

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at 9:00 a.m. on February 6, 1996 in Room 521-S of the Capitol.

All members were present except: Rep. Dee Yoh, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jim Wilson, Revisor of Statutes
Donna Lutjohann, Committee Secretary

Conferees appearing before the committee: Rochelle Chronister, Secretary of SRS
Lucille Parli, KS Assn for the Blind & Visually Impaired

Others attending: See attached list

Madam Chairman Dawson requested bill introductions from committee members. On behalf of Rep. Welshimer, The Chair requested legislation dealing with the election of members of the Board of Education and where they are in a district. Rep. Benlon made a motion to accept the bill introduction. It was seconded by Rep. Gilbert. The motion carried.

Hearing on:

HB 2969: Dealing with reorganization of SRS Department

The Chair recognized Rochelle Chronister to speak to the bill. Secretary Chronister testified that the Department's reorganization is needed because of the many changes that have occurred in the structure of the Department over many years. She made available to the Committee a current Department of SRS organizational chart. See Attachment 1 for further testimony.

Madam Chairman Dawson recognized Lucille Parli as an opponent of the bill. Ms. Parli noted that the State President for the Kansas Association for the Blind and Visually Impaired, Inc., Sanford Alexander, III, could not be present to testify at the meeting, his written testimony is attached to hers for the Committee. Ms. Parli testified to the concern that with the passage of this bill, the Secretary of SRS could make extreme changes as to what units exist and who is in charge of specific services. See Attachment 2 for her written testimony.

The hearing on HB 2969 was closed.

The Madam Chair adjourned the meeting at 9:42 a.m. and announced that the next meeting would be February 7, 1996, in Room 521-S of the Capitol.

**Kansas Department of Social and Rehabilitation Services
Rochelle Chronister, Secretary**

House Committee on Governmental Organization and Elections

**Testimony on H.B. No. 2696 Pertaining to the Reorganization of the
Department of Social and Rehabilitation Services**

February 6, 1996

Madam Chairman and Members of the Committee, my name is Rochelle Chronister, Secretary of the Department of Social and Rehabilitation Services. Thank you for the opportunity to testify in support of House Bill No. 2696.

This bill was introduced by this committee at our request and concerns the organizational structure of SRS. Due to several realignments of the commissions within SRS over the last few years, the existing statutes do not accurately reflect the present organizational structure of the department. For example, K.S.A. 75-5306e established Income Maintenance and Medical Services. Currently Income Maintenance is combined with Employment Preparation Services, and what was formerly Adult Services established by K.S.A. 75-5335 is now included with Medical Services. This bill eliminates some historical statutes and the statutory references to specific commissions and grants the Secretary authority to organize the department in the manner determined most efficient. Several of the statutes being repealed were adopted in 1973 when the department was created and the vast majority of them have not been amended since 1982. The duties and functions contained in these old statutes are being carried out but not necessarily by the designated commissioners.

The language used in New Section 2 of H.B. 2696 was taken from K.S.A. 75-3702j which was passed by the 1994 Legislature to allow reorganization by the Department of Administration. It provides the Secretary flexibility to organize the department in order to better carry out its duties and responsibilities.

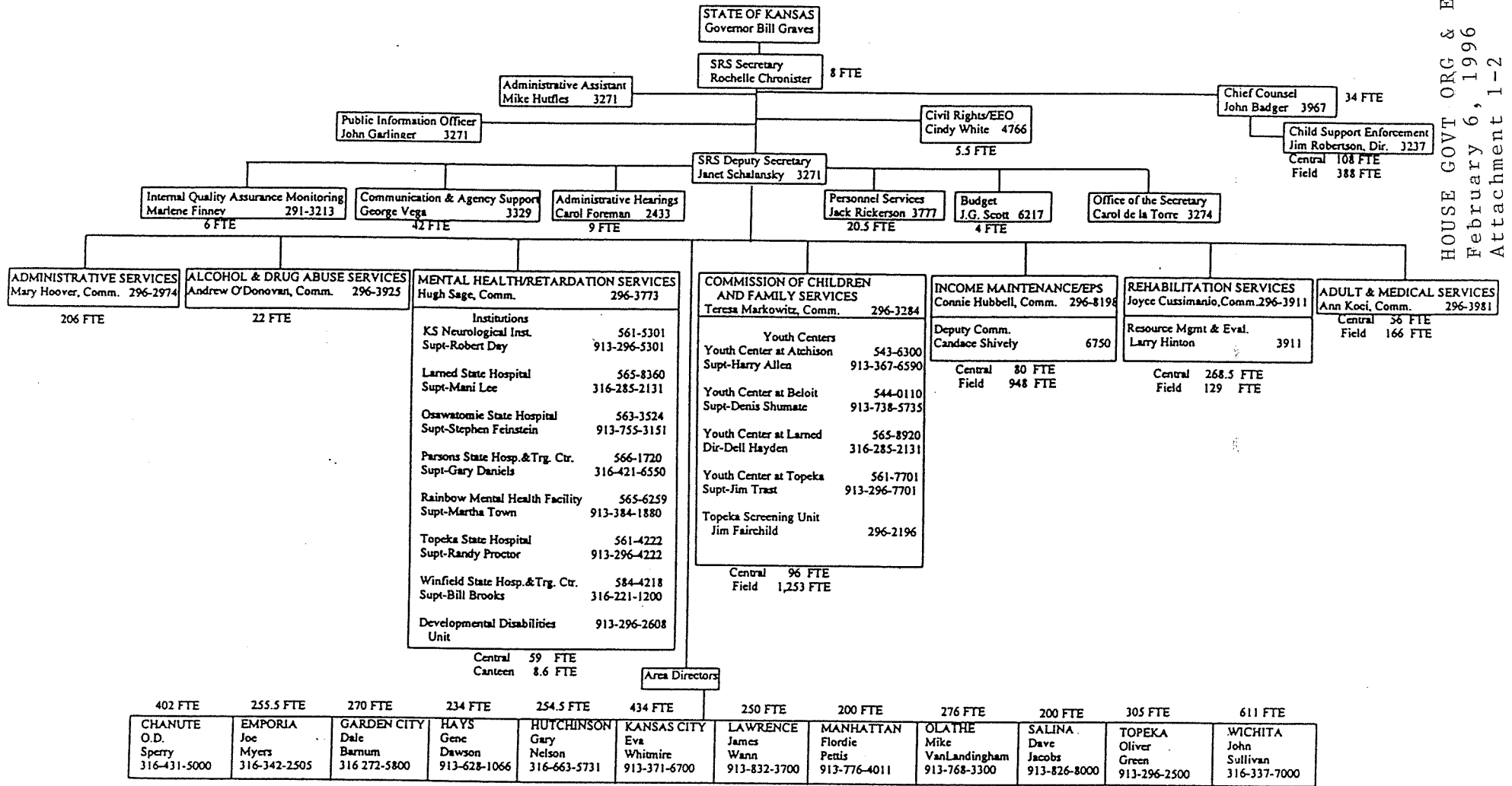
Section 3 of H.B. 2696 allows the Secretary to appoint a deputy secretary, commissioners and deputy commissioners as determined necessary to carry out the mission of the agency. Additionally, it changes the status of the deputy commissioner and area director positions from the classified to unclassified service. It does, however, provide for employees currently holding those positions to remain classified for the duration of their service in the affected positions.

We respectfully encourage this Committee to act favorably on H.B. 2696.

Thank you.

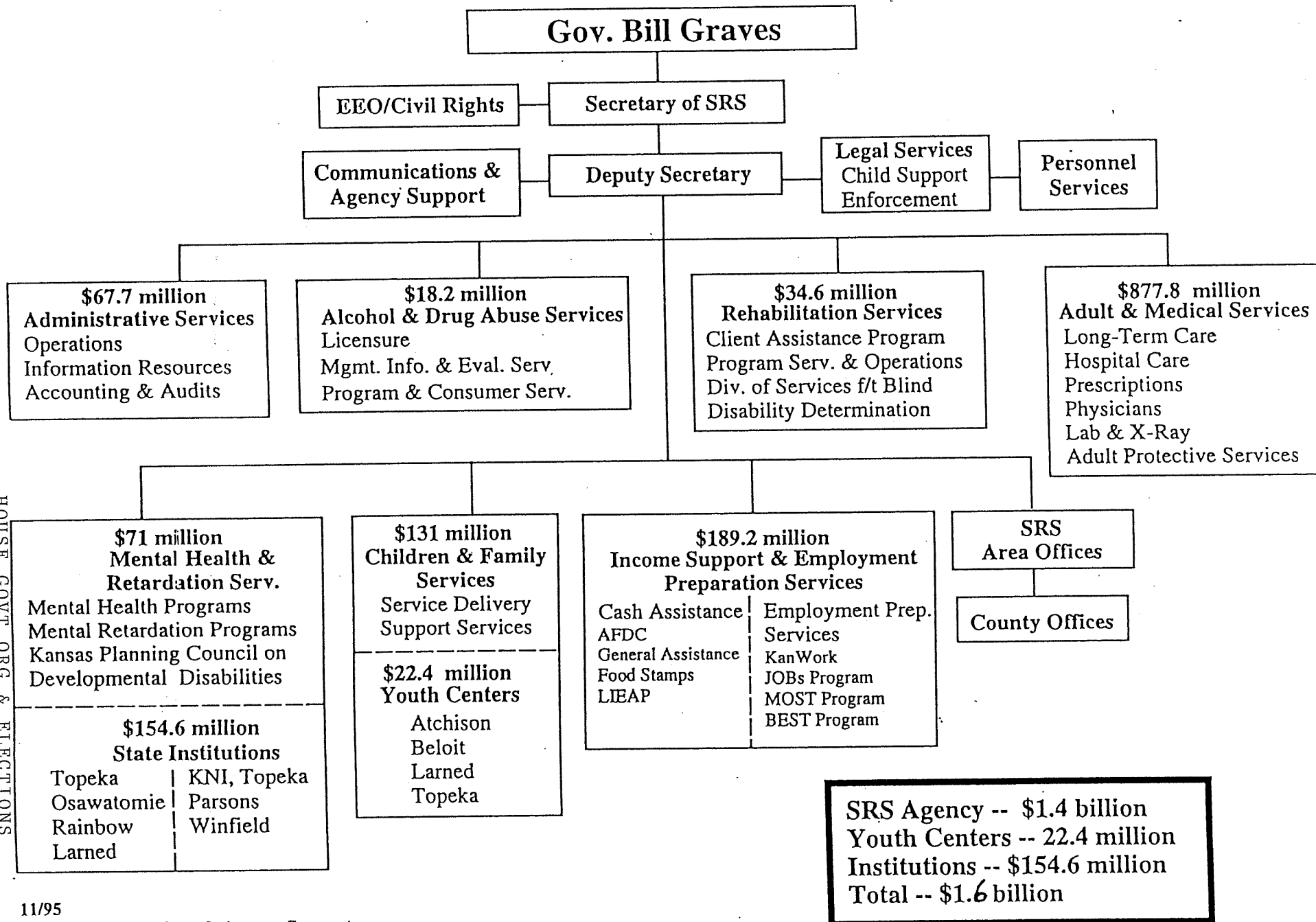
HOUSE GOVT ORG & ELECTIONS
February 6, 1996
Rochelle Chronister Attachment 1-4
Secretary
296-3271

SRS Central Office Organization Chart 11/95



HOUSE GOVT ORG & ELECTIONS
 February 6, 1996
 Attachment 1-2

SRS Organizational Chart and FY 1995 Actual Expenditures



**SRS Agency -- \$1.4 billion
Youth Centers -- 22.4 million
Institutions -- \$154.6 million
Total -- \$1.6 billion**

HOUSE GOVT ORG & ELECTIONS
 February 6, 1996
 Attachment 1-3
 Page 3



Kansas Association for the Blind and Visually Impaired, Inc.

AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

TO: House Committee on Governmental Organization and Elections

February 6, 1996

FROM: KABVI Legislative Committee

SUBJECT: Opposition to House Bill 2696

Our State President, Sanford Alexander, III regrets that he is unable to represent us here today. His personal testimony is attached to that provided by our Legislative Committee. We were shocked at the short notice given of this hearing.

This bill would create a very bad body of law. It would give the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) more power and authority than any one person should have.

Currently, the law is fairly specific in giving structure by which SRS must operate. This allows Consumers of SRS services to develop an understanding of how the system works. We are then more capable of effectively advocating for services needed and cost effective ways of delivering them. Under 2696, the Secretary could make extreme changes as to what organizational units exist, and which employees are in charge of specific services. This could all be done without Legislative oversight, and therefore consumers would have fewer opportunities to approach elected officials if we did not like the changes. Consumers would not even have to be told about most changes ahead of their happening.

Current law also allows the State Legislature to become accustomed to a consistent structure for budgeting and SRS administration. It allows Legislators to understand how the system works and what is actually being proposed when budgets and administrative changes are considered. If the Secretary is given power to change virtually anything in the entire agency without consulting the Legislature, then you as legislators abdicate your authority to govern.

If extremely major changes are made in the delivery of services to large segments of the Kansas population, then those changes should be proposed for Legislative consideration. You are elected to represent your constituents and you should not give up your authority to do so.

HOUSE GOVT ORG & ELECTIONS
February 6, 1996
Attachment 2-1

You may all know and respect our current Secretary of SRS. After all, she served with you for many years. 2696, however, is not about your faith or trust in Secretary Chronister. If 2696 becomes law, it would probably endure far past our current Secretary. In the last 30 years in this State, each time we have elected a new Governor, we have also changed the political party represented in the Governor's office. No matter which side of the isle you are on, you have to acknowledge that the Kansas voters, by recent history, have changed their minds often. 2696 would allow total and complete changes in the way human services are delivered each time we have a new Governor and therefore a new Secretary. people who are blind or otherwise disabled would have no assurance as to how, or if, services on which they depend to remain in the community would be delivered. At least under the current system, they know that major changes have to go through the Legislature as well as the Secretary and Governor, and this system allows for more consistency.

Even worse, 2696 essentially states that if there are any statutes which were missed in the attempt to remove structural obligations from State law, these statutes would be regarded to mean that the Secretary may assign the duties involved to any other employee or organizational unit. K.S.A. 39-708(c) is such a statute. 2696 would render it moot. This is very upsetting to our organization because we have felt a great deal of ownership of this statute for nearly 60 years.

KABVI has been advocating for the services needed by blind people to live and work productively and independently for over 75 years. in the late 1930s, we, the blind consumers of Kansas, advocated for the creation of the Kansas Division of Services for the Blind. K.S.A. 39-708(c) exists because we, the blind, thought of it and worked for it, not because some Social Service guru decided to create it. The statute has been changed to keep up with the trends in governmental structure. It has lived and functioned for 60 years. 2696 would take away our ability to monitor what is being proposed with regard to us, the blind of Kansas.

Blindness is a low incidence disability. Compared to other groups, there are not many of us and our budget is not very large. We know what works best for us though, and we know that in a large "one-size-fits-all" agency with no specialized or categorical services assured by law, our needs would be lost in the shuffle.



Kansas Association for the Blind and Visually Impaired, Inc.

AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

HB2696 which would eliminate DSB

It is a privilege and an honor to appear before you today to present testimony in opposition to HB2696. As a representative of the blind and visually impaired community, serving as the president of the Kansas Association for the Blind & Visually Impaired (KABVI), I must begin by stating that we have enjoyed a long history of working with the Kansas legislature in crafting and guiding programs designed to assist blind and visually impaired Kansans in seeking and attaining independence, self-reliance and economic freedom. We have also worked together to ensure that those among the blind and visually impaired population who required additional assistance in maintaining at least a minimum of existence with a modicum of dignity received the services required to achieve this goal.

The bill under consideration is one which is of great importance to blind and visually impaired Kansans and to the tax payers of our state who support social and rehabilitation services for this population. It also appears to violate the long record of positive initiatives just referenced.

It is curious, and perhaps indicative of the feelings of guilt over the known consequences of this potentially devastating piece of legislation, that it has come into daylight quietly, appearing to be a simple technical adjustment in administrative procedures. Was it hoped that those who could not see with their eyes would

1

HOUSE GOVT ORG & ELECTIONS
February 6, 1996
Attachment 2-3

as blind in their minds so this subterfuge could succeed? Isn't it particularly interesting that concern recently expressed over this topic was responded to with assurances that the SRS officials mandated to administer programs for the blind could be trusted and had nothing but the best intentions? In fact, a group of blind workers, among others, was told publicly that they would be the first to know whenever action affecting them was contemplated. It is also of interest that this expression was voiced by a commissioner who publicly stated that she knew very little about rehabilitation and programs for the blind and looked forward to learning a great deal from those she served. Her education was very swift, wholly inadequate and totally non-responsive to input from those who live with vision loss every day. The timing of the commissioner's appointment and the introduction of this legislation can only be interpreted as being that which demonstrates presentation of previously contemplated action. If this legislation is passed, these same people will have virtual control of the shape, scope and nature of services to many segments of our population, many that cannot fairly defend themselves, with virtually no legislative oversight.

I pointed out to a colleague that if a patient required surgery to remove a brain tumor it would be inappropriate to go to a butcher, even a well trained butcher. On the other hand, if the survival of the patient was inconsequential, it might be cost effective to employ the less costly services of the butcher.

The issue is simple. The proposed legislation could end the Division of Services for the Blind and essentially terminate separate, identifiable services for the blind and visually impaired. This, done in the name of cost efficiency, would neither save money nor properly serve the blind and visually impaired population of Kansas. The long-standing and well-proven categorical services could be replaced with a seamless system in which generalist rehabilitation professionals could provide services to all disabled populations, denying blind and visually impaired clients of the services of specialized professionals schooled in the unique needs of blindness and familiar with the tools and techniques available to best address these needs. We have known for years through many examples around the United States that services when combined have resulted in blind persons being underserved or lost in the mix of people.

One of the best examples of why categorical services work best when serving the particular needs of blind and visually impaired people is not history; it is happening today, and it is happening in Kansas.

In 1990 a new school training and providing guide and service dogs was established in Washington, Kansas. Kansas Specialty Dog Service, Inc. (KSDS) is unique in that it is the only school of some 40 assistance dog schools in the country which trains both guide and service dogs. It was, in this respect, an experiment.

It was, de facto, a test of the concept of providing generic services to all disability groups within the realm of canine assistance.

The school had no reason to follow any conventions and every reason to develop a program which used resources as efficiently as possible. It also had no ability to rely solely on tradition for, unfortunately, it received no support from the other guide schools in the United States since it was seen as a threat to their funding sources and student pools. So, KSDS was able to develop a program based on best knowledge of dogs and principles of teaching, not tradition.

There was no reason, therefore, to split the two categories of dogs. Having a small staff, KSDS trainers worked with all the dogs.

What happened?

First of all, it became clear that there was, in reality, a natural difference between guide and service dogs. What created this difference? The nature of the jobs each dog would be required to perform. Guide dogs serve blind people in the role of guide, navigating through an environment safely and learning to disobey when a command given would put the team in danger. For example, if I am waiting to cross a street, waiting until the

traffic flow appears to be going in my direction, my dog will disobey and not move forward upon command if I have mistaken a car making a right on red turn, resulting in a situation in which I would be moving into the path of an unexpected oncoming vehicle. Parenthetically, this is a perfect example of why the red on right law was and still is one of the greatest misfortunes in the lives of blind people as well as many other disabled, elderly, young and carriage pushing people, for motorists failing to yield the right of way to pedestrians often create dangerous situations by making these turns illegally. A service dog, on the other hand, provides physical assistance to an individual who cannot pick up dropped objects, open doors, turn on switches, etc. The primary difference is that service dogs provide physical intervention in a disabled person's environment while a guide dog provides visual information to a blind person in a mobility situation.

KSDS was able to identify and cause to be studied several significant differences between guide and service dogs. First, it was easily discovered that not every dog was capable of doing either job. There were, in truth, two distinct realms of functioning.

Second, the commands needed to be taught each dog are different. All the dogs learn basic obedience commands and start from a common point of being a dog under firm control. After this,

however, task commands differ. The guide learns "forward", "left", "right", "find", etc.; while the service dog learns "open", "on", "off", "up", etc. This common sense difference is interesting since the only variable in terms of application is that all guide dogs work with blind people while the service dogs work with any number of differently disabled persons. The concept on categorical services emerges.

The next difference, quickly discovered, was that for reasons to be discussed in a moment, the length of time required to train a person to work effectively with the dogs was different. Service dogs could be teamed with and adjusted to their new partners in a 10 day training program. Guide dogs required 24 days to be teamed with their blind partners.

This is not because blind people are less capable than other disabled persons. It is a result of the difference in the disabilities and the difference in the natures of the jobs required for the two types of dogs. The largest variable creating this significant difference in training requirements is, however, the fact that the blind person, dealing with a sensory deficit and requiring a mobility guide, must learn to trust and depend on the dog's judgment without seeing the environment. He or she must learn to "read" what the dog is conveying about any given situation. So the blind student must both learn something additional in terms of needed information and something different

in terms of reliance upon the dog's judgment. It is a matter of trust in which the user must come to the point of placing his life in his dog's care. A service dog user maintains eye contact, can verify what is happening in the environment independently of the dog's judgment and can maintain eye control with the dog. The guide dogs, by the way, need to and do learn that their blind masters will not give them the visual reassurance they initially seek. This difference was identified by the first American trainer of guide dogs, Jack Humphrey who, in 1927 when visiting a German program with Dorothy Eustis (the founder of the Seeing Eye, Inc. the first American guide dog school), noted that the Pottsdam dogs were trained by sighted persons who never wore blindfolds. When Jack questioned why the trainer did not test the dog under the conditions it would be required to work in when teamed with its blind partner, he was told by the German trainer that he would not put his life in danger. Jack determined then, and it has been a step in training followed by every guide dog school since, that a guide dog would be tested under blindfold conditions.

Returning to the length of training time, it simply takes longer for the elements of trust to develop since the blind user depends on the dog differently than the physically disabled user depends upon the service dog.

Well, forward with total inclusion. KSDS had a golden

opportunity to do something no other school in the country could do. Since they represented the only school training both guide and service dogs, they could provide a training environment in which both blind and physically disabled persons would learn to use their dogs in an integrated setting. Their classes were composed of both guide and service teams. Staff split among themselves in terms of training the dogs for one task or another and worked with the students in the one or the other group; but, the two groups worked together in the same setting.

Naturally, the first obvious difference was that one group required 10 days of training while the other required 24. This difference was overcome by starting the guide class first and then bringing the service students in two weeks afterwards. Remember, this did not mean blind people got better training or that they were inferior in any way to their physically disabled classmates. It only responded to the differences between the two disability groups and the necessity to deal with each in an appropriate manner ensuring safe and desired results.

I served as a consultant and lecturer at KSDS for over three years before securing my newest canine partner there last July. I had an opportunity to watch the training program develop and to influence this development. We discussed the unique nature of the combined classes and the opportunity this provided to study something no other school in the country could study. I visited

and observed the classes.

Let me assure you, it was a truly marvelous sight to behold and one providing a training environment for the guide teams which was truly unique. KSDS guide teams learned to deal with distractions that could not be replicated anywhere else.

It is interesting to note that the difference in time was noticed and questioned by both blind and physically disabled students, alike. One group questioned whether they were, or were perceived as being, inferior while the other questioned whether they were receiving as much attention as the other, fearing the people getting more time might be getting more attention. All were assured they were receiving the appropriate training for their needs, not the same training in an unresponsive artificially false common program. Simply put, the needs of the blind students could not be adequately met within the same time structure as could be met for the service teams because of the differences created by the requirements imposed on the situation by the disability of blindness.

Despite this integrated setting providing a truly marvelous training environment, allowing both disability groups to learn a great deal about one another by watching each other during the time they were together, the time came for staff to try something different. As I said earlier, KSDS was not bound by tradition

and had received no assistance from any other guide program in the United States. The director of the guide program traveled to a Canadian school to gain insight into some of the training elements gleaned there over time. It was certainly, therefore, not a sense of tradition which prompted them to try split classes about a year and a half ago. They simply wanted to see what the differences might be were they to follow the traditional guide or service team only format used at the other schools. When this was suggested as being under consideration, I raised moderate objection citing the uniqueness of the training environment combined classes afforded. The experiment, however, was pursued.

The staff determined after two classes that they saw training benefits with the split environment. The needs for the two team populations were different enough that the necessity to move back and forth to respond to these was harder in the combined classes. They felt it was not only easier but provided more concentrated instruction when working with only one group or the other. Also, the ability to work within one set of requirements resulted in fewer distractions for the teaching staff. So, classes are now separate.

Please note that the one group is composed of blind students learning to use a dog for mobility purposes and working in a communication mode while the other group is composed of all other physical disabilities learning to use their partners to provide

physical assistance in a seeing environment. It represents a current model demonstrating the need for and importance of categorical services for blind people who are neither superior nor inferior to other disabled persons but who do have unique needs in overcoming a sensory loss which can best be addressed in focused training settings. I strongly believe this is fully consistent with the lessons of history throughout the field of rehabilitation. It is a clear example of why the Division of Services for the Blind must be maintained as a separate, identifiable provider of service to blind Kansans and a clear repudiation of the mistaken belief that all disabled persons can be best and most efficiently served in a common setting. It clearly shows that what makes blindness different from physical disabilities is that it is a communication, sensory disability whereas many other disabilities create environmental barriers which can largely be overcome with access measures such as lowering the height of a desk, widening a door, learning how to use a prosthetic limb, etc. People who are deaf experience similar problems as deafness, too, is a sensory and communication disability.

It is recognized by the Kansas Association for the Blind & Visually Impaired (KABVI) and other entities and individuals within the blindness community that government reform is necessary if we are to hope for essential services to be provided in the future within the social service network. We also realize

that this reform is inevitable. We would, however, point out that any change is not necessarily good change and that ill-advised change could create greater problems than those being addressed. To paraphrase Senator Ashcroft from Missouri, we can reform government irresponsibly but we cannot reform it without consequences.

We strongly urge that this ill-conceived piece of legislation be rejected and that, instead, the provision of separate, identifiable services to blind and visually impaired Kansans through the Division of Services for the Blind be reaffirmed and guaranteed. The false economy sought through this proposal would, indeed, represent a diminution of services to the blind to the point that it would be more honest to simply say the state of Kansas would prefer not to provide services at all. This, certainly, would result in greater expenditures of tax dollars as the level of independence of blind Kansans would decline and their need to rely on more assistance would increase.

It should also be remembered that the DSB Advisory Committee has long taken the position that categorical services are necessary and expressed concern, over a long period of time, that the needs as expressed by the blind community often fell upon deaf ears. We felt encouraged a few years ago when a task force was established and saw all of its 69 recommendations reviewed and many acted upon. Unfortunately, this climate of cooperation

appears to be waning and we do not relish the adversarial nature of future dealings if this is to be an example of what might be expected. As we look forward to more local control of services and programs, it is essential that we are dealt with honestly and treated as active partners in negotiations which directly affect our lives and futures. KABVI, as an organization founded in 1920, has always taken a proactive posture in advancing the independence of blind and visually impaired Kansans and always encouraged its membership to participate in efforts designed to make them economically independent, self-reliant, productive, contributing citizens of our state. We look forward to continuing in this effort and to working with legislative and administrative efforts designed to achieve these goals. I would make one last historical observation. You will note from my statement that services to blind people enjoys a long history and that Kansas plays a prominent role in the pioneering efforts made on behalf of and in concert with blind people. We are not trying to say that because this history is long everything in it was wonderful and that lessons haven't been learned over the years. We are, however, saying unequivocally that many elements have been tempered with time and experience and that services as they are presently offered represent the best of over 75 years of diligent effort on the part of consumers, providers and government sponsors. We do not fear improvement or the change that inevitably will accompany this; but, we do caution that a wholesale abandonment of time-tested mechanisms is quite

imprudent.

I thank you for the opportunity to address you on this matter of great concern to me and the membership I represent.