

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 7, 2000 in Room 123-S of the Capitol.

All members were present except: Senators Emert and Oleen - Excused

Committee staff present: Avis Swartzman, Revisor of Statutes  
Carolyn Rampey, Legislative Research Department  
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Senator Vratil  
Nancy Keith, Director of Student Services, Olathe  
Cynthia Kelly, Attorney, KASB

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and admonished committee members to be on time as the committee must vacate the room by 10:00 a.m.

As Senator Brownlee was not present, she called on Senator Vratil to present his bill.

**SB 433 - suspension and expulsion of pupils from school**

Senator Vratil presented testimony to the committee ([Attachment 1](#)) and stated the purpose of the bill was to modify language concerning short-term suspension which is clearly inappropriate. An additional purpose was to allow lay persons to serve on a suspension and expulsion committee.

Senator Vratil continued by stating in 1999, the Legislature amended the suspension and expulsion statute to authorize a short-term suspension for up to ten school days under certain circumstances. **SB 433** would strike the word "carries" and substitute the phrase "is in possession of a weapon".

Continuing with his testimony, Senator Vratil stated in 1994 or 1995 a statute was adopted that restricts the composition of a suspension or expulsion committee only to "certificated" employees. This basically limits a committee to licensed teachers and/or administrators. The purpose of the bill is to expand the types of people a board of education might select to serve on a suspension and expulsion committee. The Senator can see no valid reason for not doing this.

Ending his testimony, Senator Vratil urged passage of the legislation.

Senator Vratil responded to several questions regarding the wording of the legislation. Several scenarios were presented to him as to what would constitute suspension and the possession of weapons.

**SB 519 - suspension and expulsion of pupils from school**

Senator Brownlee introduced the conferees for whom she had introduced this requested legislation.

Nancy Keith, Olathe, distributed her testimony ([attachment 2](#)) and stated the bill would allow school districts and families a more reasonable time frame to deal with short-term suspensions and would also provide minor students parental support in the appeal process.

Ms. Keith summed up her testimony by asking for consideration of the short-term suspension changes provided in the bill.

## CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on February 7, 2000.

Cynthia Kelley, KASB, read from her testimony (attachment 3) stating that the language in **SB 433** would bring state law back in conformity with federal law. Congress realized that “carries” was being misused. What it really intended was “in possession of a weapon”. The organization also supports the provisions that would allow persons other than certificated employees to conduct formal suspension or expulsion hearings. KASB prefers the approach in **SB 519** that would simply state ten days for any type of behavior.

Several comments were made about the different aspects of both bills. In response to some comments from one of the committee, Ms. Kelley commented that it would be an optimal thing to always have adequate funding for alternative programs; every board would appreciate that, but the reality of the situation is that the board has a choice of doing a five day suspension or looking at a long term suspension or expulsion in order to do ten days. A formal procedure has to be done to do ten days now for behaviors that aren't one of three behaviors that are included in the ten days. If a board is looking at going through a formal procedure, it is rarely looking at just ten days. The board will decide on a suspension for the remainder of the semester if it is going to go through those formal procedures. In many ways the legislation will keep more kids in school than if the board does not have this authority.

Ms. Kelly also stated that the board has to balance the interests of the other students in the school system. If some students are disrupting the attempts of the other students to learn in their school environment, then something needs to be done. If there was adequate funding to provide alternative programs, she is certain most boards would choose that, but that is not the case.

Ms. Kelly clarified that **SB 433** would broaden those categories where we currently allow for a ten day suspension. This is needed. It would be preferred to adopt the approach in **SB 519** and simply allow ten days for any behavior, but at a minimum her organization agrees with Senator Vratil that the weapons provision needs to be broadened for the ten day suspension.

As there were no opponents to the bills, the Chairperson closed the hearings on **SB 519** and **SB 433** and called for debate on the bills.

One of the committee members stated that what the committee should do is what is clearly called for in **SB 433**; it is the common sense thing to do. The language contained in **SB 519** has been passed on several occasions in the past, but has always been rejected in the House. Last year a compromise was searched for and that is how we have the present language. One bill will probably go through without much difficulty, but the other bill will probably meet its usual fate.

**Senator Umbarger recommended SB 433 favorably for passage. Senator Downey gave a second to the motion. The motion carried.**

Gary George, Olathe School District, stated they were trying to get language into **SB 519** to deal with some of the situations they have faced in his school district.

Ms. Keith stated under current law, if a student appeals or an adult appeals, the school board must hear the appeal unless the appeal is withdrawn.

**Senator Kerr moved to reconsider the committee's action on SB 433. Senator Umbarger gave a second to the motion. The motion carried.**

**Senator Kerr moved to amend SB 433 by adding the italicized language on page 3 of SB 519 into SB 433 and to recommend the bill favorably for passage as amended. Senator Umbarger gave a second to the motion. The motion carried.**

After a few additional comments, the Chairperson adjourned the meeting.

