

MINUTES OF THE SPECIAL STUDY COMMITTEE ON SOCIAL AND REHABILITATIVE
INSTITUTIONS

Held in Room 254-E of the Statehouse, at 12:30 p.m., on March 26, 1980.

Members present were:

Senator Robert Talkington, Chairman
Representative Joe Hoagland, Vice Chairman
Senator Mike Johnston
Representative David Heinemann
Representative Phil Martin

Staff present were:

Fred Carman, Revisor's Office
Emalene Correll, Legislative Research Department
Ray Hauke, Legislative Research Department
Robert A. Coldsnow, Legislative Counsel

There were no conferees present.

The Chairman called the meeting to order and highlighted memos from the staff listing policy questions as suggested by conferees. A recommendation made concerning a separate department for mental health and retardation services was mentioned. He pointed out SRS is in the process of hiring a new director for this division. Until he comes on board and the present system is given a chance to work, he felt it might be premature for the committee to make recommendations in this regard. With respect to establishing a Youth Authority, the Chairman felt action on other recommendations would affect this decision.

Representative Hoagland pointed out, if the recommendations were considered one by one and no action was taken on a specific matter, it might be misinterpreted. He felt the memos should be used as a check list for specific ideas after general discussion on policy questions.

Representative Hoagland said the Youth Center at Atchison has taken more of the committee's time and has different kinds of problems than other state institutions. The center seems to be completely over-run by personality conflicts, and the committee report should reflect this. He also felt the report should speak to the YRC programs at state hospitals and whether these programs involving juvenile offenders should be continued on hospital campuses for the mentally ill.

There was discussion regarding the separation of the YCAA from YCAT. The Chairman pointed out a decision had to be made to either recommend separating them; or, retaining them as they are and putting a superintendent or resident director on each campus with sufficient administrative staff at Atchison that can handle the situations that take place on that campus without waiting for people from Topeka. Based on testimony and information received, he felt they should be separate. Representative Hoagland said the two centers were joined because the need for additional juvenile correction facilities had changed the Atchison facility from one for wayward and neglected children. It is no longer an orphanage but is a full-blown juvenile correctional facility dealing with youth who have committed burglaries, armed robberies, and sexual offenses. He noted the documented difficulties under the present system of one super-

intendent trying to be present at both centers. He felt the committee should, at least, recommend separating the two centers administratively with an additional administrator. He made a recommendation of a person for the Atchison facility. The Chairman pointed out the committee should not make recommendations of specific individuals by name for any position but should recommend general policies. If someone was named, it would be the committee's fault if that person does not work out. If the committee says certain things should be done, it is up to SRS to place people who will carry out these directives. If SRS does not place the proper people, it will have to make changes again.

Representative Hoagland stated he did not want the committee to create a climate of people running to the legislature everytime they have some problem in the institutions to complain about. There are a lot a problems at YCAA in personalities that do not have anything to do with management structure except the institution needs a full-time superintendent.

Senator Johnston thought it was inappropriate for the committee to recommend persons by name for positions. He expressed his concern that various groups at Atchison have used this committee as a means to exonerate their own behavior with the committee acting as arbitrator and these people hoping the committee will declare a winner. The Secretary should define the center's mission and get people to carry it out. If they are not willing to follow the program, they should be replaced with someone who is willing.

Representative Hoagland questioned who the legislature would look to for accountability. The Chairman said it should look to the Secretary to be accountable for YCAA and all institutions. He did not think the legislature should get into going to a superintendent and ask why he is doing this or that. Representative Hoagland said the Secretary indicated he does not interfere in clinical program, and, at Atchison, that is a problem. He questioned who was going to be responsible for a breakdown in program. The Chairman did not think the Secretary had to be involved in program to be accountable. According to the organizational chart, he has the final responsibility for SRS. Senator Johnston said the committee has heard of conflicts five or six times removed from the Secretary, but he and the Governor are clearly responsible. Representative Hoagland expressed concern that program creativity at the local level at some institutions was stifled under SRS. There had been a breakdown of program development at Atchison with each cottage doing its own thing. He questioned where the line was between program development and administration and was the superintendent responsible for program. He did not want the committee report to construe that the Secretary must develop the program. The Chairman felt he was still responsible under the organizational chart.

Senator Johnston moved that the committee recommend the Atchison and Topeka youth centers be separated administratively and the necessary statutory changes, along with adequate appropriations recommendations, be made to carry out the intent of the motion. Representative Heinemann seconded the motion.

In discussion, Senator Johnston pointed out this might be a constructive step to alleviate some of the problems. It was clarified that the centers would not be separated from SRS. The fiscal impact was mentioned.

Mr. Coldsnow mentioned a letter from Sharon Gordon which had previously been given to members of the committee and in which she estimates the figure to be a net \$10,000 increase if consideration is given to FY 1981 requests for YCAT. Staff mentioned several options affecting expenditures such as maintenance, personnel services, etc., which are now shared. It was noted there can still be an agreement to share certain services which would be the Department's decision. The Chairman noted, with separate institutions, an assistant superintendent at Topeka would probably not be needed. If the Department feels an assistant is needed, it will have to justify its reasons.

The vote was taken, and the motion carried unanimously.

There was discussion regarding the superintendent's position at Atchison. Representative Heinemann preferred that the individual being placed as superintendent or in chief management at Atchison not be an employee of YCAA or any other SRS institution. Representative Martin expressed concern that the situation at Atchison was not corrected without the action of this committee, and he questioned if it will be corrected without specific directions from this committee. He felt strongly the need to bring in someone from outside the youth centers who has the administrative capacity to advise the staff for the best interests of the residents. The Chairman said a vote could be taken on the issue. Mr. Hamm, legal counsel for SRS, was asked if the Department has trouble restricting people from within the system from applying for positions. He replied there was no statutory requirements for superintendent other than administrative ability, and the position was unclassified. He indicated this would not be a problem. Senator Johnston thought if it was mandated that the position must be filled by someone outside of SRS, it may take a long time to fill the position. He felt Mr. Wilson was willing to straighten things out, and the committee should give him a vote of confidence, but he was not the only one to do the job. No vote was taken on the issue.

It was clarified that when the centers are separated, the intent is for their missions to be the same with both serving the same purpose.

Representative Heinemann expressed concern that the program at Atchison reflect the needs if the center starts serving a different type of juvenile. Representative Martin suggested the committee recommend a review of the policies of the Department and institutions regarding programs relating to juveniles.

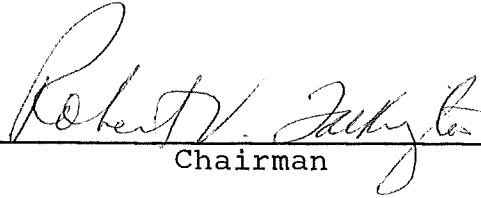
It was clarified that the line of authority in the statute would show the director or commissioner of Mental Health and Retardation Services would be over the Youth Center at Atchison the same as other institutions.

Mrs. Correll asked if it was the committee's intent that the positions of the superintendents at YCAT and YCAA be comparable in classification and salary ranges. The Chairman and the committee indicated they should be comparable.

The effective date of the proposal was discussed. The Chairman said it was possible but highly improbable implementation could be achieved by

July 1, 1980. Staff pointed out, if the measure was introduced this session, the Department of SRS would have the opportunity to issue a fiscal note which could be taken into consideration. It was the consensus of opinion to try for July 1, 1980, and change it if necessary.

The meeting adjourned at 1:25 p.m.



Robert V. J. J. J. J.
Chairman

ATTENDANCE SHEET

3-26

NAME

Stearns

Sowers

Hamm

Sacksman