

Testimony before the
Committee on Corrections and Juvenile Justice
On

HB 2048

Submitted by
Jim Porter, Chair
Kansas State Department of Education

February 2, 2017

Mr. Chairman and Members of the Committee,

First of all I want to make it abundantly clear that I am not testifying against the intent of this bill. Sexual abuse is a serious problem that can and does permanently damage children and addressing it is not only appropriate but also our responsibility, not only as leaders but also as human beings. The State Board of Education stands ready to be a partner; however, we also believe that we are the appropriate forum for this action

As the Sixth Article of the Kansas Constitution states -

“The Legislature shall provide for a state board of education which shall have the general supervision of schools, educational institutions and all the educational interest of the state, except educational functions delegated by law to the board of regents. The state board of education shall perform such other duties as may be provided by law.”

The issue addressed in HB 2048 includes both curricular and professional development elements. If this were referred to the State Board of Education we would bring proponents (including any Legislators you would appoint) to the table along with representatives of school districts to develop the best way to implement the provisions of the proposal and attempt to identify and address the unintended consequences of the bill. The State Board has the regulatory authority to then add the agreed upon provisions to the Social/Emotional Standards as a part of the Kansas Can vision. The Kansas Can vision is

widely accepted by school personnel who are excited about the direction the vision is headed.

By following this procedure, instead of passing a law, schools would be a part of the process and would not see this as just another added unfunded mandate.

As background - I chaired the Emergency Intervention Task Force (student seclusion and restraint) last year. The Task Force had seventeen members from groups that had been fighting each other for years. We were tasked with the responsibility of coming up with recommendations that met the needs of both students with severe emotional and behavioral issues, who were generally the students who were subjects of the seclusion and/or restraint, and the needs of the schools to protect all other students and staff. After several meetings this group voted 17-0 on their recommendations to adjust the law. These recommendations were eventually approved by both Houses with zero "NO" votes in the House and only one in the Senate. It worked because we identified and addressed unintended consequences and developed trust. This Task Force and subsequent change in the law would not have been necessary had these groups worked together before the law was passed.

The original bill was written by well-intentioned people whose goal was to protect children subject to seclusion and/or restraint. The unintended consequences were that the needs of others were not primary considerations and the actual implementation process was not the most effective. There were no bad actors, only actors who did not understand the complete ramifications of their positions, until they started working together.

Bills that become law usually have unintended consequences. The possible unintended consequences of this bill could be another charge of unfunded mandate along with the strong possibility of different interpretations of the requirements. Schools do

comply with mandates. However, the results are much more effective when all stakeholders are involved in the planning and implementation process.

It should also be noted that school personnel are already mandated reporters of not only sexual abuse but also other forms of abuse and neglect. For the most part they have and are receiving the type of training proposed by this bill and school counseling programs typically address issues like good and bad touch. I can't guarantee that every school in the state is doing this but I can attest that many and probably most are doing so already. Abuse and abuse prevention are taken extremely seriously by school personnel throughout our state and nation.

We as members of the State Board of Education want to be partners with the Legislature in solving problems. We stand willing and able to address the issues addressed in HB 2048. We want to assure that faculty has better knowledge and ability to identify abuse and students have a better understanding of how to protect themselves from such abuse.

I thank you for your consideration of my proposal and your service to the people of Kansas and will now stand for questions.