

Approved: 3-14-2000

Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on March 6, 2000 in Room 123S of the Capitol.

All members were present except: Senators Hensley and Langworthy - Excused

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

Conferees appearing before the committee: Senator Vratil  
Larry Patrick, Smoky Hill Education Service Center, Salina  
Kathleen Lowman, Atchison Public Schools  
Mark Tallman, Kansas Association of School Boards

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and called on Senator Vratil, who had brought the final proposed amendments to **SB 432 - school districts; relating to employment of personnel**

Senator Vratil stated that Senator Lee and he had met with representatives of the Kansas Bureau of Investigation last week. An additional amendment they came up with was subsection (e). What this does is delete from the bill any applicant for employment who has been a continuous resident of the state for ten years immediately preceding the application. He would also suggest deletion of the phrase in subsection (e) "has never been employed by the school district."

Senator Vratil was asked about the compact. He responded there is an interstate compact that has been approved by Congress. The KBI chose not to bring it to the legislature this year, but does intend to bring it to the legislature next year. Under the terms of the contract, states would have discretionary authority to request FBI checks. The issue of background or criminal history records check has also been cleared up; it is a criminal history records check. The current time lag is about five weeks. The bill has a provision that would allow provisional employment to an applicant pending the outcome of the criminal history records check.

One of the committee asked Senator Vratil if school boards now have the option to conduct criminal records checks. Senator Vratil responded there is nothing in the law that specifically gives them that authority, but many school districts throughout the states are doing KBI criminal history records checks.

**Senator Lee moved to amend SB 432 with the amendments provided by Senator Vratil, with the deletion of "has never been employed by the school district" in subsection (e).**

**Senator Umbarger gave a second to the motion.**

Discussion was held.

**The motion carried.**

**Senator Oleen moved to recommend SB 432 favorably for passage as amended.**

**Senator Jones gave a second to the motion.**

**The motion carried.**

The Chairperson turned the committee's attention to:

## CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123S Statehouse, at 9:00 a.m. on March 6, 2000.

### **HB 2810 - school districts; definition of juvenile detention facility, grants of state moneys**

The Chairperson commented the bill, as introduced, dealt only with education funding for juvenile detention centers. It added four facilities located in Ellsworth, Salina and Atchison and Topeka. Two detention centers were deleted; Charter Wichita Behavior Health System and Parkview Passages Residential Treatment Center of Topeka. If HB 2810 is published in the Kansas Register by April 20, 2000, school districts that provide educational services to the new facilities added in the bill would be eligible for state aid under the program in the current year.

The Chairperson added that the bill was amended on the floor of the House to add charter school provisions. She would like to see this portion of the bill deleted, inserted into an appropriate bill, and taken up by the committee at a later date. She welcomed the first conferee on the bill.

Larry Patrick, Salina, submitted testimony (Attachment 1) and stated he was happy to hear the Chairperson's comments regarding the charter school portion of the bill. He gave a summation of programs and answered questions from the committee.

Dale Dennis, Deputy Education Commissioner, stated the appropriations run July 1 to June 30. The department does not think it necessary to have a supplemental appropriation this year because the increase in number of pupils served in the added facilities would be offset by the closure of the other two facilities.

The Chairperson stated the estimated cost for the additional facilities would be approximately \$665,000.

Kathleen Loman, Atchison Public Schools, submitted testimony (Attachment 2). St. Francis Academy at Atchison has been approved by SRS for 56 students. There are presently 19 students. Two additional students are expected this week and five more next week. That is why the district is asking for the effective date of April 20, 2000.

Ms. Loman responded to a question by stating that part of the students are juvenile justice authority cases and part are the result of hospital beds being closed in the state facilities.

Mark Tallman, KASB, stated the association supports the intent of the bill (Attachment 3). It would be appropriate to have some definition that could be used instead of adding and subtracting students each year as the need arises. The association was supportive of the charter school amendment added on the House floor and would hope that language would be included somewhere.

The Chairman stated testimony was submitted by John Federico, Kelley Detention Services, in support of the bill (Attachment 4).

**Senator Emert moved to amend HB 2810 on page 6, deleting sec.4 to the end of the bill with the exception of the publication in the Kansas Register. Senator Oleen gave a second to the motion.**

Discussion was held.

**Senator Kerr moved to recommend HB 2810 favorably for passage as amended; Senator Emert gave a second to the motion. The motion carried.**

**Senator Bleeker moved to have a substitute bill for HB 2357 drawn up that includes the provisions of the charter schools language that was formerly in HB 2810. Senator Emert gave a second to the motion. The motion carried.**

After stating that subcommittee reports will be due next week, the meeting was adjourned.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 06, 2000

NAME	REPRESENTING
MARK DEBETTI	KNETF
Larry Patrick	Smoky Hill ESC
Rita Cook	Smoky Hill ESC
Kathleen Lowman	USD 409
Phyllis Kelly	Kansas State Dept. Edu.
Ken Bentley	Dept. of Education
Bob Vancouver	USD 229 Blue Valley
Jacque Dales	SDE
John Peterson	Schools for Fun Funding
Jennifer Crow	Jderica Consulting
Don Ryan	Kan Valley USD 321
Diane Gjerstad	Wichita Public Schools
Jim Youally	USD #512
Ralph Baker	KASB
Denise Axt	USA / K&K -
Mark Tallman	KASB

**Senate Education Committee**  
**3/06/00 - 9:00 am**  
**Smoky Hill Education Service Center, Salina KS**  
**Larry Patrick, Assistant Director**

Smoky Hill Education Service Center requests on behalf of three school districts (USD #409 Atchison, USD #327 Ellsworth, USD #305 Salina) that K.S.A. 72-8187, subsection (f), item (2) be amended to include the four programs of The Saint Francis Academy, Inc. These programs are listed by name on the next page along with a profile of the youth residing at these facilities.

Two of the facilities listed in K.S.A. 72-8187 have closed or are being closed (the Parkview Residential Treatment Center of Topeka, and Charter Wichita Behavior Health System, L.L.C.). With the closing of these two facilities, the addition of the Level 6 program in Atchison and the increased needs of the youth populations being served by The Saint Francis, Inc. programs, it is impossible for the local districts to provide the education services with the current state financial aid. It is therefore necessary to count these students as two pupils under the district finance and quality performance act, with count dates on September 20, on November 20, or on April 20 of a school year.

The new Level 6 program for women in Atchison begins in March 2000. It is necessary for this program to be approved so funding may begin with the first count day April 20, 2000. The local school district was unaware this program was going to be licensed until January of 2000.

**Average Cost to Educate St. Francis Youth on Campus for Local School Districts**

These costs are based on actual budgeted items in programs currently in existence and the costs projected by moving to a performance-based classroom setting. The academic services are a combination of on-line computer-based academic skill learning and off-line performance activities and projects. A key component to this program is that it is not time based, but strictly performance-based. A student may proceed at his/her own pace and motivation.

The software being used is designed for self-paced learning. It is both diagnostic and prescriptive in reading and math. The level of difficulty is middle school through adult education, with diagnostic and prescriptive abilities to grade 2. It has been used successfully in a variety of settings and has enjoyed particular success in the Texas prison system. The program is research based and meets all the state and local curricular requirements.

Smoky Hill Education Service Center in Salina began providing education services for the two Salina programs approximately three years ago. With the St. Francis placements coming at various times during the semester, it was frustrating for the student, school, and St. Francis staff to fit students into a time-based custodial system. Since Smoky Hill started the programs at St. Francis, each youth has earned from 5 - 10 credits each semester during their stay at St. Francis. This is based on their performance, not their length of stay.

The curriculum is very intense and student centered. Each student's time-on-task is greatly increased over regular classroom instruction. In a regular classroom, a high rate of engagement may be in the 15 - 20 minute range for an individual student per hour. In this classroom setting, the rate of engagement is closer to 50 minutes per hour because of the reduced distractions. The student stays focused on his/her particular needs. **The educational services are provided year round. This is not a nine month program.**

**\$6,946/student estimate at St. Francis Academy @ Atchison**

**\$8,992/ student estimate at St. Francis Academy @ Ellsworth**

**\$8,895/student estimate at St. Francis Academy @ Salina**

**\$7,107/student estimate at St. Francis Center @ Salina**

Total Project Expense Estimates = \$1,121,225/144 students = \$7786/student

Total Project Revenue Estimates = \$1,258,930/144 students = \$8743/student  
(This includes federal Title I dollars for Neglected and Delinquent Children)

Total State Revenue = \$1,085,760/144 students = \$7540/student

*Senate Education*  
*3-6-2000*  
*Attachment 1*

Kansas Residential Locations and Descriptions:

St. Francis Academy @ Ellsworth Ellsworth, KS 67439	(32 bed residential treatment for males 12-18)
St. Francis Academy @ Salina Salina, KS 67401	(26 bed residential treatment for males 12-18)
St. Francis Center @ Salina Salina, KS 67401	(30 bed residential treatment for males 12-18)
St. Francis Academy @ Atchison Atchison, KS	(28 bed residential treatment for coed runaways 12-18) (28 bed residential treatment for females 12-18)

Total Beds served by The Saint Francis Academy, Incorporated = 144 in residential treatment

All campuses have a minimum of two classrooms, one for SPED students and one for regular education students. A more inclusive model is planned for next fall with SPED and regular education teachers and paraprofessionals working side-by-side with all youth in treatment. The Ellsworth campus has a third classroom for those youth in the Emergency Shelter Program. Saint Francis @ Atchison is beginning a new program for women only in March 2000. This program will also have the two classroom minimum. **The education programming is year round, 11 - 12 months.**

Youth who enter a St. Francis campus usually have a profile of mental illness and/or chronic behavior disorders requiring a staff secure facility with nursing. These facilities have psychiatric coverage, psychiatric nurse coverage, a master level psychotherapist providing treatment services, a seclusion room, and an on campus education program. When a youth's mental illness/chronic behavior problem is stable, the youth is moved to a lower level of care for the rest of his/her treatment. The youth are placed in the St. Francis facilities by SRS, JJA, and other organizations responsible for the mental health treatment of youth. All campuses are closed, staff secure facilities.

**The youth being served at all four locations exhibit the behaviors listed below:**

- 12 - 18 years old
- Full Scale IQ of 70 or above
- No evidence that physical health status would hinder or prevent program participation
- Not in need of emergency psychiatric care
- Impulsivity resulting in dangerous or self-injurious behavior (suicidal impulses have been stabilized so youth is not currently at risk for suicide)
- Run away behavior, which represents a self-destructive disregard for one's safety
- Over-aggressiveness toward others or animals (verbal and physical)
- Sex offender (has sexually offended or is at risk for offending)
- Chronic oppositional-defiant responses that interfere with family functioning, educational services, and/or outpatient treatment
- Chronic explosiveness or uncontrolled temper tantrums (no ability to manage internal stress)
- Destruction of property
- Drug usage/abuse
- Ritualistic abuse behaviors
- Illegal behaviors
- Inability to interact with others
- Chronic problems in school functioning
- Disturbance in psychological functioning requiring a mental illness diagnosis
- Borderline psychotic youth

	A	B	C	D	E	F	G	H	I
1	<b>Saint Francis Programs</b>		SFA @ Atchison		SFA @ Ellsworth		SFA @ Salina		SFC @ Salina
2		56 students			32 students		26 students		30 students
3	<b>Income</b>								
4	435 - State Projects (2.0 FTE)	56	\$422240.00	32	\$241280.00	26	\$196040.00	30	\$226200.00
5	436 - Title I Funds		Estimate \$65800		\$41370.00		\$30643.00		\$35357.00
6	<b>Total Income</b>		<b>\$488040.00</b>		<b>\$282650.00</b>		<b>\$226683.00</b>		<b>\$261557.00</b>
7	<b>Expense</b>								
9	500-17 Classified Salaries	5	\$94000.00	3	\$53000.00	3	\$53000.00	2	\$35300.00
10	500-18 Certified Salaries	4	\$150000.00	4	\$145000.00	3	\$108750.00	3	\$108750.00
11	500-19 Substitute Salary		\$6000.00		\$3000.00		\$2000.00		\$2000.00
12	<b>500 - Total Salaries</b>		<b>\$250000.00</b>		<b>\$201000.00</b>		<b>\$163750.00</b>		<b>\$146050.00</b>
13									
14	505-10 Social Security Tax		\$24400.00		\$19800.00		\$16175.00		\$14400.00
15	505-11 Workman's Comp. Ins.		\$3600.00		\$1800.00		\$1500.00		\$1500.00
16	505-12 Unemployment Ins.		\$1200.00		\$600.00		\$500.00		\$500.00
17	<b>505 - Total Payroll Expenses</b>		<b>\$29200.00</b>		<b>\$22200.00</b>		<b>\$18175.00</b>		<b>\$16400.00</b>
18									
19	510-10 Travel		\$4000.00		\$1000.00		\$1000.00		\$1000.00
20	510-11 Training		\$4000.00		\$2000.00		\$1500.00		\$1500.00
21	510-12 Administrative Other		\$25000.00		\$12500.00		\$7500.00		\$7500.00
22	<b>510 - Total Personnel Expenses</b>		<b>\$33000.00</b>		<b>\$15500.00</b>		<b>\$10000.00</b>		<b>\$10000.00</b>
23									
24	515-10 Supplies		\$2000.00		\$1000.00		\$1000.00		\$1000.00
25	515-11 Publications		\$200.00		\$200.00		\$200.00		\$200.00
26	515-12 Postage		\$1200.00		\$600.00		\$500.00		\$500.00
27	515-13 Copier		\$6000.00		\$4000.00		\$3000.00		\$3000.00
28	515-14 Telephone		\$1800.00		\$1200.00		\$1000.00		\$1000.00
29	515-15 Curriculum		\$1500.00		\$1500.00		\$1500.00		\$1500.00
30	515-16 Internet		\$6000.00		\$4800.00		\$4800.00		\$4800.00
31	515-17 Other Office Expense		\$500.00		\$500.00		\$500.00		\$500.00
32	<b>515 - Total Office Expense</b>		<b>\$19200.00</b>		<b>\$13800.00</b>		<b>\$12500.00</b>		<b>\$12500.00</b>
33									
34	<b>520 Technology Consultants</b>		<b>\$15000.00</b>		<b>\$8500.00</b>		<b>\$5000.00</b>		<b>\$5000.00</b>
35									
36	525-10 Rent		\$6000.00		\$3000.00		\$2000.00		\$2000.00
37	525-11 Utilities		\$3600.00		\$1500.00		\$1500.00		\$1500.00
38	525-12 Insurance		\$1000.00		\$750.00		\$750.00		\$750.00
39	<b>525 - Total Occupancy Costs</b>		<b>\$10600.00</b>		<b>\$5250.00</b>		<b>\$4250.00</b>		<b>\$4250.00</b>
40									
41	535-10 Repairs		\$3000.00		\$2000.00		\$1500.00		\$1500.00
42	535-11 Equipment Purchases		\$15500.00		\$10500.00		\$7500.00		\$8500.00
43	535-12 Software Purchases		\$9000.00		\$6000.00		\$5600.00		\$6000.00
44	<b>535 - Total Equipment</b>		<b>\$27500.00</b>		<b>\$18500.00</b>		<b>\$14600.00</b>		<b>\$16000.00</b>
45									
46	540-10 Auditor		\$500.00		\$500.00		\$500.00		\$500.00
47	540-11 Legal		\$1000.00		\$1000.00		\$1000.00		\$1000.00
48	<b>540 - Total Legal &amp; Accounting</b>		<b>\$1500.00</b>		<b>\$1500.00</b>		<b>\$1500.00</b>		<b>\$1500.00</b>
49									
50	590-14 Technical Services Expense		\$2000.00		\$1000.00		\$1000.00		\$1000.00
51	590-15 Other Misc. Expense		\$1000.00		\$500.00		\$500.00		\$500.00
52	<b>590 - Total Misc. Expenses</b>		<b>\$3000.00</b>		<b>\$1500.00</b>		<b>\$1500.00</b>		<b>\$1500.00</b>
53									
54	<b>Total Expenses</b>		<b>\$389000.00</b>		<b>\$287750.00</b>		<b>\$231275.00</b>		<b>\$213200.00</b>
55									
56									
57	<b>Estimate Return to State</b>		<b>\$33240.00</b>		<b>-\$5100.00</b>		<b>-\$4592.00</b>		<b>\$13000.00</b>
58			\$99040.00						\$48357.00
59									



# ATCHISON PUBLIC SCHOOLS

605 Kansas, Atchison, Kansas 66002  
Phone (913) 367-4384 Fax (913) 367-2246

Stephen Pummel, Superintendent  
Joy Kromer, Assistant Superintendent  
Kathleen Lowman, Director of Special Services

## Senate Education Committee House Bill 2810 March 6, 2000

To All Senate Education Committee Members:

U.S.D. # 409, Atchison Public Schools is requesting that you consider amending House Bill No. 2810 to include the St. Francis Academy at Atchison as a community juvenile detention center for the purpose of funding educational services.

As you know, Kansas Statute allows for the funding of educational services for certain facilities serving confined students who are unable to attend public schools due to their placement by SRS in a secure or closed facility. All of these students are considered neglected or delinquent and are placed in the Atchison facility from other counties around the state of Kansas. It is imperative that state funding be obtained for the cost of their education rather than local general fund dollars.

Recent changes have taken place with the providers approved last year. As of this month, Charter Wichita Behavior Health System and Parkview Passages Residential Treatment Center of Topeka are no longer providing services; and, St. Francis Academy at Atchison has been approved by SRS for 56 students. Students will be placed in the facility during the first week of March, 2000. Because of this, please consider making this amendment effective for the count that will occur on April 20, 2000.

The students who will be detained in this facility are placed there by SRS and are unable to attend public school. These students are to be housed, maintained, and receiving educational services at the St. Francis Academy at Atchison. Some of the reasons they are in a confined facility include:

- Run away behavior which represents a self-destructive disregard for one's safety
- Sex offender
- Illegal behaviors
- Chronic oppositional-defiant behavior
- Destruction of property
- Drug usage/abuse
- Ritualistic abuse behaviors
- Impulsivity resulting in dangerous or self-injurious behavior
- Over-aggressiveness toward others or animals
- Borderline psychotic youth
- Disturbance in psychological functioning requiring a mental illness diagnosis

Thank you for your support in amending House Bill 2810 to include the St. Francis Academy at Atchison as a detention facility and approve the funding of educational services, effective for the April 20, 2000 count.

Sincerely,

*Kathleen Lowman*

Kathleen A. Lowman, Director of Special Services

*Senate Education  
3-6-2000  
Attachment 2*



TO: Senate Committee on Education  
FROM: Mark Tallman, Assistant Executive Director for Advocacy  
DATE: March 6, 2000

**RE: Testimony on H.B. 2810 – Juvenile Detention Facilities; Charter Schools**

Madam Chair, Members of the Committee:

Thank you for the opportunity to testify on H.B. 2810, which address two main issues.

First, the bill amends the list of institutions for which school districts providing educational services qualify for special funding provisions. KASB is supportive of the intent of the bill. We would only raise the question of whether it might be possible to simply allow the State Board of Education to approve these institutions instead of amending state law on an annual basis.

The second part of the bill is an amendment added on the floor of the House concerning charter schools. KASB has three main goals for charter schools. First, we support an increase in the number of charter schools allowed in Kansas, currently limited to 15. Second, we support broadening the authority of charter schools to operate outside the limitations of many state statutes. Third, we believe that both good public policy and the state constitution require that local school boards approve the establishment or continuation of charter schools.

The amendment to H.B. 2810 would remove the statewide limit of 15 charter schools. The limit of two charter schools per districts would continue. Because the bill retains the role of the school board in approving charters, we support this measure. However, we would also support changes in the law to allow charter schools to receive waivers of state statutes.

In the absence of a provision dealing with waivers of statutes, the flexibility of charter schools will continue to be somewhat limited. However, because federal funds are available to help develop and implement charter schools, KASB believes that expanding the number of schools will help foster innovation and choice in the public school system. We would urge you to approve this change.

Thank you for your consideration.

*Senate Education  
3-6-2000  
Attachment 3*



**Written Testimony In Support of HB 2810****John Federico; Federico Consulting  
On Behalf of Kelley Detention Services****Senate Education Committee  
March 6, 2000**

Thank you for allowing me the opportunity to submit written testimony in support of HB 2810. My client, Kelley Detention Services is proud to be the leading provider of private juvenile detention beds in the State of Kansas with facilities in Oberlin, Wakeeney and two facilities in Topeka.

We support HB 2810 and the amendments added to the bill in the House. The changes made to HB 2810 would allow supplemental funding for USD 501 in their efforts to educate the 28 students housed at the recently opened Clarence M. Kelley Youth Center (located on the east side of Topeka.).

Simply, the bill adds the Clarence M. Kelley Youth Center to the list of other juvenile detention facilities eligible for supplemental funding under the provisions found in K.S.A. 1999 Supp 72-6407. Thank you for your support.

John J. Federico  
Owner; Federico Consulting

*Senate Education  
3-6-2000  
Attachment 4*