anything of it cause a lot of people do have uniforms on that come in here.."

BUT AS THE DRIVER WAS LEAVING, CREEK NOTICED HE WAS DRIVING A SCHOOL BUS...

THERE WERE NO CHILDREN ON IT, BUT SHE TOOK DOWN THE BUS NUMBER.

"08 he bought a 24 ounce can of beer and then I called Durham School Services and let them know they had a bus driver that was buying alcohol."

DURHAM WOULD NOT GO ON CAMERA BUT A SPOKESPERSON SAYS ONCE IT GOT WORD OF THE INCIDENT... THEY GAVE THE DRIVER A BREATHALIZER TEST. DURHAM SAYS THE TEST INDICATED NO ALCOHOL IN THE DRIVER'S BLOOD, AND THEY TELL US HE WAS JUST GETTING OFF DUTY.

DURHAM SAYS THE DRIVER WAS A 15 YEAR BUS VETERAN OF THE COMPANY FROM KANSAS CITY.

AND HE WAS IN TOWN AS A SUB.

BUT TOLD 13 NEWS THE COMPANY WOULD FIRE THE DRIVER TODAY.

HOWEVER.....THE LIQUOR STORE OWNER STILL HAS ONE QUESTION.

"20.18 we don't know that this bus driver may have taken that one beer home and drank it, but why didn't he get his car?"

ANCHOR TAG ON-CAM

((RON))

WE CONTACTED 501 ABOUT THE MATTER... PUBLIC INFORMATION OFFICER BRAD STAUFFER DID NOT WANT TO COMMENT ON CAMERA....., CALLING IT... A "DURHAM PERSONNEL ISSUE".



CBS Affiliate  
KWCH DT 12

SUNFLOWER BROADCASTING, INC.

HB 2309

Submitted as  
testimony  
for  
HB 2309

Testimony  
SB 456

Senate Committee on Elections and Local Government  
February 19, 2006

By

Joan M. Barrett, President  
Sunflower Broadcasting, Inc.

Mr. Chairman, Members of the Committee, I am Joan Barrett, president of Sunflower Broadcasting, Inc. which operates KWCH TV in Wichita; KBSD in Dodge City; KBSL in Goodland and KBSH in Hays. Thank you for the opportunity to appear before you in support of SB 456.

First, I would like to thank you for your service to our state. I believe that in your role as an elected official you are performing one of the most patriotic jobs in our country. Public servants are in office to ensure that public policy is carried out and that the public welfare is served. I believe that in addition to public servants, journalists also serve our democracy. In a democracy, journalists have the role of providing a check to our system. You may not always like the questions, or the stories, but I know that you understand the important role journalists play in a democracy. Our forefathers certainly knew this when they included freedom of the press in the Bill of Rights. Without a free and vigorous press, democracy does not survive.

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 5

Journalists ask the questions for the citizens. The journalists' role is to hold the powerful accountable – that includes public agencies. In order to do their job, public records must be open and available to journalists – and everyone else!

In your wisdom, laws have been written to keep public records open and available to citizens. I believe that many state organizations are circumventing your wishes. By simply hiring private companies to perform duties for public bodies – the records all become private. In the case of Durham Bus Services, the only document we have available to us is the contract between the two parties. If the school district was actually performing the bussing themselves, almost all of those records would be accessible. This just doesn't make any sense.

When I first began looking into the situation with Durham and USD 259 five years ago, here is a summary of what I found. The original contract was signed years ago, it had simply been amended with a new date and payment. At that time, the contract did not even include a requirement to drug test or background check drivers. Durham assured us that it was their policy to do drug tests and background checks on all drivers. The school district assured us that it is happening. But if taxpayers are going to spend millions of dollars paying for the transportation of our students, doesn't it seem logical that taxpayers should also have access to those records and make sure these things are happening? In the only public document we could acquire, there was no requirement for either.

This is just a snapshot of the problems associated with private companies

being paid public dollars – and keeping the information from the public. I strongly believe that if public tax dollars are going to be used – then the public should have the same access to those records – no matter who is doing the work. Durham makes a choice to work for a public organization and to accept public tax dollars for payment. When the company entered into that agreement – they should be held to the same standards as other public agencies.

We aren't asking for separate standards – just the same ones – whether or not the public agency chooses to use a private company should not affect the availability of the information. If the private agency is concerned about making that information public – they can decline the public contract.

Thank you for your time and consideration on this important issue.

THE WICHITA EAGLE  
DISTURBING BEHAVIOR ON A SCHOOL BUS  
Sunday, November 5, 2006  
Section: LOCAL & STATE  
Edition: main  
Page: 1B  
Memo: Commentary

Column: Mark McCormick

Almost no one believed the 8-year-old girl when she said a man on her Wichita school bus unfastened his pants, urinated into a cup and poured it out the window of the moving bus.

Even her mother was unsure, until her daughter described in detail what she saw and an on-board camera confirmed the Oct. 25 incident.

Beyond not wanting her 8-year-old exposed to something like that, this girl's mother worries about the hint of secrecy surrounding the incident.

And so do I.

First, the man on the bus told the child not to say anything, and terrible things tend to follow the words, "Don't tell."

Second, although officials at the bus company and the school district reported the incident to police and readily admitted to me what had happened, no one volunteered this information to the public until I asked.

Lastly, the public has no access to the disciplinary records of the adults entrusted to drive and care for students on buses.

The man on the bus, whom Durham School Services Inc. called an attendant, not a driver, no longer works at the company.

Jim Price, general manager for Durham, could recall no similar incident in the past.

"This is an isolated incident," he said.

I don't doubt that it is, but we have to take his word on this.

When I asked how many people had been fired or disciplined in the past year, he said that information was private. He's right. Durham is a private company.

He said the company conducts extensive background checks, including searches for arrests, convictions and Department of Motor Vehicle records.

It reminds employees continually of conduct and safety issues.

"We have 500 drivers, we transport 20,000 students to school every day,"

Price said. "Still, you're bound to have people who make poor judgments. We take our responsibility seriously to provide

5-4

transportation for students so they can arrive safely, on time, and ready to learn everyday. When we find an instance where someone is using poor judgment, we deal with it appropriately."

Susan Arensman, a spokeswoman for the Wichita school district, said the bus company responds quickly to district concerns. "Sometimes, they don't even wait for us to ask them to investigate, they do it on their own."

Arensman said the district considers this incident resolved.

"To publicly announce the incident would, in essence, identify the Durham employee," she said. "There was no threat to the safety of students and only one student reported seeing what happened, to our knowledge. This was a personnel matter that was quickly investigated and dealt with immediately and appropriately."

I suspect Price and the district are on top of things. The mother said the principal performed heroically, believing the child when virtually no one else did.

But we shouldn't have to take their word for it.

If a private company is doing public work, it ought to get the same scrutiny and have the same transparency as a public entity, especially where children are concerned.

Although there was no sexual intent in this incident, a child was exposed to what amounted to a flashing.

Worse, had you not been reading The Eagle this morning, you likely would never have known about it.

I'm not comfortable with that, and you shouldn't be, either.

Reach Mark McCormick at 316-268-6549 or mmccormick@wichitaeagle.com.

All content © 2006 THE WICHITA EAGLE and may not be republished without permission.

All archives are stored on a SAVE (tm) newspaper library system from MediaStream Inc., a Knight-Ridder Inc. company.

THE WICHITA EAGLE  
TO PARENTS, BUS DRIVERS ARE EERILY ANONYMOUS Sunday, November 12, 2006  
Section: LOCAL & STATE  
Edition: main  
Page: 1B  
Memo: Commentary

Column: Mark McCormick

When Shayla Johnston's daughter, Sara, came home the afternoon of March 14 saying the school bus driver had taken her picture while she sat

5-5

alone on the bus, Johnston wanted to know the driver's name. She wanted to see the photograph.

But she's learned in the intervening eight months that she didn't have the right to that information, or to know whether he was punished or was still driving a bus somewhere.

Nothing.

In no other situation, Johnston says, are parents asked to entrust their children to people whose identity and background are closed books to them.

This is true only of the school bus driver.

"We still don't know the driver's name!" Johnston told me in an e-mail last week.

She said that while Durham Bus Services Inc. told her it had moved the driver from her child's bus route, it didn't say whether he'd been given another route.

Susan Arensman, spokeswoman for the Wichita school district, said the driver had been fired and that after the firing, Durham had done a second background check to see if it had missed anything in the driver's background. The check had found nothing, Arensman said.

"Even though there was nothing illegal, it was certainly inappropriate,"

said Arensman, who added that when the mother called seeking information, the police and bus company were still investigating.

Arensman said Durham has a track record, as this case shows, of dealing affirmatively when anything remotely questionable comes up. She said the district welcomes parents to introduce themselves to drivers at their children's bus stop.

Jim Price, Durham's general manager, did not respond to repeated calls.

Last Sunday, I wrote about a bus attendant who urinated in a cup in front of a little girl, tossed the cup out of the window and then asked the girl not to tell. An on-board camera confirmed the child's story.

In that case, the district and the bus company said that attendant no longer works for the company, but neither would reveal the person's name.

In that past interview, I asked Price how many people Durham had disciplined or fired in the last year, and he explained that he didn't have to tell me because Durham is a private company.

When Johnston filed a complaint in the picture-taking incident with the Kechi Police Department, Police Chief Jason Doll said he asked for the assistance of the Wichita-Sedgwick County Exploited and Missing Child Unit to investigate and found that the driver had broken no laws.

"It was more of an innocent thing," Doll said. "You know, the way teachers have their students' pictures up? We didn't feel any threat, and if we had - believe me, I have two girls myself - we would have been up and down on this thing."

Still, because the bus company wouldn't or couldn't release this information, Johnston had to wonder whether the driver's actions were a sweet gesture or a whole new level of creepy.

If anyone should know, it would be a concerned parent.

Darren Muci, operations division director for the school district, pointed out last week that by outsourcing transportation, the district saves money on the operation and maintenance of a fleet of about 500 buses. And because the district observes every aspect of the operation, they get the service and considerable oversight at a savings.

But Johnston says that arrangement doesn't offer parents enough oversight.

Without the public knowing a driver's name, what's to stop him or her from getting another job working around children?

She's right.

Don't these two incidents make you wonder about what you don't know?

Reach Mark McCormick at 316-268-6549 or [mmccormick@wichitaeagle.com](mailto:mmccormick@wichitaeagle.com)

All content © 2006 THE WICHITA EAGLE and may not be republished without permission.

All archives are stored on a SAVE (tm) newspaper library system from MediaStream Inc., a Knight-Ridder Inc. company.

THE WICHITA EAGLE  
SCHOOL BUSES ARE A PUBLIC CONCERN  
Wednesday, November 29, 2006  
Section: LOCAL & STATE  
Edition: main  
Page: 1B  
Memo: Commentary

Column: Mark McCormick

When I asked Durham Bus Services General Manager Jim Price a couple of weeks ago how many drivers he'd disciplined or fired in the past year, he firmly but politely said he wasn't required to divulge that information because Durham is a private company, even though it runs the buses for the Wichita school district.

A school district spokeswoman said the same thing.

But there was a reversal of sorts last week.

Wendy Johnson, another spokeswoman for the school district, told me that while Durham did not have to give me that information, I did have a right to get it, without the names, via an open records request to the district.

"If you were to submit an open records request, we have that," Johnson said. "We get that information regularly as a part of our monitoring work."

As for the names, Johnson said, "that is not information (Durham) is required to give."

I've filed a formal request with the school district for the termination and discipline information I'd sought from Price. I'll let you know what I find out.

Regardless of how that turns out, Durham can still stonewall parents seeking information about Durham employees. Private companies doing public work should get public scrutiny.

Twice this month, I've written about strange happenings on school buses. An attendant urinated in a cup in front of an 8-year-old girl, tossed the cup out of the window and asked the child not to tell what she'd seen. Back in March, a bus driver took pictures of girls on a bus, and the Kechi mother of one girl had difficulty finding out why.

I'm not bashing bus drivers. I'm arguing for transparency and open government.

Take the case of Shayla Johnston, the Kechi mom, who said she didn't get the information she wanted about the driver who took pictures of her daughter until I got involved a couple of weeks ago.

After months of asking the district for the driver's name and for details of what happened, Johnston submitted an official request for information on Nov. 8 under the Kansas Open Records Act.

Among other documents, Johnston sought "any and all documentation regarding the bus driver involved in the above-referenced subject, including but not limited to his name, his current employment status and any reprimand he received. . . ."

The district's response encapsulates the accountability issues with this particular public-private relationship.

"The District is not the employer of the bus driver referenced in your letter," school officials wrote to Johnston in response. "The District contracts with Durham School Services to provide bus services for District students. Durham, as the provider of the service, employs bus drivers. The District does not have access to personnel records of Durham bus drivers.

The only document that the District has in its possession relating to the bus driver is a Security Services Incident Report form that was completed by a District employee. A copy of the incident report form is enclosed."

On one hand, district officials have told me that they closely monitor the background checking, training and disciplining of Durham employees. Yet when Johnston inquired about what happened to her child on the school bus, she got a letter basically saying, "Don't look at us, the driver isn't our employee."

And that answer arrived after Johnston had spent eight months waiting for answers.

If a man you didn't know frightened your daughter by taking photos of her, would you want the information you sought to come out this way? After months of inquiries?

I don't need every little detail about a bus driver's life.

But if Durham needs so much secrecy to perform the public duties taxpayers pay for, then maybe it shouldn't be transporting children.

Reach Mark McCormick at 316-268-6549 or mmccormick@wichitaeagle.com.

All content © 2006 THE WICHITA EAGLE and may not be republished without permission.

All archives are stored on a SAVE (tm) newspaper library system from MediaStream Inc., a Knight-Ridder Inc. company.

Good afternoon. My name is Shayla Johnston. I am a resident of Kechi, Kansas, a small suburb north of Wichita. Thanks to the President's Day holiday, I was able to bring with me today my daughters Sara and Victoria Gash, who are now 8 and 11 years old. I appear today in support of HB 2309.

My daughter Sara was 10 years old on the afternoon of March 14, 2006 when her new bus driver asked to take a digital photo of her as she exited the bus. Once she walked home, Sara reported to my husband that the male bus driver had made her feel creepy by taking her picture without our permission.

My husband immediately contacted me.

I then started making phone calls to the school and to Durham Bus Services. My goal was simple- provide me the name of this bus driver so that I could do whatever investigation I needed to protect Sara's privacy and prevent dissemination of Sara's likeness over the web. I did not think that was an unreasonable goal.

But I eventually was told by Patsy Sherwood of Durham that the name would not be provided to me in order to protect the *driver's* privacy. She had no apology for our situation, and no concern for the need to act immediately to prevent harm to Sara's likeness. I asked her to cite me the statute number of the law that protected the driver from being disclosed to parents- of course, she could not provide me one, as there is no such protection in Kansas law. Ms. Sherwood had the option to hide her bus driver and she chose to exercise that option. She did advise me to make a police report.

And I did. And I called Wichita Public Schools to try to persuade someone there to get the name for me. I was told that the man was not an employee of the school district and therefore they had no right to provide the information to me. The Kechi Police Department and the Sedgwick County Exploited and Missing Children's Unit said they could not disclose the name to me either.

It was absurd. I could know the names of my children's' teachers, their school lunch aids, their principals and administrators, but I was not allowed to know the name of the drivers who took my children's' lives into their hands for two hours every day.

I had to wonder what Durham Bus Services was hiding. If they were confident that their drivers are safe, then why not give parents some piece of mind and just tell us the names of bus drivers when we ask!

Mark McCormick of the Wichita Eagle and KWCH Channel 12 also thought this situation was ridiculous, and eventually through their efforts I was able to learn that the bus driver/photographer's name was David Reed. That was about 8 months after the incident. Once I had his name, I discovered that his driver's license had been suspended the year before this incident.

I also discovered that Durham and the Wichita Public Schools had viewed the photos of children on Mr. Reed's camera (he had taken photos of all the girls on the bus on his first day of work, the day before he took Sara's picture). Mr. Reed was allowed to delete the photos before law enforcement saw the camera. When I asked USD 259 what the photo of my Sara looked like, I was told it was a group shot of many girls- completely contrary to our multiple reports that Sara's photo was a solo shot. No one who reviewed the photos had any idea of what Sara looked like, and apparently didn't care enough to ask me for a description of her or to even review our report that Sara's photo was taken of her alone.

I argued with Darren Muci of USD 259 that for all they know, Mr. Reed still has Sara's photo, because they weren't cautious enough to double check that her photo was actually deleted. I was patronizingly reassured that all the photos were innocent in nature, and that I could trust that they had all been deleted.

I have attached copies of the Open Records responses that I received from the City of Kechi and from USD 259. Nowhere is there a description of the photo of Sara, nor is there a specific reference to that picture being deleted.

The long and short of this is that a private company is not going to do a better job of protecting children than parents. Obviously, companies like Durham Bus Services are not going to do the right thing by themselves and give parents the tools we need to protect our children- perhaps because they do not want parents to know that they are employing people who have shady driving records, like Mr. Reed.

HB 2309 cures a defect in the current Kansas Open Records Act that has previously been abused by companies like Durham to protect the privacy of their drivers over the safety interests of the children whom they are paid tax dollars to serve. This Bill provides a valuable tool in protecting another family from the frustration and anxiety that my family endured.



Operations Division  
Complex  
Darren Muci, Division Director  
316-973-2048, FAX 973-2200  
e-mail: [dmuci@usd259.net](mailto:dmuci@usd259.net)

School Service Center  
3850 N. Hydraulic  
Wichita, Kansas 67219  
[www.usd259.com/offices/operations](http://www.usd259.com/offices/operations)

November 14, 2006

Ms. Shayla C. Johnston, Attorney at Law  
The JOHNSTON LAW OFFICES, P.A.  
800 N. Market  
Wichita, KS 67201

Re: **KORA Request dated November 8, 2006 (received November 8, 2006 at approximately 1:01 p.m.)**  
as follows:

- "Any and all emails to or from you regarding the above-referenced subject;
- Any and all emails to or from any manager, supervisor or assistant regarding the above-referenced subject;
- Any and all letters, documents, memos or other paperwork to or from you regarding the above referenced subject;
- Any and all Letters, documents, memos or other paperwork to or from any manager, supervisor or assistant regarding the above-referenced subject; and,
- Any and all documentation regarding the bus driver involved in the above-referenced incident, including but not limited to his name, his current employment status, and any reprimand he received regarding the above-referenced incident."

Dear Ms. Johnston:

This is a response to your recent open records request made to Galen Davis, U.S.D. 259 Safety Services Director, for certain records pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.*, as amended.

As custodian of the records that you have requested, I am responding to each of your requests as follows:

1. *Any and all emails to or from you [Galen Davis] regarding the above-referenced subject.*

Response: There are emails that fit the description of your request; however, the District is not required to disclose such emails because they fall within the exception of records that school districts are required to disclose, as set forth at K.S.A. 2005 Supp. 45-221(20). Such emails are not required to be disclosed under this provision of the statute because they consist of notes, memoranda or other records in which opinions are expressed that have not been cited in an open public meeting or in an agenda item for an open public meeting.

Continued,

Ms. Shayla Johnston  
November 14, 2006  
Page 2

2. *Any and all emails to or from any manager, supervisor or assistant regarding the above-referenced subject.*

Response: Emails described in this request exist. The District declines to make such emails available to you for the same reason as is set forth in the response in #1 above.

3. *Any and all letters, documents, memos or other paperwork to or from you [Galen Davis] regarding the above-referenced subject.*

Response: Other than emails mentioned above, there are no letters, documents, memos or other paperwork to or from Mr. Davis regarding the subject incident.

4. *Any and all letters, documents, memos or other paperwork to or from any manager, supervisor or assistant regarding the above-referenced subject.*

Response: Other than the emails mentioned above, there are no letters, documents, memos or other paperwork to or from any manager, supervisor or assistant regarding the subject request.

5. *Any and all documentation regarding the bus driver involved in the above-referenced incident, including but not limited to his name, his current employment status, and any reprimand he received regarding the above-referenced incident.*

Response: The District is not the employer of the bus driver referenced in your letter. The District contracts with Durham School Services to provide bus services for District students. Durham, as the provider of the service, employs bus drivers. The District does not have access to personnel records of Durham bus drivers. The only document that the District has in its possession relating to the bus driver is a Security Services Incident Report form that was completed by a District employee. A copy of the incident report form is enclosed.

If you have questions or need anything further on this matter, please contact me, or Dr. Michael Willome, Clerk, Board of Education, at (316) 973-4553.

Sincerely,

*Darren C. Muci*

Darren Muci

Attachment

cc: Winston Brooks, Superintendent of Schools  
Martin Libhart, Chief Operating Officer  
Eric Williams, Transportation Manager  
Mike Willome, Ed.D., Clerk, Board of Education  
Wendy Johnson, APR, Division Director, Marketing and Communications  
Galen Davis, Executive Director, Safety and Security Services  
Susan Arensman, Media Relations Supervisor



**Security Services  
Incident Report Form**

INTERNAL USE ONLY

Date Received: \_\_\_\_\_ BOE Case #: \_\_\_\_\_

Building Name: Buckner 378 Address: 3530 E. 27<sup>th</sup> St. N.  
 Incident Contact Person: Pam Paulson Phone #: 973-2190  
 Incident Date: 3-14-06 Time of Occurrence: \_\_\_\_\_  
 Law Enforcement Agency: \_\_\_\_\_ Case #: \_\_\_\_\_  
 Grade Level Targeted At: \_\_\_\_\_ Gang Related? \_\_\_\_\_ Racially Motivated? \_\_\_\_\_  
 Photos Attached? Yes No  Misdemeanor: \_\_\_\_\_ Felony: N/A  
**Felony** **N/A**

**Incident Type (Please Check One):**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Alcohol                         | <input type="checkbox"/> Burglary            | <input type="checkbox"/> Kidnapping/Aggravated    | <input type="checkbox"/> Theft/Felony (\$1,000 or Above) |
| <input type="checkbox"/> Arson                           | <input type="checkbox"/> Burglary/Aggravated | <input type="checkbox"/> Larceny (Under \$1,000)  | <input type="checkbox"/> Terroristic Threats             |
| <input type="checkbox"/> Arson/Aggravated                | <input type="checkbox"/> Criminal Homicide   | <input type="checkbox"/> Loitering                | <input type="checkbox"/> Trespassing                     |
| <input type="checkbox"/> Assault (Verbal)                | <input type="checkbox"/> Disorderly Conduct  | <input type="checkbox"/> Mysterious Disappearance | <input type="checkbox"/> Vandalism                       |
| <input type="checkbox"/> Assault/Aggravated              | <input type="checkbox"/> Drugs               | <input type="checkbox"/> Personal Accident        | <input type="checkbox"/> Vehicle Accidents               |
| <input type="checkbox"/> Battery (Physical)              | <input type="checkbox"/> Drugs/Felony        | <input type="checkbox"/> Rape                     | <b>Weapons (List # and Type):</b>                        |
| <input type="checkbox"/> Battery/Aggravated              | <input type="checkbox"/> Drugs/Tobacco       | <input type="checkbox"/> Robbery                  | <input type="checkbox"/> Air Gun _____ Other-List: _____ |
| <input type="checkbox"/> Blackmail                       | <input type="checkbox"/> Fire/General        | <input type="checkbox"/> Robbery/Aggravated       | <input type="checkbox"/> Real Gun _____                  |
| <input type="checkbox"/> Bomb Threat                     | <input type="checkbox"/> Kidnapping          | <input type="checkbox"/> Sex Offenses             | <input type="checkbox"/> Realistic Replica _____         |
| <input checked="" type="checkbox"/> Other: Miscellaneous |  |   | <input type="checkbox"/> Knife _____                     |
| <u>Bus Driver took picture of students on bus</u>        |  |   | <input type="checkbox"/> Laser Pens _____                |

**Location of Incident (Please Check One):**

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Door/Exterior | <input type="checkbox"/> Portable/Annex        | <input type="checkbox"/> Surface of Building                 |
| <input type="checkbox"/> Auditorium        | <input type="checkbox"/> Gym           | <input type="checkbox"/> Restroom              | <input type="checkbox"/> Time Out Room                       |
| <input type="checkbox"/> Cafeteria         | <input type="checkbox"/> Hallway       | <input type="checkbox"/> School Yard           | <input type="checkbox"/> Other Location (Please List): _____ |
| <input type="checkbox"/> Classroom         | <input type="checkbox"/> Office Area   | <input checked="" type="checkbox"/> School Bus |  |
| <input type="checkbox"/> Door/Interior     | <input type="checkbox"/> Parking Area  | <input type="checkbox"/> Stairs                |  |

**Timeframe of Incident (Check One)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> On School Property During Normal School Hours | <input checked="" type="checkbox"/> On School Property Outside Normal School Day | <input type="checkbox"/> At a School Supervised Activity |
|--|--|--|

**Narrative of Incident:**

David Reed, bus driver on Buckner Rt. 13, took a picture of each student on the bus when they were getting off at their stops Tuesday afternoon. According to Durham Supervisor, Patsy Sherwood, the driver said he is a photographer and was asked by the students to take their pictures. Shayla Johnston, stepmother of student Sarah Gash (04), called Durham on 3-15-06 to obtain the drivers full name to see if that name showed up on a pedophile list. The call from Ms. Johnston made Durham aware of the pictures. Eric Williams was informed of the situation by Patsy Sherwood and shared the information he obtained from Durham with the principal and Galen Davis. The parent was told by Patsy Sherwood that the names of bus drivers are not given out and that she could file a report with police. The police could then call Durham for the name of the driver. The driver was put on administrative leave. On 3-15-06, I spoke with the principal. The only information the principal had at that time was relayed to her by Eric Williams. She did hear Ms. Johnston say to another parent that has a student on that bus that she needed to talk with them about a bus issue. Ms. Johnston and her husband were told the incident is under investigation and that the driver has been removed from the route.

I spoke with Patsy Sherwood today (3-16-06). She said that Officer Jones of the Kechi Police Dept. called her for information. At this time she had not heard back from the driver whether the pictures were digital or on film. I spoke with Mrs. Dixon this afternoon also. She talked with Sarah Gash's parents last night and was told they had made a police report. They were pleased that the driver had been removed. They spoke with some of the other parents about the issue. Mrs. Dixon said the other parents didn't seem upset.

---

Report Prepared By:

Pamela S. Paulson

Date/Time Written:

3-16-06 / 6:00 pm

Officer's Signature:

*Pamela S. Paulson*

---

END OF DOCUMENT

# *Kechi Police Department*

200 W. Kechi Road  
Kechi, Kansas 67067

(316) 744-9287

*Romans 13:1-4*

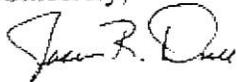
Shayla C. Johnson  
Attorney at Law  
P.O. Box 3089  
Wichita, KS 67201

Dear Mrs. Johnson,

Per your request, we are happy to provide you with all the reports that we have in regards to case 2006157 pertaining to Sarah Gash. The attached documents are what we have in reference to this case that you requested. As to the photo of Gash, we were never able to recover any photograph as to the deletion of it prior to our visitation with Mr. Reed about the incident. However, we are glad to provide you with the information that we do have.

If we are able to be of any other assistance, please do not hesitate to contact us.

Sincerely,



Jason R. Doll  
Chief of Police  
Kechi Police Department

Report Date  
04/04/2006

Case Number  
2006157

Offense/Arrest - Narrative  
Kechi Police Department  
KS0872100

Officer ID No.  
1

Page 1 of

INCIDENT DATE 03/14/2006	VICTIM / ARRESSTEE David Reed - suspect	OFFENSE / DESCRIPTION(S) Investigational
SUSPECT(S)		LOCATION OF OFFENSE / ARREST Kechi, KS

THE FOLLOWING LIST OF CATEGORIES ARE FOR THE OFFICERS REFERENCE ONLY. CHECK EACH BOX WHEN THAT SECTION IS COMPLETE.

- Initial Observations
- Interviews
- Evidence
- Additional comments
- Officer's Actions
- Injuries
- Attachments
- Disposition of Case

REPORTING OFFICER Doll	REVIEWED BY Doll	REVIEWED DATE	TYPED BY Doll
---------------------------	---------------------	---------------	------------------

**COPY**

On 03/18/2006, Officer Jones of the Kechi Police Department informed me, Chief Doll, that he had received a report from Gash that their daughter, Sara Gash (152 Prairie Creek, Kechi, KS 67067, 316-393-0004, DOB 11/13/1995), had been ridding the Durham School Bus on 03/14/2006 from school and while she was getting off the bus at her stop, the bus driver, later identified as David Reed (1902 N. Meridian, Wichita, KS 67203, DOB 05/04/1950, KDL K00345135), took a picture of her.

I later contacted Detective Prunier from the Sedgwick County Missing & Exploited Children Unit in Sedgwick County and explained to him the situation, asking if they would be interested in assisting us in the investigation. Detective Prunier stated that he would be happy to assist us. On 04/04/2006, Detective Prunier, Officer Armstrong and I drove to Reed's residence of 1902 N. Meridian, Wichita, KS and introduced ourselves. I explained why we were there and asked Reed if he would be willing to visit with us and Reed agreed to. Reed stated that he was aware of the situation and had been terminated from the Durham school bus company for violation of company policy. Reed was asked why he took the picture and he stated that he was a photographer and had been for many years and he simply wanted to take a picture of the kids that rode his bus. Reeds expressed that his picture taking was like how a teacher takes pride in his or her students. We asked Reed where the pictures he took of Gash was at and he stated that when he got into trouble, he felt it was best to delete the images to avoid any other issues. We asked Reed if we could search his residence and computer and he agreed. Detective Prunier having experience with computers and electronics, searched his computer and camera equipment. Detective Prunier stated that Reed had over 53,000 picture images that he searched through. A brief search of the residence and Detective Pruniers search showed no indication or concern of child pornography. After visiting with Reed in length Detective Prunier agreed that there was no indication of concern from Reed at this time.

That is all the information that we have at this time.

Chief Jason R. Doll  
Kechi Police Department

**COPY**

**COPY**



# INFORMATION REPORT

Kechi Police Department  
KS0872100

Date 04/04/2006	Day Tue	Case No. 2006157	
Time/Call	Time/Disp	10-23	10-24

Code S	Last Name Reed	First Name David	M.I.	Complaint / Incident Exploited Child Concern Interview					
Address 1902 N. Meridian				Location Kechi					
City Wichita			State KS	Zip Code 67203-	Local Code				
Home Phone	Race W	Sex M	Height 510	Weight 175	Hair GRY	Eyes	Reporting Party Adam Gash	Name of Victim Sarah Gash	
D.O.B 05/04/1950	Age 55	Driver's Lic. No. K00345135	State KS	S.S.N. [REDACTED]	Officer Doil		I.D. No. 1	Shift 1	Zone

COPY

- Type of Report -

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Abandoned Vehicle    | <input type="checkbox"/> Disturbance         | <input type="checkbox"/> Parking Complaint          |
| <input type="checkbox"/> Animal Complaint     | <input type="checkbox"/> F.I.R. Prepared     | <input type="checkbox"/> Possible Criminal Activity |
| <input type="checkbox"/> Assist Mad-Act       | <input type="checkbox"/> Intoxicated Subject | <input type="checkbox"/> Property Lost/Recovered    |
| <input type="checkbox"/> Assist Other Agency  | <input type="checkbox"/> Juvenile Activity   | <input type="checkbox"/> Suspicious Activity        |
| <input type="checkbox"/> Acc. Damage to Prop. | <input type="checkbox"/> Keep the Peace      | <input type="checkbox"/> Complainant Refused        |
| <input type="checkbox"/> Check the Welfare    | <input type="checkbox"/> Noise Complaint     | <input checked="" type="checkbox"/> Other _____     |

- Brief Description -

I contacted Det. Prunier from the Missing & Exploited Children in Sedgw. County that there was a report of a bus driver, (now terminated) taking pictures of young children on the bus. Det. Prunier, Officer Armstrong and I went to Reed's home to conduct a exploited child concern interview. Det. Prunier and I interviewed Reed and asked him about the photos and what was going on. He explained that he is a photographer, and he had been one professionally at another time, and he was just taking pictures, showing us the pictures he takes. Reed allowed us to look on his computer, where Det. Prunier looked at nearly 53,000 pictures. Nothing indicating concern of child pornography. Mr. Reed was very corporative. However, we did not receive anything in violation of the law or that would lead us to more concern right now.

That is all at this time.

COPY

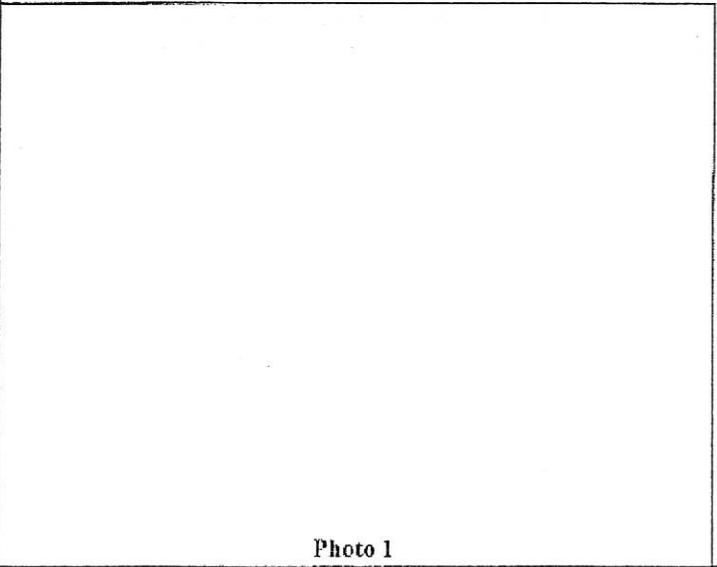


Photo 1

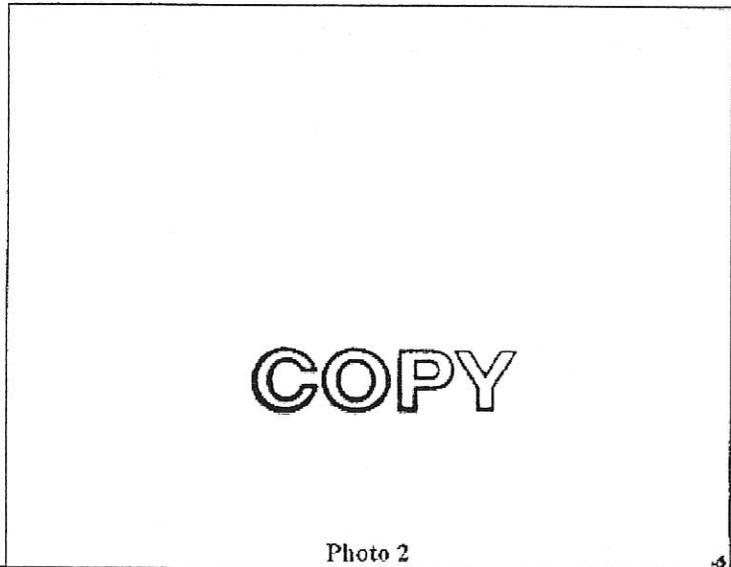


Photo 2

COPY

Victim

3-14-06 1500hrs <sup>Sat. Nov. 04</sup>  
50's-60's

David Buld Gatter

<sup>Brown</sup> ~~Patty~~ Sherwood (858-1557)

<sup>70's and 80's</sup> Eric Williams (973-2190)

Sarah A Gush — Victim

11-13-95

152 Prairie Creek

Kechi: KS 67007

393-0004

COPY

Adam Gush - Dad

11-13-74

454 Rt 13 Cope KS

Bukner

COPY

COPY



**Written Testimony, HB 2309**  
**House Committee on Elections and Governmental Organization**  
**Feb. 19, 2007**  
**Randy Brown, Executive Director**

Thanks for allowing the Kansas Sunshine Coalition to offer written testimony today in support of HB 2309. The Coalition is a group of educators, journalists and other citizens that includes the Kansas Professional Chapter of the Society of Professional Journalists, the Kansas Press Association, the Kansas Association of Broadcasters and the Elliott School of Communication at Wichita State University, at which I am the Senior Fellow.

HB 2309 is a simple, straightforward way to correct a lack of accountability for the spending of tax money. It would require that governmental agencies that contract with drivers of commercial vehicles that transport students or other citizens to make public the names, positions, salaries and length of service of those drivers.

Currently, USD 259 and USD 501 spend tens of millions of dollars of our tax dollars each year busing our children to and from public schools. Yet these school districts refuse to disclose basic information about their drivers. Why? Because, they say, they are dealing with a "private" company, in this case Durham School Services.

This is a clear loophole in Kansas open records law, as well as part of a spreading trend of "privatizing" public services. The principle is simple: public agencies spending public money must be accountable to the public for how they spend it. In this case, it's a matter of public trust and public safety.

Thanks for you time and consideration.

Board of Directors
<b>PRESIDENT</b> Liz Montano News Director WIBW
Les Anderson Associate Professor Elliott School of Communication
Doug Anstaett Executive Director Kansas Press Association
Nickie Flynn Wichita
Mary Knecht Wichita
Mike Kautsch Professor of Law University of Kansas
Ron Keefovert Education-Information Officer Kansas Judicial Center
Harriet Lange President Kansas Association of Broadcasters
Michael W. Merriam Lawyer Topeka
Buzz Merritt Editor, Retired The Wichita Eagle
Ron Sylvester Courts reporter The Wichita Eagle



## **Kansas Press Association, Inc.**

*Dedicated to serving and advancing the interests of Kansas newspapers*

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb. 19, 2007

To: Mike Burgess, chairman, and members of the House Elections and Governmental Organization Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: HB 2309

One of the growing trends in government is outsourcing of services to private companies. In most cases, this makes sense. It increases efficiency and it gets government out of the business of being all things to all people.

Sometimes, however, complications arise. Such is the case with the outsourcing by school districts, cities and counties of transportation services, particularly for the children who attend our public schools and for our senior citizens. We are placing our most cherished and most vulnerable citizens in the hands of private companies, whose records are not available for public inspection as they would be if the school district, city or county were providing the services.

The Kansas Press Association believes public safety demands that parents, senior citizens and taxpayers know more about the person sitting at the front of the bus with his or her hand on the steering wheel. It's as simple as that.

HB 2309 allows the public to know who has been hired by private companies to transport our most vulnerable citizens.

During the past few legislative sessions, we have spent considerable time on harsher punishment options for those who would prey on our children; wouldn't it make sense to institute some precautionary measures on the front end that might help identify these potential offenders before they have a chance to prey on someone?

Please support HB 2309 and give the public and the press more opportunity to check out who is driving the bus. We owe our most vulnerable that much.

Thank you.

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 8

RE: KANSAS HOUSE BILL 2309  
FEBRUARY 19, 2007

Durham School Services is a school bus contractor that serves eighteen School Districts in Kansas. We employ over one thousand people throughout those eighteen School Districts.

In regards to the legislation that would require private school bus contractors to make available personal employee information (i.e. name, compensation level, criminal background, motor vehicle record) to the public. I would ask that you review the following:

- ❖ Durham School Services as a private company has a commitment and obligation to our employees, to protect their personal and private information. As a company we go to great lengths to ensure that our employee's privacy and identity are protected.
- ❖ Public access to this information would present some potential staffing problems for school bus contractors. A company seeking employees with a CDL would now have access to our employee names, and could use this as a recruiting tool to enhance their staffing levels, and thereby negatively impacting the contractors ability to service the school district and contract.
- ❖ Durham School Services currently runs Kansas Bureau Investigation background checks and drug testing on all applicants who apply for employment. If the applicant is a new Kansas resident Durham School Services has the ability to run a national search based on the applicants previous residence. Additionally, all applicants must meet the following company standards for criminal records:
  - No felony convictions
  - No convictions for sexual offenses of any nature
  - No convictions for drug possession, use, trafficking or manufacturing
  - No convictions for assault or battery, including domestic abuse
  - No pattern of misdemeanor convictionsThis strict criteria exceeds the state of Kansas current requirements for school bus drivers.
- ❖ Finally I would ask that if it is the true intent of this bill to protect the safety and well being of our students, then HB2309 is not the answer. The answer would be to mandate state changes in how school bus drivers are licensed and screened, at the state level. Rather than to leave it to individual parents or media outlets to attempt to provide that oversight.

Thank you,

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 9

B.J. Garcia  
Durham School Services  
125 N Market #1475  
Wichita, KS 67202



## House Elections and Governmental Organization Representative Burgess, chair

### H.B. 2309 contracted employees subject to KORA

*Diane Gjerstad  
Wichita Public School*

February 19, 2007

Mr. Chairman and members of the Committee:

H.B. 2309 would require school districts who contract for transportation services to make available the name, position, salary and length of service of the employees of the private contractor.

We have several questions surrounding the mechanics of this proposal. The request for information is made of the "governmental entity" to provide the information – however the governmental entity is not the employer and does not have the information. We don't understand how a third party can be required to provide information about another business' employees. For example, USD 259 contracts with six charter companies. This provision would require the school district to provide the names and salaries of employees of the charter companies. Many companies would view this information as proprietary and may be reluctant to divulge this information, yet the school district is the entity subject to penalty if the information is not provided. The bill as written puts the "governmental entity" in the middle.

We also wonder what information the proponents believe they will gather from the names. Using a free internet phone search I found there are over 300 "Mike Burgess" in the United States and two in Topeka; there are four people with the name "Melody Miller" in Wichita. A name does not provide adequate information to search public records. If the goal of this bill is to provide for the safety of students, then a totally different mechanism is needed.

Mr. Chairman, this bill places schools and governmental entities in the middle and for information which is of questionable use. If the goal is truly provide for the safety of children then perhaps we should examine other avenues.

House Elections & Gov. Org.  
Date: 2-19-2007  
Attachment # 10