

Approved: _____

4/11
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on March 12, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley
Senator Oleen

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Senator Gooch
Don Jackson, DVM, Wichita
Roger Werholtz, Deputy Secretary, DOC

Others attending: See attached list

Chairperson Lawrence called the meeting to order and called on Mark Tallman to present his testimony on: **HCR 5029--memorializing Congress to increase funding authorized by the Individuals with Disabilities Act**

Mr. Tallman distributed his testimony and gave the brief statement that his association was for the House Concurrent Resolution. (Attachment 1)

Senator Langworthy moved the adoption of the Resolution. Senator Emert gave a second to the motion. The motion carried.

SB 335--education of inmates

Senator Gooch, bill sponsor, stated that he was attending a meeting and during some discussion, it was brought to his attention some of the conditions that exist with inmates and what might take place for some solutions. He looked through a fact sheet which showed ages and other information on incarcerated individuals and began to see how important it was to do something about the suggestions that had been recommended. He wanted to know what takes place with the people who are going into the prison system and how they would be coming out. He does not take credit for writing the bill, but suggested something that would deal with trying to bring about a change in people in the way of education while they are incarcerated. This is the purpose of the requested bill.

Senator Gooch commented that we hear everyday of the accomplishments that could be made if we could get more people educated. The prison population is a place where we need to do something in the way of education. Education can be anything from learning to read and write to preparing for a trade. When so many people go in and out of the Corrections facilities and so little correction is made, we are somehow missing a part of what is best for them. The greater percentage of these people are in for less than ten years. If the average age of inmates is 35, that means they will be getting out at around forty years of age. They have a great percentage of life expectancy in the workplace. If they haven't prepared themselves for the workplace, then we can expect a repeat offender. These people go out on the street and learn more about crime than they do about supporting their families. They have no job training and no money. Nothing would be more productive than to say to these inmates, if you will spend so many hours of training and preparing yourself, you can learn to read and write and get a high school diploma or GED. This could be an important thing to come out of the bill. He would like to see the bill passed in a fashion that would allow Corrections to know how best these things could be obtained.

Chairperson Lawrence told the Committee that what the bill does is to require the DOC to refrain from awarding good time credits to prisoners who do not make satisfactory progress or successfully complete whatever education prescription they are given when they come into the corrections system. Rules and regulations would be adopted by the Secretary of Corrections with the cooperation of the Kansas State Board of Education and the Board of Regents. These courses would have to be offered by fully accredited, appropriate educational organizations.

Senator Gooch stated that a person who is going to go before the parole board could utilize this as an advantage to be considered. This bill could be helpful for Corrections because the people inside know there is an opportunity there for them. He has already received some letters about this.

Chairperson Lawrence commented that the fiscal note has a wide variance because 40 percent of the admissions pool has less than a high school education. One of the Committee stated that he has seen statistics as high as 70 percent. She stated that she was speaking of the admissions pool; the ones who are coming in every year. If the program was limited to a high school program or GED, that would be somewhere in the neighborhood of \$15.9 million; if including post secondary or post high school, the cost would run \$46.3 million. It is hefty.

Senator Gooch stated that there are people who will not be interested in the program; there are also people who will not be out in the next ten years. What is being looked at are the people who can work towards being prepared to come out that are going to be offered the opportunity. He ended by saying that anything that Corrections can do to make this a better working bill will be welcome, but he hopes the real intent of the bill is not eliminated and that is to encourage people to further their education in preparing for going back into the system.

Don Jackson, DVM, Wichita, appeared on the bill as a proponent, stating that his first exposure to the education issue in prisons came in 1996, when he asked a Wichita legislator about it while he was collecting information on another educational direction. He stated that he would like to see the prison education system be established by state statute rather than executive prerogative. It should be a system accredited under the State Board of Education at the high school level. He would like to see it at the college level also. He suspects that educated parolees are society's best hope to reduce recidivism. (Attachment 1) He had a sheet from the Department of Corrections which showed the percentage of prisoners served educationally. (Attachment 2) During FY 1995 these programs enrolled over 2,400 inmates and maintained an average daily enrollment of 288 full time equivalency (FTE Literacy and/or GED participants). Over 850 completed the literacy program and 313 obtained a GED. He stated that this would equate to a 12 percent daily participation rate. He stated that there is a captive audience there and 94 percent of them are not obtaining their age and grade level of academics. Goals and incentives are the best way of reducing recidivism.

The Chairperson commented that there are outside companies working with prisoners inside prison confines. She asked Dr. Jackson if he would count that as part of this because some of them are able to get jobs with those companies when they leave prison.

Dr. Jackson replied that he would be in favor of that only in addition to a basic education of reading and writing; those things that lead to a diploma.

It was commented that what Dr. Jackson would probably like to see are programs that run parallel to each other rather than have the employment piece replace the education piece.

Dr. Jackson stated that he thinks this program would be much better if it was under the Kansas State Department of Education, rather than in the Corrections budget.

Roger Werholtz, Deputy Secretary of Programs and Staff Development, appeared to give input on the bill. (Attachment 3) The Department is not taking a position in support of, or opposed to, the bill. He explained that if inmates do not participate in the program agreement that is outlined for them, then goodtime is withheld based on whatever statute they have been sentenced under. Under this bill there would be more requirements to meet under the proposed language of the bill and therefore more opportunity for inmates to fail to meet those requirements and potential for more good time to be withheld. With regard to cost estimates, the net increase would be quite variable depending on the interpretation of the language. Their estimate is anywhere from \$10.6 million dollars down to \$3.3 million net increase depending upon whether or not we are talking about applying it to every inmate during the entire time that they are in the system; half-time, full-time or something less than half-time, and whether or not it includes education beyond a high school education. The Department would like to see are whether or not it is the intent to reorder program priorities. Currently, sex offender treatment is the highest priority, followed by substance abuse as second and academic education as third. Finally, Mr. Werholtz stated that the Department highly values and supports education and would like to see a balanced approach to the program and issues that offenders bring to the system. He indicated that the Department has a different set of priorities at this time as indicated how it prioritizes programming within the budget.

Mr. Werholtz stated that most inmates that come into the prison system fall into one of two distinct groups; they either stay for a long time, at least a minimum of 3-5 years, or they stay for a very short time, 5 months or less. Once an individual gets into the system, and by the time he has gotten through the reception and diagnostic process and classification process and assignment to a permanent facility, in all likelihood there are only 3 more months remaining for him to complete the program, which is not adequate for most programs. Currently there is a waiting list at almost all the facilities. The current level of educational services is not adequate to meet the demands; he would say another 24-36 educational slots and 12-24 vocational slots. Less than 40% of the people coming into the system each year have less than a high school diploma. There are people who come in with a high school diploma or GED who are functioning at a lower level and they are programmed also.

Concern was expressed by one of the Committee over the fact that the Department does not have a certified provider of educational services.

Senator Gooch reiterated that the intent of the bill is to get people to participate; he hopes that persons in the program would increase in learning to the extent that when they are in prison, they will work to get out and when out they will seek and find employment.

The Chairperson stated the bill would be taken up again Monday.

The meeting was adjourned.

The next meeting is Friday, March 13.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

To: Senate Committee on Education

From: Mark Tallman, Director of Governmental Relations

Date: March 12, 1998

Re: Testimony on H.C.R. 5029-Federal Share of Special Education Costs

Madam Chairman and Members of the Committee:

On behalf of the member boards of education of the Kansas Association of School Boards, we wish to express our wholehearted support for the concept embodied in H.C.R. 5029, that of the federal government assuming the responsibility which it originally espoused of paying for 40% of the cost of the mandate contained in the Individuals with Disabilities Education Act. Should Congress assume this responsibility and the state of Kansas assume its commitment to fund the state "excess cost" formula at 100%, then limited local school district general fund dollars would no longer have to be transferred to fund the education of special needs children at the expense of children in regular education programs.

We urge you not only to pass this resolution favorably, but to urge our Congressional delegation at every opportunity to support appropriations measures which would accomplish the goal of the resolution. We appreciate the opportunity to express our views on this issue and I would be happy to attempt to answer any questions.

*Senate Education
Attachment 1
3-12-98*

My first exposure to deficiencies of education in prisons came in 1996 when I asked a Wichita legislator about it while I was collecting information on another educational direction. This sheet from the Corrections Dept. as to the % of prisoners served and an even lower % attending jumped out at me. I later used this sheet before the Wichita delegation prior to the 1997 session.

It seems to me that most all in the administrative side of education have taken a laissez-faire attitude toward academic education & students, thus is, here it is, if you want it ok, if you don't, its ok. My position to you is that our nation, our state cannot maintain its responsibility to its people without insisting to students that their grade's academics must be obtained & ~~the~~ job, to provide the extra help they need to overcome.

I appear encouraging

1. That the prison education system be established by state statute rather than executive prerogative I think it is at the present time so it maintains its important, its funding & its continuity.

2. It should be a system accredited under the State Board of Education at the high school level.

Senate Education Attachment 28
3-17-98

level and the Board of Regents if it goes into the college level courses which I would personally like to see.

3. There should be a minimum high school diploma or GED requirement for all before parole. My personal preference would be the H.S. diploma.

In prisons you have a captive audience whose most common statistic, 94% of them, is not attaining age and grade level academics. The three points give an end goal for the inmates, and an incentive to participate in that it is tied to parole.

I would also suspect that educated parolees is society's best hope to reduce recidivism.



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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: March 12, 1998
To: Senate Education Committee
From: Roger Werholtz, Deputy Secretary of Programs and Staff Development
Subject: SB 335

Senate Bill 335:

- amends KSA 1996 Supp. 21-4722, 22-3725, 75-5210 and 75-5210a, pertaining to inmate participation in education programs.
- prohibits the department from awarding good time to inmates who fail to make satisfactory progress or successfully complete recommended education programs.
- requires the department, in cooperation with the Board of Education and the Board of Regents, to adopt rules and regulations establishing and prescribing a comprehensive educational services program for all inmates, including the requirement that every inmate shall make satisfactory progress or successfully complete the equivalent of a secondary education or any other educational requirements such as special education, vocational education and academic college level subjects for those inmates with or beyond a high school diploma.
- provides that educational programs offered to inmates must be fully accredited by the appropriate educational entities.

The Department of Corrections currently provides a number of program services to the inmate population, including academic education (both literacy and GED), vocational education and special education programs. During FY 1997: 1,025 inmates completed the literacy program; 471 participants obtained a GED certificate; 144 inmates received special education services; and 313 inmates completed vocational education program requirements and received certificates.

As we interpret the bill's requirements, however, existing educational programs would need to be greatly expanded to provide educational services to the entire inmate population. We understand

the bill to require that all inmates participate in secondary education or, if that is completed, vocational or college education. If this interpretation is correct, the bill would have significant operational implications.

By requiring all inmates to participate in educational programming, and making that a continuous requirement throughout an inmate's incarceration, it appears that completion of education programs would be prioritized over sex offender treatment and substance abuse treatment. This would mean that offender needs for these program services would either go unmet or would need to be provided in the community following the offender's release from prison. The department also would be required to purchase college level courses again, a practice that was terminated several years ago.

SB 335 would also affect inmate work assignments if the intent is to require all inmates to participate in full-time education programming. Some programs could be shifted to evening hours to accommodate work schedules, but this would be difficult to do for programs currently structured as full-time educational programs. Also, some difficulty would be anticipated in recruiting teachers in the numbers needed if a substantial part of the programming were to be delivered in the evening hours.

The bill's provisions pertaining to non-award of good time credits for non-participation or unsatisfactory progress in recommended educational programs are consistent with current departmental practice. However, if all inmates are required to participate successfully in education programs, we anticipate that the frequency with which good time is withheld will increase. This could affect release dates and increase lengths of stay, which would in turn have an impact on the size of the inmate population. The extent to which this would occur, and the resulting impact on the population, is unknown.

There would be a substantial budgetary impact from SB 335, the exact amount of which would depend on how the bill's requirements are interpreted. The upper limit of expenditures would consist of requiring all inmates to participate in educational programming on a full-time basis, regardless of their prior level of educational attainment or other program needs. Roughly estimated, the upper limit baseline amount would be approximately \$44.8 million in FY 1999, and comparable amounts each year thereafter. The amount is based on the average daily population budgeted for FY 1999 of 8,120, multiplied by \$5,520, which is the average cost per slot of vocational and academic education programs budgeted for FY 1999. The *Governor's FY 1999 Budget Report* provides funding of \$4.5 million to maintain current levels of educational services, so the net increase to reach the baseline would be \$40.3 million.

Realistically, full-time participation by 100% of the population could not be achieved for a variety of reasons. Cost estimates for various degrees of participation can be derived from the baseline, i.e. the total estimated cost for full-time participation by 75% of the population would be \$30.2 million; half-time participation by 75% of the population would be \$15.1 million, etc.

If, in operationalizing the bill's requirements, the emphasis was placed on inmates who had not yet achieved a high school degree or equivalent, the costs still would be substantial. Approximately 40% of the KDOC inmate population had an educational attainment level of less than a high school diploma or equivalent at the time of their admission, which would translate into an ADP of approximately 3,200 to be served with educational programming each year. This would cost approximately \$17.7 million, or a net increase of \$13.2 million from the amount recommended for FY 1999 by the Governor. If participation rates were less than full-time, costs would be adjusted

accordingly. The increase in cost for education programming could be partially offset by decreases in costs for facility-based sex offender and substance abuse treatment programs. However, as indicated earlier, if these offender program needs are to be met, costs would simply be shifted to community-based programming.

The bill also has the potential to increase costs if the inmate population increases due to longer lengths of stay resulting from increased withholding of good time awards. The extent to which this might occur is unknown.

While the department values and strongly supports the concept of offender education, we believe it is extremely important to strike a balance among all of the programmatic needs an offender presents, especially the needs for sex offender treatment, substance abuse treatment, and mental health care. A policy that emphasizes one need over others could have significant impact on the department's ability to enhance public safety by addressing all of the behavioral issues presented.