

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on February 26, 1986 in room 531-N of the Capitol.

All members were present except:
Senator Frank Gaines who was excused

Committee staff present:
Mike Heim, Legislative Research Department
Emalene Correll, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office

Conferees appearing before the committee:
Andy Carver, Vice-President for Kansas Families for Mental Health, Manhattan
Professor Rud Turnbull, University of Kansas, President of the American Association on Mental Deficiency, Lawrence
Dr. Gerald Hannah, Director, Mental Health and Retardation Services, Department of Social and Rehabilitation Services
Margaret Wares, Director, Independent Living Program, Developmental Services of Northwest Kansas, Hays
Herman Cline, Special Education, Olathe School District, Olathe

HB 2275 - Concerning zoning; relating to group homes.

A hearing on the bill was continued from a previous meeting. Andy Carver, Manhattan, Vice-President for Kansas Families for Mental Health, supported the bill. Few communities have support systems for mentally ill persons who are discharged from state institutions. Some become "street people" who cannot survive under these conditions. Since there is no group home in Manhattan, his daughter is placed in a rehabilitation center 120 miles away. He questioned what would happen to her when he and his wife are no longer able to support her. He objected to mentally ill persons being discriminated against because property owners do not want them as neighbors and requested that the mentally ill be included in and amended back into provisions of HB 2275. Mr. Carver's statement is attached (Attachment No.1).

Professor Rud Turnbull, University of Kansas, and President of the American Association on Mental Deficiency, supported the bill and requested that his written testimony furnished during the interim be refiled by reference with this Committee. He said a statewide plan regarding group homes for the mentally ill and retarded was needed as it was no longer a local matter and should not be subjected to barriers created through home rule. The civil rights of the mentally disabled are being violated, and the trend of other states is to open up single family zoning laws. Property values do not go down because of group homes, and there would not be additional vehicles. Professor Turnbull said legislators should judge this bill and others providing exemptions on the basis of which group has the greater need. There is a distinction between screened mentally disabled and those persons who have been adjudicated as offenders. Without a statewide interest, more money will have to be appropriated every year to maintain the present system. He believed there should be a limit of 12 residents for each group home.

Dr. Gerald Hannah, Director, Mental Health and Retardation Services, said SRS supports the bill. Its statement is attached (Attachment No.2). He said the group home policy is set when legislators approve the Department's budget regarding money that is spent in local communities. Local Governments would still be involved in decisions regarding group homes because they furnish funds for centers. The House committee removed the mentally ill from the bill because of misinformation regarding dangerous mentally ill persons which does not pertain to those eligible for group home living.

Margaret Wares, Director, Independent Living Program, Developmental Services of Northwest Kansas, supported the bill and did not believe it would restrict the power of local governments. She expressed concern regarding the prejudice and distrust against handicapped individuals and the objections of some that non-related people live together in a group home. Non-related people are housed together in institutions. She noted an unfair pattern of discrimination against the physically handicapped and questioned why property owners should have the right to dictate who lives next door. Living in a nurturing, family

CONTINUATION SHEET

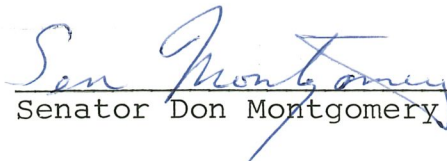
MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:00 a.m. ~~p.m.~~ on February 26, 1986.

atmosphere helps individuals to manage on their own. She compared objections to integrated handicapped persons to those heard against another group of individuals in the South in the 1960s. Discrimination arguments are no more valid in 1986 than then. She believed HB 2275 would establish a statewide policy concerning all citizens. (Attach. IV)

Members expressed concern regarding Ms. Wares' remarks relating to discrimination of another minority. Senator Langworthy pointed out that her previous statements made to Ms. Wares were because of her belief in the value of home rule and were not made for the reason Ms. Wares implied in her statement. Senator Allen clarified that the subject discussed between him and Ms. Wares in his office pertained to taking power away from local elected people and did not pertain to Ms. Wares' statement.

Herman Cline, Special Education, Olathe School District, said he was neither for or against the bill but pointed out that it would create problems for local school districts if an excess of group homes was placed in one school district. He believed an unlimited number of group homes could be placed in areas not zoned exclusively for single family dwellings. He noted the possibility of a boys town type campus of 100 mentally disturbed boys being placed in Olathe. Students and school districts would suffer stress, and financial costs to districts would increase if the bill passed. He had no objection to the bill if this potential could be removed. Mr. Cline's statement is attached (Attachment No. 3).

The Chairman said the hearing on HB 2275 for opponents would be rescheduled for a later meeting. He adjourned the meeting at 10:00 a.m.



Senator Don Montgomery

Date: February 26, 1986

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
Marc Lahn	Metro Planning	820 Quincy St. Topeka, KS
Kim Davis	League of Municipal	Topeka
Sela Kelley	APC/Kansas	Topeka
Debra Lee Harris	Sheltered Living	KARF Topeka
Melvin Kroemer	GAP	SMH Parent Topeka
Jeanette Kroemer	D.G.P. SMH Parent	3426 Adams - Topeka 66605
Andy CARVER <small>Vice President</small>	Ks. Families for Mental Health	1806 LARAMIE TRL 539-7000 MANHATTEN, KS 66502
Jean Schiefelbusch	Assoc. for Retarded Cit - Jo Co	8001 Conser OP KS 66204
Norma Schick, c.s.f.	Heartland, L'Arche, K.C.	9208 Summit, Lenexa, KS 66215
Rud Turnbull	Univ. of Kansas	1500 Alvarado Dr. Lawrence
Christella Buser	9162 A Rigger Ln. <small>Overland Park, Ks</small> 66212	L'Arche - Heartland
Al Nemece		
John Peterson	Ks. Assn. Lic. Psyc. Child Care Agencies	Topeka
Esie Smith	UCS - Jo Co	824 W. 9th St. O.P. Ks.
John Hanna	Associated Press	Topeka
Ray Petty	KACEH/DHR	Topeka
James Stubbins	ABAK	"
Margaret Bonds Wares	DSNWK	HAMS
Ed Nemece	MHRS	Topeka
Dane Hoot	ASSOC. OF CMHC'S OF Ks.	Topeka
Geoffrey Haeber	MHRS / SRS	Topeka
Cary Condra	Residential Alternatives	Lawrence, Ks.

Anti-discrimination Housing Bill (Group Homes)

I am Andy Carver from Manhattan, KS and serve as Vice-President for Kansas Families for Mental Health, a state wide organization of families who have a family member stricken by chronic mental illness. Our organization is about two years old and we presently have 18 affiliates consisting of approximately 300 families and we are growing continuously.

Mental illness is widespread. Very few families miss being touched by mental illness. Ten percent of all hospital beds in this country are occupied by the mentally ill.

In the 1960's, the State Hospitals opened their doors and discharged some very sick people. These ill persons were to go back to their own communities and receive local support and care. When the outplacement was completed, we found few communities with any type of support system. The numbers of mentally ill homeless grew and "Greyhound therapy" became the best way to treat mental illness. Simply put the ill person on a bus and send him or her to another state or to a large city that had some sort of support system. I suppose "Greyhound therapy" is a little better than what the Nazi regime used in WW II to rid itself of its Jewish population. The Nazis used boxcars and ovens; we use buses and the streets.

How long do you think a chronically mentally ill person can last on the street? Six months? One year? Two years? Changing climatic conditions, food from garbage cans, muggers, rapists, taunting locals, untrained police-----think of the dangers on the streets.

I'm lucky. My wife and I work and are able to pay about \$600 a month for my 25 year old daughter to be cared for in a rehabilitation center with a partial hospitalization program in Newton, Ks. Renee is kind, sweet, gentle and very pretty. She is also schizophrenic. She couldn't last a week on the street and she regresses at our home. There is no place for Renee in our hometown.

We have Pawnee Mental Health Center in Manhattan. They have day programs for persons like Renee. Clients can receive therapy; an M.D. regulates their medication but there is no place for them to live in the community. A group home could shelter about six clients, prepare meals, supervise household chores, administer medication and establish a safe environment.

My daughter needs protection from the complexities of life, not hospitalization. Also, these people pose no danger to their neighbors. The several hundred mentally ill persons I have met are mostly shy and withdrawn. Statistics show that fewer crimes are committed by mentally ill persons than by a like number of so-called "normal" persons.

We want our chronically mentally ill family members in our own community. I don't want to make a 240 mile round trip to visit my daughter each week.

We need legislation passed this year that will allow group homes to be set up in residential areas in every city and town in Kansas without regard to discriminatory zoning laws. Since 1956, we have come a long way in this country to stamp out discrimination. We would not dare pass a zoning law that would prohibit Blacks, Hispanics or American Indians from living next door, yet we discriminate against our own mentally ill neighbors and we force them to live in the streets. Let's correct a problem that others have created.



Charley A. "Andy" Carver
1806 E Laramie St.

Manhattan, Ks 66502

STATE DEPARTMENT OF SOCIAL & REHABILITATION SERVICES
Statement Regarding House Bill 2275

1. Title - This Bill would allow the establishment of group homes for physically handicapped, mentally retarded, and other developmentally disabled persons in single family residential areas, notwithstanding local zoning ordinances to the contrary.
2. Purpose - Many disabled persons are physically segregated from community living arrangements because of local legal barriers which prevent their movement into normal residential areas. Regardless of a growing awareness among health professionals that disabled persons should be provided normal living surroundings to the greatest possible extent, local government officials and residents are not always convinced. There continues to be a shortage of community residential beds for these disabled individuals who need assistance with community living but not hospitalization. The needed residential settings must be available in reasonably close proximity to treatment/training sites.
3. Background - This Bill will insure the right of disabled persons to live in residential communities throughout Kansas because zoning would be uniformly applied by all cities. With this legislation, county and municipal zoning ordinances, and administrative interpretations thereof, would not deny disabled persons their right to benefit from normal residential life in group homes. The Bill also addresses the issue of excessive concentration or clustering of group homes by limiting such operations within a certain radius unless otherwise approved by the local governing body.

While the Bill originally allowed mentally ill persons the same advantage for group home living as other handicapped persons, the House Committee on Local Government deleted reference to the mentally ill. Although this is an important Bill in that it will substantially benefit the physically handicapped, mentally retarded, and other developmentally disabled persons, mentally ill persons also need the right to live in normal residential surroundings. It may be important to remember that this Bill does not limit the authority of a district court to commit a dangerous mentally impaired person to a state hospital or other suitable facility pursuant to the provisions of K.S.A. 59-2901, et. seq.
4. Effect of Passage - Passage of this Bill would insure that mentally retarded and other disabled individuals have the same right to live in single family areas as others.
5. SRS Recommendations - The Department of Social and Rehabilitation Services strongly supports this Bill and feels that its provisions should be made available to the physically handicapped, mentally retarded, mentally ill, and other developmentally disabled persons.

(ATTACHMENT II) S. 48

2/26/86

Robert C. Harder, Secretary
Social & Rehabilitation Services
296-3271
24 February 1986

OLATHE DISTRICT SCHOOLS

U. S. D. No. 233

Herman Cline, Director Special Education

Box 2000 - 1005 Pitt Street
OLATHE, KANSAS 66061

February 26, 1986

TESTIMONY ON HB 2275 LOCAL GOVERNMENT COMMITTEE

Herman Cline, Director Special Education
Olathe District Schools

Dear Senator Montgomery and Members of the Local Government
Committee:

I come before you today not as an opponent to HB 2275, although I am listed as such, but to point out a potential problem HB 2275 may create for a local school district. That potential problem is excessive concentration of group homes within an area of the community. As I interpret HB 2275, unless an area is zoned exclusively single family residential, the 1,000 feet separation does not apply. This means that one could place as many group homes as would fit on property zoned R-5, R-4, R-3, R-2, and Agriculture since these zones allow single family dwellings but are not zoned exclusively single family.

I bring this concern to you for a selfish reason. At this very time an application for a group home is being considered by the Johnson County Commission. This application for the group home is for Level V emotionally disturbed school age children. The home will be placed upon 32 acres of vacant land. The applicant has publicly stated they wish to develop a "Boy's Town" campus for emotionally disturbed children. In some of their testimony they have used the number of 100 of these children to someday be housed on the 32 acres.

HB 2275 would allow them to do this without any means of protest from the school district or surrounding property owners. Such a concentration of these young people would have a devastating impact upon the Olathe school district and probably upon the surrounding property. I would refer you to the information in your packet which goes into some detail how such a concentration of emotionally disturbed children will impact the schools, but they can be summarized as: one, high concentrations of emotionally disturbed children will place severe educational and psychological stresses upon the individual schools which serve their educational needs; two, high concentrations of emotionally disturbed children will increase substantially financial costs to the local school district.

The modification of lines 71 through 76 of HB 2275 to read "In order to avoid excessive concentrations of group homes no such group home may be located within 1,000 feet of another such group home unless the governing body of the municipality approves a closer location by a majority vote thereof," would encourage the dispersion of group homes within a municipality and still not defeat the overall purpose of the bill. It would also give concerned individuals an opportunity to voice their support or objections.

I thank you for the opportunity to appear before you.

OLATHE DISTRICT SCHOOLS

U. S. D. No. 233

Herman Cline, *Director Special Education*

Box 2000 - 1005 Pitt Street
OLATHE, KANSAS 66061

February 26, 1986

The Honorable Donald L. Montgomery
The State Senate
Room 503-N
State Capitol
Topeka, Kansas 66612

Dear Senator Montgomery:

I did not do very well in addressing the last question raised during my testimony that "under current procedures, can group homes go into R-5, R-4, R-3, and agriculture without going to the governing body?"

Currently in Olathe group homes fall under "special use" and requires approval by the governing body. H.B. 2275 as written would remove the requirement of approval by the governing body and thus, in my opinion, encourage concentration of group homes.

Sincerely,



Herman Cline
Director of Special Education

HC:nr

OLATHE DISTRICT SCHOOLS

U. S. D. No. 233

Herman Cline, *Director Special Education*

Box 2000 - 1005 Pitt Street

OLATHE, KANSAS 66061

October 17, 1985

Mr. Barry Hokanson, Director
Johnson County Planning Department

Dear Mr. Hokanson:

It is my understanding that land is being considered for special use zoning north of the city limits of Olathe for use as homes for emotionally disturbed children and adolescents. My purpose with this letter and other documentation is to express some concerns with this potential use and to request an opportunity to address the issue before the Planning Department.

While most zoning questions revolve around the impact such uses will have upon the surrounding area, little attention has been given to the impact uses may have upon a school system and the community as a whole. The uniqueness of this request deserves this consideration, for the approval of this special use will have long range implications for the Olathe District Schools and the citizens of this community. These implications can be categorized as: (1) financial; and (2) stress factors (psychological impact) which large numbers of emotionally disturbed children place upon a school, its personnel and student body.

Some background information you need to know to fully understand the basis for my concern is as follows:

1. These young people are placed by Social Rehabilitation Services of the state of Kansas from across the state. Few come from Olathe. Many do come from Johnson County;
2. These young people are classified as level IV, V, & VI which denotes the severity of the emotional disturbance with Level VI denoting the most severe. Most, if not all, of these children are not only emotionally disturbed, but "street wise" as well. They are far more knowledgeable about unacceptable street behaviors than the normal school population, yet they will be educated with regular students;
3. The applicants presently have a level VI home in Olathe. These children are receiving an education in the Olathe school system as well as others from the applicant's group home in Shawnee;

4. When Live and Learn applied for the Olathe special use permit three years ago, they indicated they would not seek future sites within the Olathe School District;
5. State law requires Olathe to educate all school-age children who reside within its boundaries. Children placed within group homes are considered residents and are the responsibility of the school district in which the group home is located;
6. The Olathe School District currently has within its boundaries:
 - a. Temporary Lodging for Children (2 locations, boys (*8) and girls (*8))
 - b. Pilot House (*8)
 - c. Johnson County Detention Center (*19+)
 - d. Faith Village
 - e. Live and Learn (*10)
 - f. State School for the Deaf
 - g. Cedar House
 - h. Group homes for the retarded

All of these programs (*) place their children or are the educational responsibility of the Olathe District Schools. These are very mobile placements and may turn over as many as three times or more during the year; thus, the 45+ children currently being served may actually become 135 before the end of the school year;

7. As indicated above, Olathe has an unusually large population of exceptional individuals, most of which are not from Olathe;
8. Olathe schools provide programs for emotionally disturbed children for the Blue Valley, Gardner, Spring Hill, and DeSoto school districts. All of the programs are located in Olathe except for Blue Valley which has few programs of their own. In other words, Olathe has all of the emotionally disturbed children from five school districts in its school system;
9. The maximum case load allowed by state law per teacher is 10 with a paraprofessional, 12 with two paraprofessionals;
10. In Kansas teachers of emotionally disturbed students "burn out" in about three years and leave the field of emotionally disturbed. This turnover in the profession gives you some idea as to the stress these programs place upon the teacher;
11. At this time, all programs for the emotionally disturbed in Olathe are at maximum or near maximum enrollment.

Long Range Implications

A. Stress Factors (Psychological Impact)

The long range consequences are potentially more devastating to the school and community than any immediate consequences. The concentration of large numbers of emotionally disturbed children will have potentially severe educational and psychological implications for the schools in which they are housed. One must remember that educational systems cannot function in the same manner discipline-wise as, say, the applicant. Students in schools cannot be locked away in their room when they are out of control emotionally. There are few if any places students can be taken within a school building until they can be calmed down. Even when there is such a place, the student must be supervised, thus taking the teacher or paraprofessional from the classroom.

As letters from principals who presently have such classes in their buildings indicate, these children comprise the majority of the discipline referrals made, yet the emotionally disturbed make up less than one percent of their population (see letters attached). These referrals most often are for fighting, destruction of property, conflict with authority figures, and drug or alcohol use or possession.

The applicant has purchased 30 acres. I have been told that the applicant feels it is more cost effective to have their group homes together. Mr. Huckleberry, president of the support group, indicated Monday before the Olathe Planning Commission that it was too difficult to obtain special zoning throughout the county for their group homes, leading me to believe that the future use of this land would be to expand from the initial request of one or two homes. The potential number I have heard mentioned is 100. But whether it is 100 or 80 or 60, the addition of this number of children with the severity of problems they possess, will severely impact the Olathe schools.

B. Financial Impact

It presently costs the citizens of Olathe \$2,368 per student to educate the current Live and Learn group home residents. This does not reflect ancillary staff which is necessary to help service these students such as school social worker, school nurse (see chart on cost).

If we have to expand the program, costs will continue to rise. Existing classes would not be able to absorb these new students. For every 10 new students, a teacher and a paraprofessional must be hired as well as ancillary staff needs increasing. Facilities must be found to house the program. I am not aware of any vacant classrooms in which to expand. The cost to add mobile classrooms is \$35,000 per unit. This does not include heating and cooling costs. One can quickly see that large numbers of these students will place an unusually large financial cost upon the citizens of Olathe.

Examples:

80 students @ \$2,368	=	\$189,440
4 mobile units @ 35,000	=	140,000
		<u>\$329,440</u>
100 students @ \$2,368	=	\$236,800
5 mobile units @ 35,000	=	175,000
		<u>\$411,800</u>

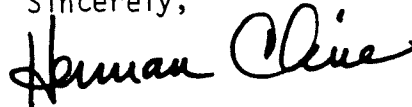
Summary

1. It is difficult to argue against programs for exceptional children, especially when children from our own community are being served in other facilities across the state. But if one looks at such facilities presently located in Olathe, Temporary Lodging for Children, Live and Learn, Pilot House, Faith Village, Johnson County Detention Center, etc., I can assure you our community is serving far more than we are sending to other locations.
2. The applicant's proported desire to consolidate for financial reasons as well as easing future expansion plans is certainly understandable, but by doing so they shift the financial cost from them to the citizens of the Olathe District Schools. This shift of financial responsibility will not diminish but will increase each and every year. Current costs are \$2,368 per student.
3. It is difficult to get approval of group homes for these students. It is difficult because these homes place tremendous stress upon the environment in which they are placed. I can assure you it will have a severe impact upon Olathe schools and the students it serves.

Recommendation

1. That the special use permit be denied because it is not in the best interest of the welfare of the community.

Sincerely,



Herman Cline
Director of Special Education

HC:mb

COSTS

	Certified (3.0)	Non Certified (3.5)
* Salary	98,172	26,754
Fixed charge	7,343	2,001
Health Ins.	3,605	-
Supp/Equip.	800	-
	109,920	28,755
	28,755	
Totals	138,675	

* Does not include ancillary staff needs such as social worker, nurse

REIMBURSEMENT

State Sp. Ed.	35,400	20,650
State Equal Aid*	31,159	
Flow Through	4,100	
	70,659	20,650
	20,650	
Totals	91,309	

NET COSTS

Costs	138,675
Reimb.	91,309
	47,366

Cost per pupil - \$2,368

*Only reimbursement if student is there on September 15.

OREGON TRAIL JUNIOR HIGH SCHOOL

Olathe District Schools No. 233
1800 West Dennis Avenue
Olathe, Kansas 66061
Telephone: (913) 782-8331

Patricia A. All, Principal
James A. Houghton, Assistant Principal
Douglas J. Perrin, Assistant Principal

George Heiman, Counselor
Geraldine Kinkaid, Counselor

October 15, 1985

Dear Mr. Cline,

In response to your request to supply information regarding the multiple demands that PSA children have upon a school, I sought input from the counselors as well as the other members of my administrative team.

Mrs. Kinkaid, counselor, states that many PSA students have been to the guidance counselors very often. It is important for them to move around often and coming to the counselor affords additional mobility. These students have many problems and counselors do listen to them and try to assist them in adjustment to their classes. Many of the students have learning problems. Additional conferences, staffings, calls, etc., with home personnel are required. This involves counselors as well as administrators, psychologists, teachers where children are mainstreamed as well as PSA teachers, nurses, etc.

PSA students need additional support and the counselor can usually offer some positive support for the students and their teachers. A few of these students have been seen almost daily and others weekly.

If students cannot function in the Oregon Trail PSA program then more conferences, observations, etc., are available in order to place them in the self contained program at the vocational school - requiring numerous personnel meetings again. It is mind boggling to try to figure the actual cost of time the district is paying on any one of the staffings.

There is a limit as to how many PSA students can be educated in the same building where hundreds of other junior high aged students are being educated. Mr. Heiman, counselor, states that PSA students demand so much time from administration, counselors, and specialists that it often takes time from other needs that need to be addressed. Current PSA students from the co-op have fewer friends and less sense of belonging. It makes it even more difficult for them to adjust. We spend more time working on fights and behavior problems. Students from outside the district have less respect for the school property because it is not their home school.

From an administrative point of view additional PSA students would increase administrative and staff time to deal with increased discipline problems, specifically resulting from interaction in the halls, lunchrooms, and before and after school. Also, additional disruption takes place in the mainstreamed classes which these students must be enrolled. Since many of these students will be classified PSA, there will be increased staffings, IEP conferences and other case conferences to determine how to best work with each child.

Increased PSA enrollment affects staffing patterns in the school and master schedules. All our rooms are currently in use. There would be a need for additional PSA instructors, para-professionals, and perhaps additional sections of specialized classes such as remedial mathematics.

Placing too many PSA students in one room or one building increases the number of disciplinary problems among them. The negative behavior of one student often sets off another. Children who have emotional problems need to have good role models, a structured, caring setting, and they deserve an excellent education. This will be difficult to do if large numbers of students are in one program, building or district.

Sincerely,



Patricia A. All
Principal

PAA/jj



Olathe North Senior High School

600 East Prairie • Olathe, Ks. 66061 • 913-764-1737

Dr. Carter Burns
Principal

Assistant Principals:
Mr. John Freeman
Ms. Kathy Harbour
Mr. Stan Smith

Mr. Ralph Dennis
Athletic Director

October 7, 1985

TO: Whom It May Concern

FROM: John Freeman *JF*

RE: Response to letter from Mr. Herman Cline dated October 2, 1985

The purpose of this letter is to respond to Mr. Cline's letter of October 2, concerning possible increases in the PSA enrollment at Olathe North Senior High School.

Should such a residential facility be constructed, placed or otherwise located within the boundaries of the Olathe School District and, specifically, within the boundaries at Olathe North, several problems would become evident. The following paragraphs will address specific issues.

Staff

Currently there are two full-time teachers and an aide in the PSA Resource Room. Currently the teachers are assigned five hours of in-class time with one hour for planning. State mandates, according to the teachers, allow for a maximum of ~~ten~~ students per hour or a total of sixty per day. Since many of the students currently enrolled are in far more than one hour, the actual number of students currently served in-room on a daily basis may be smaller.

**Mr. Freeman h.
mistake the
regulations.
Only 10 per day
is allowed -
not 60 or
10 per hour.*

A sizeable influx of PSA students would necessitate hiring of new staff depending on the numbers. This would place additional financial requirements on the District as well as increasing the difficult task of finding quality qualified teachers in the field.

Space

Olathe North is currently crowded. New teachers this year are travelling from room to room by hour. Additional space difficulties have been surmounted this year by designation of several areas as teacher planning stations. Areas have included old nurse station, science lab preparation areas, and the media center. Teacher planning space is currently unavailable for a large number of additional teachers.

Classroom availability is another facet of the "space" concern. Since the materials, folders and PSA personnel are currently housed in one small room, a sizeable influx of PSA students would present problems in the areas of access to materials, availability of resources and expertise needed by the students.

Continuity

Currently the PSA program at Olathe North is a well-coordinated effort due to the two teachers and paraprofessional who work closely. A rapport has developed and the students and parents are aware of the consistency therein. Additional students requiring additional staff could have a detrimental effect on the program due to the time element involved in orienting, assimilating and involving new personnel in our currently successful program.

Out of Resource Room Instruction

Currently many of our PSA students are involved in small-group classes out of the Resource Room. The PSA teachers assist the regular class teachers in these classes. Large numbers of new students needing such classes would entail scheduling problems in construction of a working master schedule as well as personnel logistics to provide the needed support personnel.

Transportation

A sizeable group of students from a residential facility would also place a hardship on transportation and supervision before and after school. Depending on the location, new bus routes or additional busses might be required. Other difficulties would be possible before and after school since more close supervision could be required of these students to preclude problems.

Administrative and Supervisory Time

Currently one administrator and counselor are assigned to the area of Special Services which includes, vocational, learning center, PSA, EMH and small group students. Both individuals have other responsibilities. A sizeable increase could result in a shift of responsibilities to other administrative and counselling personnel. The reasons for such a shift would include: Higher numbers of referrals, staffings, I.E.P. conferences, individual and parental conferences. PSA students have, in my experience, often required more close supervision and monitoring procedures involving a considerable amount of administrative and counselling time.

Discipline/Referrals

Currently PSA student behaviors requiring disciplinary conferences and subsequent actions comprise over half of the disciplinary load of the Assistant Principal in charge of Special Services. The actual number of PSA students is less than one-fifth of the students for which he is responsible. Since conferencing, and In-School Suspension are the options most often used for remediation of difficulties, large numerical increases would result in problems in the areas of ISS placement, seating is limited, and time, some students may be seen several times per week. Self-Contained placements at the Vocational facility should be addressed by them.

*Currently
2 teachers
+ one para
serve 19
students*

I hope this letter has addressed clearly the areas of concern which would require action should a sizeable number of PSA students be assigned to Olathe North. We do not wish to deny any student the best possible educational opportunity. We do wish, however, to define areas of concern and provide a realistic outline of the problems inherent in placement of a large group of PSA students at ONHS.



Olathe Attendance Center

Office of Record

311 East Park

Olathe, Kansas 66061

R. W. Stinson, Director

(913) 782-2456

October 3, 1985

JOHNSON COUNTY COMMISSIONERS

RE: Rezoning for 100
Emotionally Disturbed
Children in the Olathe
School District

Dear Commissioners;

This communication is to inform you of the concerns regarding recent proposals for rezoning land within the Olathe District Schools boundaries, specifically designed to house up to 100 emotionally disturbed children.

Personal and Social Adjustment (Emotional Disturbed) programs both Resource Room and Self-contained require specialized teachers.

The number of students being considered (100) one hundred PSA students would require approximately an additional ten to twelve teachers and many Paraprofessionals to teach these students.

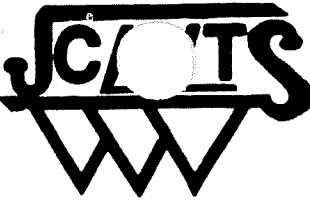
Perhaps, the most difficult concern is where the additional classrooms would come from to accommodate the students? Olathe PSA programs are already full and the addition of this many students would create a severe hardship to the Olathe School District and current PSA programs.

The number of additional students being proposed would double the number of PSA classrooms currently in our school system. Stated specifically the following are concerns that would be created;

1. A shortage of available classrooms of space to accommodate this large number of additional PSA students.
2. A shortage of PSA teachers who are trained to teach these students with very special needs.
3. Financially this would create a burden to the school district's budget.
4. PSA students create severe behavior and discipline problems for the school they attend. -- This proposal would at least double the problems that we currently have with this type exceptional student.

Please, consider these concerns and choose another proposal that would not create unrealistic hardships for the Olathe District Schools. Thanking you.

Sincerely
Kaye D. Williams
Kaye D. Williams, Eds
Psychologist-PSA supervisor
Olathe District Schools



Olathe Attendance Center

Office of Record

311 East Park

Olathe, Kansas 66061

R.W. Stinson, Director

(913) 782-2456

October 8, 1985

TO: Johnson County Commissioners

RE: Rezoning for 100 Emotionally Disturbed Children in the Olathe School District

I have concerns regarding the proposed rezoning of land in the Olathe Unified School District #233 boundaries for facilities to accommodate 100 emotionally disturbed children.

Presently, a self contained Personal Social Adjustment Program with 20 students enrolled is housed at the Johnson County Area Vocational-Technical School, Olathe Center.

This program utilized all available space. Due to the severe behavior and discipline problems created by this type of student, it is difficult to properly administer and provide instruction to PSA students along with regular vocational programs to other students in the same facility.

For proper utilization and program delivery for a PSA self contained program, a special facility is required. I know of no such facility available in the Olathe School District.

At the present time this type of program has created a hardship for the Johnson County Area Vocational-Technical School, Olathe Center.

I would like to take this opportunity to invite you to visit the PSA self contained program housed at the Johnson County Area Vocational-Technical School, Olathe Center, to review first hand behavior problems displayed by these students.

Sincerely,

Robert W. Stinson, Director
JCAVTS, Olathe Center

Ridgeview Elementary School

OLATHE DISTRICT SCHOOLS USD #233

1201 East Elm

OLATHE, KANSAS 66061

James Thomas
Principal

October 7, 1985

To: Herman Cline
From: Jim Thomas
Re: Letter with regards to P.S.A. Class

A level II (grades 4, 5, & 6) P.S.A. class has been located at Ridgeview School for approximately ten (10) years. Eight to ten students are assigned to this class.

While the Ridgeview staff and students do an excellent job of assimilating these students, the amount of time, effort, and expense is greatly disproportionate to the number of students involved. Due process procedures, reports, testing, and conferencing require a tremendous amount of staff time and involvement, often before and after school. Staff is also intensely involved in monitoring and maintaining these students throughout the school day. According to my records, approximately one-half of the student disciplinary problems involve P.S.A. students, even though these students comprise less than 1% of the school population. School climate and morale is often adversely affected. Additional expenses above and beyond average-per-pupil expenditures are often necessary because of the special needs of the students.

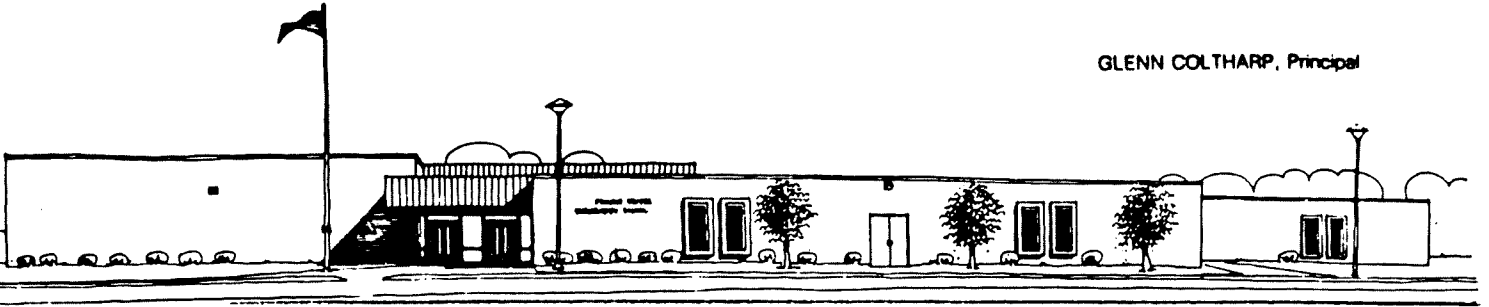
Due to the tremendous impact of one P.S.A. class upon this school, the possibility of additional P.S.A. students or classes would be a matter of major concern. It is my opinion that Ridgeview School, for instance, could not accomodate a greater number of P.S.A. students and still maintain a positive atmosphere, on the part of staff or students, in which to mainstream them.

Sincerely,

Jim Thomas
Jim Thomas

Prairie Center Elementary School

GLENN COLTHARP, Principal



629 N. Persimmon Drive • Olathe, Kansas 66061 • (913) 764-6933

October 7, 1985

TO: WHOM IT MAY CONCERN

FROM: Glenn Coltharp

RE: The PSA Program

I have taught in buildings that have housed PSA Programs and am now serving as Principal in a school which houses a PSA Program. Therefore, I am familiar with the number of PSA students any one school, or school system, can handle. Although I have competent, professional staff members supervising my PSA program, we have "conflicts" in our PSA room that do interfere with the learning process of the rest of our 300 students. At the current time, our program serves 4 PSA children in an efficient manner. I feel that if the zoning is approved for the housing of the reported 100 emotionally disturbed children, our schools will not be able to handle the increased demand of such students and will not be able to continue to offer the quality of education the Olathe community has grown to expect.

February 25, 1986

HB 2275 Proponent
Margaret Bonds Wares
Developmental Services of
Northwest Kansas
Post Office Box 1016
Hays, Kansas 67601
(913) 625-5678

Mr. Chairman and Members of the Committee:

The right of municipalities to zone land use is, historically delegated from the state. From the first zoning ordinance which was upheld by the Supreme Court in 1926 to today. Therefore, the authority of Hays, Kansas to limit an R-1 area to occupancy by four or fewer persons not related by blood or marriage is the direct result of action, either expressed or implied, by this state legislature. Therefore, enactment of this bill could not usurp local powers, but rather would redistribute those powers in accordance with the best interests of the people who make up the State of Kansas -- all those people.

As I talked with each of you about this bill, some of you had concerns about property values, additional crime, increased police involvement and in general, a decline in the quality of life in neighborhoods where group homes are allowed to exist. Many of your comments showed a personal level of distrust and fear that has kept disabled individuals out of the mainstream for years. It has become evident, since the early days of civil rights activism, that prejudice against persons different from ourselves may be eradicated through integration. Through integration, we are forced to recognize and appreciate the common bonds of our shared humanity. Overwhelmingly, where neighborhoods have been integrated, no major incidents have ~~occure~~ happened.

This bill would allow groups of individuals to live together as a family. Cooking, sharing household tasks, making joint decisions, promote among those individuals a familial awareness and dependancy. The fact that the members of those households are not related by blood or marriage is, basically irrelevant. Persons outcast from their home communities and sent to institutions - among strangers have no common bond except society's perception of their "flaw" their differences from the larger population.

There is a great deal of evidence which suggests the pattern and practice of discrimination by our society against the physically and mentally handicapped. This prejudice is illustrated from our churches to our schools; from the job market to the neighborhoods. The idea that physically disabled persons are not socially acceptable and that mentally handicapped persons are perpetually children with dark sexual urges that must be controlled in locked institutions is not a new one. However, simply because these attitudes remain among us does not make them accurate, morally acceptable or fair. Further, denial of access to one's home community on the basis of handicap does not appear compatible with statutes on Equal Protection.

Insofar as the rights of property owners surrounding a residence for mentally or physically handicapped individuals, those rights are unchanged by this bill. Property owners in a neighborhood have the right to have surrounding property kept up, that it not be a source of nuisance, that the noise level be acceptable to other residents. We simply contend that I, as a property owner have no right to dictate the composition

of the family who lives next door.

In our agency, the Family Teaching Model is employed to provide community living experiences for persons who have mental handicaps. In that model, a family accepts six individuals into their home--literally broadens the family circle to include six handicapped persons. The Family Teaching System works. Many of those individuals acquire necessary skills to live independently. This is what families do--nurture and teach each other for their mutual survival. This model cannot work in a transient area, since community stability is required. It cannot work in an institutional setting since self reliance and self determination are taught.

The objections to integration of handicapped persons are the same as those presented to prevent other minority groups from moving into certain places. They are no more valid now than they were twenty years ago.

I urge you to vote this bill out of committee so that it may be considered by the full Senate in an expedient manner. I urge your support of HB 2275.