

HOUSE BILL No. 2450

By Representative Aurand

1-14

9 AN ACT concerning the Beloit juvenile correctional facility; authorizing
10 the secretary of the department of administration to convey a certain
11 tract of real estate for and on behalf of the juvenile justice authority;
12 amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the
13 existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and
14 76-2220 and K.S.A. 2009 Supp. 76-2201a.
15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. (a) The secretary of the department of administra-
18 tion is hereby authorized and empowered, for and on behalf of the ju-
19 venile justice authority, to convey, without consideration, all of the rights,
20 title and interest in the following described real estate, and any improve-
21 ments thereon, to the city of Beloit, Kansas:

22 A Tract of land in the Northwest Quarter of Section Four (4), Township
23 Seven (7) South, Range Seven (7) West of the 6th P.M., Mitchell County,
24 Kansas, more particularly described as follows: Beginning at the North-
25 east corner of the Northwest Quarter (NW/4) of Section Four (4), Town-
26 ship Seven (7) South, Range Seven (7) West of the 6th P.M., thence South
27 along the East line of the said Northwest Quarter of Section Four (4)
28 1327.8 feet to a point 359.3 feet North of the Center corner of said
29 Section Four (4); thence West 1342.0 feet to a point 310.9 feet North of
30 the South $\frac{1}{16}$ Corner of the NW/4 of said Section 4, thence North along
31 the Center line of the NW/4, 493.4 feet to a point 527.0 feet South of
32 the Center of said NW/4, thence West 621.0 feet, thence North 549.0
33 feet to a point on the East-West Center line of said NW/4, thence East
34 604.5 feet to the Center Corner of said NW/4, thence North 1319.55 feet
35 along the North-South Center line of said NW/4 to a point on the North
36 line of said Northwest Quarter, thence East along said North line to the
37 point of beginning, including highway and road rights-of-way, park, and
38 easements.

39 (b) Conveyance of such rights, title and interest in such real estate,
40 and any improvements thereon, shall be executed in the name of the
41 department of administration executed by the secretary of administration.
42 The deed for such conveyance shall be by quitclaim deed.

43 (c) No exchange and conveyance of real estate and improvements

1 thereon as authorized by this section shall be made by the secretary of
2 administration until the deeds and conveyances have been reviewed and
3 approved by the attorney general.

4 (d) All costs in any way related to the conveyance shall be paid by the
5 City of Beloit, Kansas. The conveyance of real property authorized by this
6 section shall not be subject to the provisions of K.S.A. 75-3043a, and
7 amendments thereto.

8 (e) In the event that the secretary of administration determines that
9 the legal description of the parcel described by this section is incorrect,
10 the secretary of administration may convey the property utilizing the cor-
11 rect legal description but the deed conveying the property shall be subject
12 to the approval of the attorney general.

13 Sec. 2. K.S.A. 2009 Supp. 38-2302 is hereby amended to read as
14 follows: 38-2302. As used in this code, unless the context otherwise
15 requires:

16 (a) "Commissioner" means the commissioner of juvenile justice or
17 the commissioner's designee.

18 (b) "Conditional release" means release from a term of commitment
19 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.
20 2009 Supp. 38-2369, and amendments thereto, under conditions estab-
21 lished by the commissioner.

22 (c) "Court-appointed special advocate" means a responsible adult,
23 other than an attorney appointed pursuant to K.S.A. 2009 Supp. 38-2306,
24 and amendments thereto, who is appointed by the court to represent the
25 best interests of a child, as provided in K.S.A. 2009 Supp. 38-2307, and
26 amendments thereto, in a proceeding pursuant to this code.

27 (d) "Educational institution" means all schools at the elementary and
28 secondary levels.

29 (e) "Educator" means any administrator, teacher or other profes-
30 sional or paraprofessional employee of an educational institution who has
31 exposure to a pupil specified in subsections (a)(1) through (5) of K.S.A.
32 72-89b03, and amendments thereto.

33 (f) "Institution" means the following institutions: The Atchison ju-
34 venile correctional facility, ~~the Beloit juvenile correctional facility,~~ the
35 Larned juvenile correctional facility and the Kansas juvenile correctional
36 complex.

37 (g) "Investigator" means an employee of the juvenile justice authority
38 assigned by the commissioner with the responsibility for investigations
39 concerning employees at the juvenile correctional facilities and juveniles
40 in the custody of the commissioner at a juvenile correctional facility.

41 (h) "Jail" means: (1) An adult jail or lockup; or

42 (2) a facility in the same building as an adult jail or lockup, unless the
43 facility meets all applicable licensure requirements under law and there

1 is: (A) Total separation of the juvenile and adult facility spatial areas such
2 that there could be no haphazard or accidental contact between juvenile
3 and adult residents in the respective facilities; (B) total separation in all
4 juvenile and adult program activities within the facilities, including rec-
5 reation, education, counseling, health care, dining, sleeping and general
6 living activities; and (C) separate juvenile and adult staff, including man-
7 agement, security staff and direct care staff such as recreational, educa-
8 tional and counseling.

9 (i) “Juvenile” means a person to whom one or more of the following
10 applies, the person: (1) Is 10 or more years of age but less than 18 years
11 of age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated
12 as a juvenile offender and continues to be subject to the jurisdiction of
13 the court.

14 (j) “Juvenile correctional facility” means a facility operated by the
15 commissioner for the commitment of juvenile offenders.

16 (k) “Juvenile corrections officer” means a certified employee of the
17 juvenile justice authority working at a juvenile correctional facility as-
18 signed by the commissioner with responsibility for maintaining custody,
19 security and control of juveniles in the custody of the commissioner at a
20 juvenile correctional facility.

21 (l) “Juvenile detention facility” means a public or private facility li-
22 censed pursuant to article 5 of chapter 65 of the Kansas Statutes Anno-
23 tated, and amendments thereto, which is used for the lawful custody of
24 alleged or adjudicated juvenile offenders.

25 (m) “Juvenile intake and assessment worker” means a responsible
26 adult authorized to perform intake and assessment services as part of the
27 intake and assessment system established pursuant to K.S.A. 75-7023, and
28 amendments thereto.

29 (n) “Juvenile offender” means a person who commits an offense
30 while 10 or more years of age but less than 18 years of age which if
31 committed by an adult would constitute the commission of a felony or
32 misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or
33 who violates the provisions of K.S.A. 21-4204a or 41-727 or subsection
34 (j) of K.S.A. 74-8810, and amendments thereto, but does not include: (1)
35 A person 14 or more years of age who commits a traffic offense, as defined
36 in subsection (d) of K.S.A. 8-2117, and amendments thereto;
37 (2) a person 16 years of age or over who commits an offense defined
38 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;
39 (3) a person under 18 years of age who previously has been:
40 (A) Convicted as an adult under the Kansas criminal code;
41 (B) sentenced as an adult under the Kansas criminal code following
42 termination of status as an extended jurisdiction juvenile pursuant to
43 K.S.A. 2009 Supp. 38-2364, and amendments thereto; or

- 1 (C) convicted or sentenced as an adult in another state or foreign
2 jurisdiction under substantially similar procedures described in K.S.A.
3 2009 Supp. 38-2347, and amendments thereto, or because of attaining
4 the age of majority designated in that state or jurisdiction.
- 5 (o) “Law enforcement officer” means any person who by virtue of
6 that person’s office or public employment is vested by law with a duty to
7 maintain public order or to make arrests for crimes, whether that duty
8 extends to all crimes or is limited to specific crimes.
- 9 (p) “Parent” when used in relation to a juvenile, includes a guardian
10 and every person who is, by law, liable to maintain, care for or support
11 the juvenile.
- 12 (q) “Risk assessment tool” means an instrument administered to ju-
13 veniles which delivers a score, or group of scores, describing, but not
14 limited to describing, the juvenile’s potential risk to the community.
- 15 (r) “Sanctions house” means a facility which is operated or structured
16 so as to ensure that all entrances and exits from the facility are under the
17 exclusive control of the staff of the facility, whether or not the person
18 being detained has freedom of movement within the perimeters of the
19 facility, or which relies on locked rooms and buildings, fences or physical
20 restraint in order to control the behavior of its residents. Upon an order
21 from the court, a licensed juvenile detention facility may serve as a sanc-
22 tions house.
- 23 (s) “Warrant” means a written order by a judge of the court directed
24 to any law enforcement officer commanding the officer to take into cus-
25 tody the juvenile named or described therein.
- 26 (t) “Youth residential facility” means any home, foster home or struc-
27 ture which provides 24-hour-a-day care for juveniles and which is licensed
28 pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas
29 Statutes Annotated, and amendments thereto.
- 30 Sec. 3. K.S.A. 2009 Supp. 72-978 is hereby amended to read as fol-
31 lows: 72-978. (a) Each year, the state board of education shall determine
32 the amount of state aid for the provision of special education and related
33 services each school district shall receive for the ensuing school year. The
34 amount of such state aid shall be computed by the state board as provided
35 in this section. The state board shall:
- 36 (1) Determine the total amount of general fund and local option
37 budgets of all school districts;
- 38 (2) subtract from the amount determined in paragraph (1) the total
39 amount attributable to assignment of transportation weighting, program
40 weighting, special education weighting and at-risk pupil weighting to en-
41 rollment of all school districts;
- 42 (3) divide the remainder obtained in paragraph (2) by the total num-
43 ber of full-time equivalent pupils enrolled in all school districts on Sep-

1 tember 20;

2 (4) determine the total full-time equivalent enrollment of exceptional
3 children receiving special education and related services provided by all
4 school districts;

5 (5) multiply the amount of the quotient obtained in paragraph (3) by
6 the full-time equivalent enrollment determined in paragraph (4);

7 (6) determine the amount of federal funds received by all school dis-
8 tricts for the provision of special education and related services;

9 (7) determine the amount of revenue received by all school districts
10 rendered under contracts with the state institutions for the provisions of
11 special education and related services by the state institution;

12 (8) add the amounts determined under paragraphs (6) and (7) to the
13 amount of the product obtained under paragraph (5);

14 (9) determine the total amount of expenditures of all school districts
15 for the provision of special education and related services;

16 (10) subtract the amount of the sum obtained under paragraph (8)
17 from the amount determined under paragraph (9); and

18 (11) multiply the remainder obtained under paragraph (10) by 92%.

19 The computed amount is the amount of state aid for the provision of
20 special education and related services aid a school district is entitled to
21 receive for the ensuing school year.

22 (b) Each school district shall be entitled to receive:

23 (1) Reimbursement for actual travel allowances paid to special teach-
24 ers at not to exceed the rate specified under K.S.A. 75-3203, and amend-
25 ments thereto, for each mile actually traveled during the school year in
26 connection with duties in providing special education or related services
27 for exceptional children; such reimbursement shall be computed by the
28 state board by ascertaining the actual travel allowances paid to special
29 teachers by the school district for the school year and shall be in an
30 amount equal to 80% of such actual travel allowances;

31 (2) reimbursement in an amount equal to 80% of the actual travel
32 expenses incurred for providing transportation for exceptional children to
33 special education or related services; such reimbursement shall not be
34 paid if such child has been counted in determining the transportation
35 weighting of the district under the provisions of the school district finance
36 and quality performance act;

37 (3) reimbursement in an amount equal to 80% of the actual expenses
38 incurred for the maintenance of an exceptional child at some place other
39 than the residence of such child for the purpose of providing special
40 education or related services; such reimbursement shall not exceed \$600
41 per exceptional child per school year; and

42 (4) except for those school districts entitled to receive reimbursement
43 under subsection (c) or (d), after subtracting the amounts of reimburse-

1 ment under paragraphs (1), (2) and (3) of this subsection (a) from the
2 total amount appropriated for special education and related services un-
3 der this act, an amount which bears the same proportion to the remaining
4 amount appropriated as the number of full-time equivalent special teach-
5 ers who are qualified to provide special education or related services to
6 exceptional children and are employed by the school district for approved
7 special education or related services bears to the total number of such
8 qualified full-time equivalent special teachers employed by all school dis-
9 tricts for approved special education or related services.

10 Each special teacher who is qualified to assist in the provision of special
11 education or related services to exceptional children shall be counted as
12 $\frac{2}{3}$ full-time equivalent special teacher who is qualified to provide special
13 education or related services to exceptional children.

14 (c) Each school district which has paid amounts for the provision of
15 special education and related services under an interlocal agreement shall
16 be entitled to receive reimbursement under subsection (b)(4). The
17 amount of such reimbursement for the district shall be the amount which
18 bears the same relation to the aggregate amount available for reimburse-
19 ment for the provision of special education and related services under the
20 interlocal agreement, as the amount paid by such district in the current
21 school year for provision of such special education and related services
22 bears to the aggregate of all amounts paid by all school districts in the
23 current school year who have entered into such interlocal agreement for
24 provision of such special education and related services.

25 (d) Each contracting school district which has paid amounts for the
26 provision of special education and related services as a member of a co-
27 operative shall be entitled to receive reimbursement under subsection
28 (b)(4). The amount of such reimbursement for the district shall be the
29 amount which bears the same relation to the aggregate amount available
30 for reimbursement for the provision of special education and related serv-
31 ices by the cooperative, as the amount paid by such district in the current
32 school year for provision of such special education and related services
33 bears to the aggregate of all amounts paid by all contracting school dis-
34 tricts in the current school year by such cooperative for provision of such
35 special education and related services.

36 (e) No time spent by a special teacher in connection with duties per-
37 formed under a contract entered into by the Kansas juvenile correctional
38 complex, the Atchison juvenile correctional facility, ~~the Beloit juvenile~~
39 ~~correctional facility~~, the Larned juvenile correctional facility, or the To-
40 peka juvenile correctional facility and a school district for the provision
41 of special education services by such state institution shall be counted in
42 making computations under this section.

43 Sec. 4. K.S.A. 76-2201, 76-2202, 76-2219, 76-2220 and K.S.A. 2009

- 1 Supp. 38-2302, 72-978 and 76-2201a are hereby repealed.
- 2 Sec. 5. This act shall take effect and be in force from and after its
- 3 publication in the Kansas register.