



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**

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Testimony before the
Senate Committee on Corrections and Juvenile Justice

on
Analysis of SB 367 - Juvenile Justice

by
**Kansas Association of School Boards
United School Administrators of Kansas
Kansas School Superintendents Association**

February 12, 2016

Mr. Chairman, Members of the Committee:

During my last eight years as a building administrator we utilized a program called “Positive Behavior intervention and Support” (PBIS) this is a school and industry based program developed at the University of Oregon but supported in Kansas through the University of Kansas. The foundation of this program is about outlining the expectation, identify what the expectation looks like and providing on going reminders and training.

The biggest challenge to an effective PBIS program was staff acceptance, the concept, training, setting meetings and follow through. To truly effect change in a student’s behavior it takes people and time both of which are in short supply in our Kansas schools. This program is no different; the biggest challenge will be convincing great educators and talented administrators this program is going to work in their school/community.

The advantage of the current juvenile justice program is getting students into programs or facilities with trained individuals ready to support these children. This in-turn is going to be a challenge to this bill, most school employees are not trained or equipped with the necessary skills to support students who traditionally have been removed or adjudicated. The biggest concern from a teacher who is dealing with a challenging student in their classroom is, “how the student is negatively affecting the learning of the entire class.”

So, as I visit with you about the following items please understand I have experienced the challenges this bill will face in our schools especially if not implemented properly.

Kansas public schools share and support the three goals of the Kansas Juvenile Justice Workgroup which are to:

- Promote public safety and hold juveniles accountable
- Control taxpayer costs; and
- Improve outcomes for youth, families, and communities in Kansas.

On behalf of Kansas school boards and public schools, KASB provides the following observations and concerns:

New Sec. 3, pg. 4

This section provides for a multidisciplinary team to review cases when a juvenile fails to substantially comply with the development of the immediate intervention plan and includes the superintendent of schools or the superintendent’s designee as a member.

Comments/Concerns:

Schools appreciate the flexibility provided in subsection 3 which allows any person appointed to the team to decline to serve. This will help schools to prioritize limited time and resources.

New Sec. 4, pg.4

This section establishes the Kansas Juvenile Justice Committee to provide oversight to this major legislative change to keep more juvenile offenders in the community. This Committee will assist in ensuring that resources are directed to developing and maintaining options for placement of more juveniles in local community programs rather than secure lock-up facilities.

Comments/Concerns:

Local communities including schools need more alternatives and resources to address student mental health and behavior issues particularly when the student's family structure is dysfunctional. Since the closure of state mental and disability hospitals in the 1990s, schools have served an increasing number of students who have serious mental and physical disabilities without the necessary resources to meet the needs of these students. Since 2012, state aid for school district operating budgets has increased at less than the rate of inflation each year. The services required to deal with these students, such as counselors, social workers and psychologists, must compete with regular "classroom" teachers for budget resources.

New Sec. 15, pg. 9

This section provides that the attorney general in collaboration with the Kansas law enforcement training center and the Kansas State Board of Education, develop rules and regulations creating "skill development training" to respond to misconduct in school while minimizing student exposure to the juvenile justice system. Subsection (c) requires the superintendent of each school district or his/her designee to complete the skill development training.

Comments/Concerns:

Training is always helpful but requires resources to pay for the training and time to attend. Schools are already required by state and federal laws to provide training on sexual and racial harassment, bullying, section 504 accommodations, and special education procedures plus the recent seclusion and restraint legislation requires training for all school staff members on restraint and reporting when regular education and special education students are restrained. This training was mandated for all school employees without providing any new resources to pay for such training.

Sec. 31, pgs. 42-43

Addresses juvenile offender information and data tracking requirements relating to juvenile adjudications or offenses committed and requires the following information under (c)(7)(B) for juveniles who enter into an immediate intervention plans: **"the number of notice to appear citations issued and the number of school-based notice to appear citations issued in each school district."**

Comments/Concerns:

The above language raises several concerns about the role of school resource officers including:

1. Does this language allow/require school resource officers to issue citations?
2. Not all Kansas schools have access to school resource officers. For small rural schools, it is a challenge to pay for such positions within current school funding resources.
3. The role of the school resource officer is one of education and building positive relationships with students to prevent encounters with the criminal justice system.
4. Parents generally do not want the school resource officers to involve the juvenile criminal system and such a change in the role of the school resource officer may create public relations issues with having them in the school setting.

Sec. 48 pg. 80 lines 33-36

This section addresses all juveniles committed to a juvenile correctional facility and requires a case plan to be developed and provides that “The department for children and families, department of education and community supervision officers may also participate in the development or revision of the case plan when appropriate.”

Comments/Concerns:

As most of the students will be returning to their local school district, it would be better to delete “the department of education” and add in “the local school district in which the juvenile offender will be residing”.

Sec. 55 pgs.89-92

Under current law school districts are required to report students, after trying to get the parents to get their children to school, who are truant and have missed three consecutive days, five in a semester, or seven in a school year. These reports are made either to the Department of Children and Families or the county attorney depending on the age of the child.

Pg. 90 lines 39-41 provides for the continued reporting of truant students “provided that the report would not violate the terms of the memorandum of understanding approved by the superintendent of the school district pursuant to K.S.A. 72-89b03 (i), and amendments thereto.”

School attendance is critical if students are to learn, achieve, and reach their educational potential. Teachers and administrators say attendance is critical particularly in the lower elementary levels when basic reading, math, and science skills are to be learned. The more a student misses school the further behind they get in the basic skills needed.

When school districts report students as truant, it means they have exhausted all their resources and skills to encourage and require parents and students to be at school and is an indication they need the assistance and help of the juvenile system or children and families services to encourage parents and students to attend school.

Comments/Concerns:

Concern exists as to whether this policy change will reduce the focus on truancy and school attendance and increase the numbers of students who are not attending school and not gaining the skills they need to be successful as adults in a very competitive work environment.

Sec. 57 pgs. 93-95

This section amends the Kansas School Safety and Security Act which requires each board to adopt a policy requiring an immediate report be made to law enforcement by 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 the act constituted a commission of a felony or misdemeanor or involves the possession use or disposal of firearms or other weapons.

Pg. 94 lines 29-31 amends this reporting requirement by adding “**Provided that the report would not violate the terms of the memorandum of understanding approved by the school employee’s school district pursuant to subsection (i).**”

The public policy choice is whether the committee wants more individuals reporting possible weapon possession in schools or will requiring the reporting to be addressed in the memorandum of understanding be sufficient to protect student safety?

Pg. 95 lines 26-37 requires the state board of education to require superintendents to develop, approve and submit a memorandum of understanding developed in collaboration with stakeholders including law enforcement, the courts, and district and county attorneys “**...establishing clear guidelines for how and when school-based behaviors are**

referred to law enforcement or the juvenile justice system with the goal of reducing such referrals and protecting public safety.”

Comments/Concerns:

This broad generalization that the number of school referrals can be reduced is a concern. It raises the question as to how schools can reduce law enforcement referrals without risking the safety of all students and the safety of the student who is in a “melt-down” situation which will lead to harm and injury to the student or others. Teachers and administrators are trained to de-escalate student behavior situations and to help students refocus on their academic work. Schools have wide authority under KSA 72-8901 to discipline students by using short term discipline procedures from 1 to 10 days with minimal student due process procedures and the option to long term suspend students up to 90 days or to expel them for up to 186 days (one calendar year if it is a weapon) by providing the students with the 8 procedural rights set forth in K.S.A. 72-8903. The procedures for suspending or expelling a special education student are limited by Federal and State law.

Schools are in the business of education and use progressive discipline to change a student’s behavior and to help them learn consequences, self-control, and self-discipline. School administrators act judiciously and only call law enforcement when a student is out of control and threatening to harm himself or others.

Schools are dealing with more violent students and more students with emotional, mental health, and behavioral needs. The recent Kansas seclusion and restraint legislation has made it even more difficult to control student behaviors as it applies to both regular education and special education students and limits the ability of teachers and administrators to restrain out of control students. School administrators only call the police when they have exhausted all their skills and ability to restrain students under current school laws.

Law enforcement is called when the school district has exhausted all their skills and resources and no other alternative is available as the student is so out of control they are jeopardizing the safety and education of other students.

Assuming that schools could even reduce the numbers of students being referred to law enforcement, raises a bigger question as to how schools could handle students with severe behavioral, emotional and mental health problems without additional school staff, programs and resources which have been severely reduced in recent years due to changes in school finances. Students with serious emotional behavior problems cannot be handled in the regular education classroom.

Schools and local law enforcement along with judges and county attorneys share the same common dilemma, there are not enough community based programs, resources, and personnel to deal with the significant and serious behaviors that exist among juvenile offenders in our local communities.

Everyone is working hard to provide the best services possible but the outcomes will not change unless there are more programs and resources committed to provide structure, support, supervision, educational opportunities, and meaningful consequences for those students who are either not learning or not getting those critical life skills from their home environment.