

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

22ND DISTRICT
STATE CAPITOL
TOPEKA, KS 66612
(785) 296-7665
greg.smith@house.ks.gov



8605 ROBINSON
OVERLAND PARK, KS 66212
(913) 302-9983

GREG SMITH

Thank you Chair Colloton and members of the committee for allowing me to testify about the important issue of child safety. It is a subject I am not only passionate about but one that I have firsthand experience with on a number of levels – police officer, teacher, father of a teen murder victim, and executive director of the Kelsey Smith Foundation.

HB 2559 amends the Kansas School Safety and Security Act. Current law provides “that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or, which involves the possession, use or disposal of explosives, firearms or other weapons. Each board of education shall annually compile and report to the state board of education at least the following information relating to school safety and security: The types and frequency of criminal acts that are required to be reported pursuant to the provisions of subsection (b), disaggregated by occurrences at school, on school property and at school supervised activities. The report shall be incorporated into and become part of the current report required under the quality performance accreditation system. **Each board of education shall make available to pupils and their parents, to school employees and, upon request, to others, district policies and reports concerning school safety and security.**” (Emphasis added)

I’ve been teaching in Kansas public schools for five years. I have never had the report made available to me. Attempts to find the information on my own led to the creation of this bill. I began working on this bill in earnest over the summer. ***I have yet to find either the FULL report required under the quality performance accreditation system or a crime report.*** According to one Board of Education member I spoke with the report is not available to the public at large on the KSDE website. I did locate the reporting manual for making the report. However, I did not find the actual report. It is not available on any school district website I have visited. I have not visited all 289 district websites but of the dozens I did visit I found no mention of crime statistics.

The research I have conducted leads me to believe that we have a serious lack of transparency when it comes to the safety of our children and teachers. As a father and Representative I am committed to making sure our children are protected. As a teacher and Representative I am committed to making sure our teachers are protected. Having experienced tragedy myself, I want to make sure we are following the law and providing the information needed so people can protect themselves.

House Corrections and Juvenile
Justice Committee
2012 Session
Date 2-13-12
Attachment #

2-1

Nearly every college and university in the United States, public and private, is mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) to disclose information about crime on and around their campuses. There are several parts to the Clery Act which has been federal law since 1990. First, colleges have to publish an annual report every year by October 1st that contains 3 years worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

Second, each college must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Colleges are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1) Liquor Law Violations; 2) Drug Law Violations; and 3) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

Third, colleges are also required to provide "timely warnings" and a separate more extensive public crime log. **It is these requirements which are most likely to affect the day to day lives of students and teachers.** The timely warning requirement is only triggered when the school considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to the campus police or security department. As a campus public safety officer at Johnson County Community College, from 2003 to 2008, one of my duties was to assist in the collection and maintenance of the daily crime log. I also was one of two officers who compiled the data for the annual report. I am familiar with the workings of the Clery Act.

Any college or university that receives federal monies must comply with the Clery Act. It is a tool that provides a safer education environment for students as well as safer working environment for faculty and staff. I am sure the intent of the Kansas Schools Safety and Security Act is to provide the same safety measures. Unfortunately, **the intent does not reflect the reality.** Kansas public schools are, in the best case ignorant of reporting requirements or in the worst case intentionally underreporting the facts about crime and safety on their campuses. The lack of transparency by the Kansas Board of Education concerning the report is troubling. Just as the Clery Act statistics are readily available to current students and employees while prospective students and employees are notified of its existence, the same should be true of the Kansas School Safety and Security Act.

HB 2559 proposes the following changes to the Kansas School Safety and Security Act:

- 1) All incidents that involve alcohol, drugs, and/or controlled substances are to be reported under the act;

- 2) That a "timely warning," be made to the parents of all the students enrolled at the school and to all school employees of any incidents considered to be a threat to other students and employees;
- 3) That an annual crime statistic report be compiled and available to the general public that shows crime incidents that have been reported for a rolling three year period (Examples are attached from some Kansas colleges & universities of the Clery reports);
- 4) That each school shall make, keep and maintain a daily log, written in a form that can be easily understood, recording all incidents reported. Such log shall be maintained by a school safety or security officer, or if there is no school safety or security officer, then by the principal of such school, or the principal's designee. Such log shall include the nature, date, time and general location of each incident; and the disposition of the complaint, if known. , All entries shall be open to public inspection within two business days of the initial report being made. (Examples are attached from some Kansas colleges & universities of the crime log).

In preparing for this testimony I became aware of two amendments that need to be made to the bill. First, ***the first "or", which appears on page 2, line 5, as stricken, be reinstated as part of the language.*** Second, ***students need to be included in the timely warning requirement although such warning would need to be age appropriate and/or exclude young children.***

As I demonstrated earlier, finding out what types of crimes have occurred on a public school campus is not an easy task. As a public school teacher in Kansas I know that parents are not always aware of incidents that occur on public school campuses. Even teachers do not always know about an incident, though the "grapevine" usually gets the word out. Students will talk and readily speculate on what "really" happened. This bill takes the ambiguity out of personal safety in our schools. Having crime information readily available provides certainty thus removing innuendo and rumor. Removing, or at least minimizing, speculation assists in providing an orderly learning environment. There is no question that providing a safe environment enhances learning. HB 2559 is key in providing that safe environment.

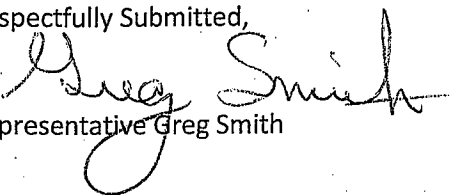
According to UCR statistics ***persons between the ages of 13 – 24 have twice the risk of being the victim of a violent crime compared to any other age group*** in the United States. Kansas is no different and follows the national pattern. Parents, students and teachers have a right to know what is occurring on their campuses, particularly when those events involve personal safety. This information empowers parents and allows them to make decisions concerning their child's safety. The general public also has a right to know what is occurring on the campuses of our schools. After all, every person in Kansas who pays property tax, either directly or indirectly is a stakeholder in our public schools. Good public policy demands that stakeholders know how their investment in educating our children is working. ***Our children must have a safe environment to learn in.*** This bill assists in monitoring both safety and the financial investment.

The Legislature has determined that a good education system is good public policy. To ensure this the Legislature has also determined that the financial investment in our public education system is the single largest expenditure from the State General Fund. For this reason, I would suggest, for the committee's consideration, ***an amendment that ties reporting compliance to state funding.*** This is exactly what the Clery Act requires for college and universities. ***It is a tangible way of***

demonstrating that the Legislature is serious about providing a safe environment for our most precious resource – our children.

I thank the committee for its time and consideration of this bill.

Respectfully Submitted,


Representative Greg Smith