

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on February 27, 2001 in Room 123-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Diane Gjerstad, Wichita Public Schools
 John Federico, Federico Consulting for Kelley Detention
 Services
 Dale Dennis, Deputy Commissioner of Education

Others attending: See Attached List

HB2094--School districts, definition of juvenile detention facility for services and state grants

Diane Gjerstad gave testimony in support of **HB2094**. (Attachment 1) Diane testified that this bill will add Liberty Juvenile Services and Treatment Center to the bill so that Wichita Public Schools can receive the per pupil reimbursement for students currently in the custody of the Juvenile Justice Authority residing at Liberty.

During discussion, it was determined that the facility now has 15 students and has the capacity for 60 students. The school provides two teachers on site and the school receives two times the base or actual cost whichever is less. Kings Achievement Center at Goddard is also being added to the bill. They have 21 students at this time. The schools are responsible to provide teachers and they are not being notified early enough to plan for staffing which makes it very difficult. Diane agreed that a better communication mechanism is needed between JJA and the school district where the facility is being housed.

John Federico, Federico Consulting, gave testimony in support of **HB2094** on behalf of Kelley Detention Services. (Attachment 2) He requested an amendment to add the Clarence M. Kelley Transitional Living Center of Topeka to the bill. It is a Level 5 residential facility which will house 28 juvenile offenders when it opens in mid-March. USD 501 will be responsible for educating the residents.

During discussion, regarding the costs to school districts, it was determined that the level of the facility is not the issue, but whether or not the students can leave the facility to attend school. The additional cost is incurred when teachers have to go to the facility. The funding is under categorical aid and is provided for in Section 3, page 5, line 39 to 43, statute 72-8187. It was discussed why the law had to be amended each year to add the new facilities. It was stated that these facilities come and go and this is the only way to keep track. The Committee would like to hear from JJA to make sure all operating facilities are listed before voting on the bill. The Committee would also like to hear from USD 501.

Senator Vratil moved that **HB2094** be amended to reflect the amendment proposed by Mr. Federico to add the Clarence M. Kelley Transitional Living Center to the definition of juvenile detention facilities. Motion seconded by Senator Teichman. Motion carried.

HB2049--Repeals statutes relating to outdated exceptions to the school term

HB2050--Repeals statute relating to extraordinary procedures for adoption of rules and regulations by State Board of Education

CONTINUATION SHEET

February 27, 2001

HB2051--Repeals statute relating to rules and regulations of certain extinct state agencies
HB2052--Repeals statute relating to bonds issued by city and school district for joint acquisition of community buildings
HB2053--Repeals an outdated statute relating to school unification

Dale Dennis recommended repeal of the above bills which are statutes that are outdated or are no longer needed. (Attachment 3)

Senator Vratil made a motion to amend provisions of HB2051 into HB2050. Seconded by Senator Oleen. Motion carried.

Senator Vratil moved that the Committee favorably recommend HB2049, HB2052 and HB2053 and place them on the consent calendar. Seconded by Senator Jenkins. Motion carried.

Senator Vratil made a motion to favorably recommend HB2050 as amended. Seconded by Senator Oleen. Motion carried.

Senator Downey made a motion to accept the minutes of February 13, 2001, February 14, 2001 and February 15, 2001. Seconded by Senator Jenkins. Motion carried.

Meeting adjourned at 2:30. The next meeting is scheduled for February 28, 2001.



**Senate Education Committee
Senator Umbarger, chair**

Testimony on H.B. 2094

*Diane Gjerstad
Wichita Public Schools*

February 27, 2001

Mr. Chairman, members of the committee:

Thank you for the opportunity to hear H.B. 2094, a bill which would permit the Wichita Public Schools to receive the per pupil reimbursement for students currently in the custody of the Juvenile Justice Authority residing at "Liberty Juvenile Services and Treatment".

This type of amendment to the statute is becoming routine as new juvenile facilities are licensed by JJA across the state. The statute lists the juvenile detention facilities, this bill would add "Liberty Juvenile Services and Treatment".

"Liberty Juvenile Services and Treatment" is licensed by JJA and KDHE. "Liberty" started receiving students on December 26, 2000. Currently "Liberty" houses 15 juveniles, with a license for 25. The facility Liberty occupies (formerly known as Booth, adjacent to Simms Park) has capacity for 60 students.

"Liberty Juvenile Services and Treatment" is a staff secure level 6 residential facility. Teachers are sent to Liberty to provide educational services to the students. This bill would enable the district to be reimbursed for the costs associated with providing on-site educational services.

Because the district is providing teachers during the current school year, 2000/01, it is important this bill provide the funding beginning this school year. The House committee amended the bill to provide to reflect this fact.

I would encourage the committee's favorable consideration of this bill.

Thank you, Mr. Chairman. I would stand for questions.

Senate Education Committee
Date: 2-27-01

Attachment # 1



Testimony Before the Senate Education Committee

On Behalf of Kelley Detention Services

In Support of HB 2094

February 27, 2001

My name is John Federico of Federico Consulting appearing today on behalf of Kelley Detention Services. 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 three facilities in Topeka. I appear before you today in support of HB 2094 and ask that you consider the attached balloon amendments.

Simply, the amendments would add the Clarence M. Kelley Transitional Living Center to the definition of juvenile detention facilities appearing in the following sections beginning on Page 4, Sec. (n); Page 4, Sec. 2 (e); and Page 6, Sec. 3 (f)(2) of the bill.

The Clarence M. Kelley Transitional Living Center is a Level 5 residential facility operated by Kelley Detention Services. The facility is located on the east side of Topeka, and will house 28 juvenile offenders when it opens in mid-March. USD 501 will be responsible for educating the juvenile offenders located at the Transitional Living Center. It is our opinion that they are thus eligible for the supplemental funding allowable by the provisions in KSA 199 supp. 72-6407.

Thank you for your time and I will be happy to stand for questions.

A handwritten signature in black ink, appearing to read 'John J. Federico'.

John J. Federico, J.D.
Federico Consulting
On Behalf of KDS

Senate Education Committee

Date: 2-27-01

Attachment # 2

22

1 (m) "Ancillary school facilities weighting" means an addend compo-
 2 nent assigned to enrollment of districts to which the provisions of K.S.A.
 3 2000 Supp. 72-6441, and amendments thereto, apply on the basis of costs
 4 attributable to commencing operation of new school facilities. Ancillary
 5 school facilities weighting may be assigned to enrollment of a district only
 6 if the district has levied a tax under authority of K.S.A. 2000 Supp. 72-
 7 6441, and amendments thereto, and remitted the proceeds from such tax
 8 to the state treasurer. Ancillary school facilities weighting is in addition
 9 to assignment of school facilities weighting to enrollment of any district
 10 eligible for such weighting.

11 (n) "Juvenile detention facility" means any community juvenile cor-
 12 rections center or facility, the Forbes Juvenile Attention Facility, the
 13 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
 14 Services, the Clarence M. Kelley Youth Center, Trego County Secure
 15 Care Center, St. Francis Academy at Atchison, St. Francis Academy at
 16 Ellsworth, St. Francis Academy at Salina, and St. Francis Center at Salina,
 17 **King's Achievement Center**, ~~and Liberty Juvenile Services and~~
 18 ~~Treatment.~~ _____, and Clarence M. Kelley Transitional Living Center

19 Sec. 2. K.S.A. 2000 Supp. 72-6430 is hereby amended to read as
 20 follows: 72-6430. Expenditures of a district for the following purposes are
 21 not operating expenses:

22 (a) Payments to another district in an adjustment of rights as provided
 23 in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory
 24 as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments to
 25 such sections, if paid from any fund other than the general fund.

26 (b) Payments to another district under K.S.A. 72-7105a, and amend-
 27 ments thereto.

28 (c) The maintenance of student activities which are reimbursed.

29 (d) Expenditures from any lawfully authorized fund of a district other
 30 than its general fund.

31 (e) The provision of educational services for pupils residing at the
 32 Flint Hills job corps center or for pupils confined in a juvenile detention
 33 facility for which the district is reimbursed by a grant of state moneys as
 34 provided in K.S.A. 2000 Supp. 72-8187, and amendments thereto. As
 35 used in this subsection, the term juvenile detention facility means any
 36 community juvenile corrections center or facility, the Forbes Juvenile
 37 Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation
 38 Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center,
 39 Trego County Secure Care Center, St. Francis Academy at Atchison, St.
 40 Francis Academy at Ellsworth, St. Francis Academy at Salina, and St.
 41 Francis Center at Salina, **King's Achievement Center**, ~~and Liberty Ju-~~
 42 ~~venile Services and Treatment.~~ _____, and Clarence M. Kelley Transitional Living Center

43 (f) Programs financed in part or in whole by federal funds which may

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1 district is determined to be eligible to receive for the school year, the
2 state board shall prorate the amount appropriated among all school dis-
3 tricts which are eligible to receive grants of state moneys in proportion
4 to the amount each school district is determined to be eligible to receive.

5 (f) As used in this section:

6 (1) "Enrollment" means the number of pupils who are residing at the
7 Flint Hills job corps center or who are confined in a juvenile detention
8 facility and for whom a school district is providing educational services
9 on September 20, on November 20, or on April 20 of a school year,
10 whichever is the greatest number of pupils; and

11 (2) "juvenile detention facility" means any community juvenile cor-
12 rections center or facility, the Forbes Juvenile Attention Facility, the
13 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
14 Services, the Clarence M. Kelley Youth Center, Trego County Secure
15 Care Center, St. Francis Academy at Atchison, St. Francis Academy at
16 Ellsworth, St. Francis Academy at Salina, ~~and St. Francis Center at Salina,~~
17 **King's Achievement Center, ~~and~~ Liberty Juvenile Services and**
18 **Treatment.**

, and Clarence M. Kelley Transitional Living Center

19 Sec. 4. K.S.A. 2000 Supp. 72-6407, 72-6430 and 72-8187 are hereby
20 repealed.

21 Sec. 5. This act shall take effect and be in force from and after its
22 publication in the ~~statute book~~ **Kansas register.**



TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: Statutes Proposed to be Repealed

The State Board of Education would like to recommend the repeal of several statutes that are out-of-date or are no longer needed. We have listed these statutes below for your review.

HOUSE BILL 2049

K.S.A. 72-1106c	This is an outdated statute concerning inclement weather during the 1977-78 school year.
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72-1106c. Inclement weather; special exception for 1977-78 school year. For the 1977-78 school year, the state board of education shall waive the requirements of law relating to the duration of the school day and the school year upon application for such waiver by a school district. Said waiver shall be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions existed in the school district for an inordinate number of days; and (2) a determination by the state board that said school district cannot reasonably adjust its schedule to comply with said statutory requirements. The days schools remained closed due to hazardous driving conditions during said 1977-78 school year, upon granting of said waiver by the state board of education, shall be considered school days.

HOUSE BILL 2050

K.S.A. 72-7514b	This statute concerns procedures for adopting rules and regulations by the State Board of Education under its constitutional authority.
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The provisions of this law are very similar to the provisions in the Administrative Rules and Regulations Filing Act. However, a provision of this law requires publication in the Kansas Register of the full text of all proposed constitutional rules and regulations when notice of public hearings is given. This is very expensive. Since the State Board follows the Administrative Rules and Regulations Filing Act when it adopts any rule and regulation, it is proposed that this statute be repealed

72-7514b. Rules and regulations adopted under constitutional authority; procedure; definition. (a) Every rule and regulation which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board shall be adopted by the state board of education and filed as a rule and regulation as provided in this section.

(b) Prior to the adoption of such rule and regulation, the state board of education shall give at least 30 days' notice of its intended action in the Kansas register and hold a public hearing thereon. The notice shall be published in the Kansas register and shall contain a summary of the substance of the proposed rule and regulation along with the full text of any such rule and regulation to be considered at the hearing. Such notice shall state the time and place of the public hearing to be held thereon and the manner in which interested parties may present their views thereon. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rule and regulation. On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing.

(c) The rule and regulation shall be adopted at a meeting which is open to the public and shall not be adopted unless it receives approval by roll call vote of a majority of the total membership of the state board of education.

(d) Each rule and regulation adopted by the state board of education shall be filed in triplicate with the secretary of state and shall indicate that such rule and regulation was adopted pursuant to authority granted to the state board of education under section 2 of article 6 of the constitution of the state of Kansas. The state board of education shall number each section with a distinguishing number. Upon filing, the secretary of state shall assign a distinguishing number to each section for purposes of publication in the annual supplement to the Kansas administrative regulations.

(e) All rules and regulations adopted and filed with the secretary of state in accordance with the provisions of this section on or before December 31 in any year shall be published in the annual supplement to the Kansas administrative regulations which is published during the next succeeding year after the year in which such rules and regulations were filed unless otherwise directed by the state rules and regulations board.

(f) As used in this section, "rule and regulation" means a standard, statement of policy, procedure or practice or general order, including amendments or revocations thereof, of general application which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board.

HOUSE BILL 2051

K.S.A. 72-7514a	This statute addresses rules and regulations that existed when the State Board of Education was created. All of these old rules and regulations have been repealed or replaced. There is no need for this outdated statute.
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72-7514a. Same; perpetuation of rules and regulations of certain state agencies. The rules and regulations of the state superintendent of public instruction, the state board of education, the state board for vocational education and the school budget review board which were in effect on January 13, 1969, shall be and remain the rules and regulations of the state board of education provided for in K.S.A. 72-7503, until such rules are amended, revoked or repealed in the manner provided by law. It is the intention of this act that the rules and regulations specified above are and shall be in continuous effect without interruption from January 13, 1969, until amended, revoked or repealed by the state board of education or by appropriate action of the legislature.

HOUSE BILL 2052

K.S.A. 12-1769	This is an outdated statute which authorizes school districts to issue bonds to construct community buildings.
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Recently, a school district considered exercising the authority granted by this statute, but the question arose as to whether the state would provide bond and interest state aid to retire the bonds. The answer was unclear, so for the past two years, the appropriations committee has placed a proviso in the appropriations bill that limits bond and interest state aid to school district bonds issued under K.S.A. 72-6761 which is the statute school districts use in constructing school facilities. This statute has not been utilized for decades and appears to be outdated because of the bond and interest state aid law.

12-1769. Bonds by city and school district for site, construction and equipping community building; election; joint management. Any city and the school district in which such city is located may jointly acquire a site and construct, furnish and equip thereon a community building upon such terms and conditions as shall be agreed upon by the governing body of such city and the governing board of the school district. Such community building shall be under the joint control and management of the governing body of the city and the governing board of the school district and shall be used for such purposes as said governing body and governing board of the school district shall provide by written agreement.

For the purpose of providing funds to be used for the acquisition of a site, construction, furnishing and equipment of said community building, said city and the school district may each issue general obligation bonds. In addition to funds derived from the issuance of bonds, the city may use any other funds for such purposes as it may have available therefor.

No bonds shall be issued by any city or school district under the authority conferred by this section until the question of the issuance of said bonds shall have been

submitted to a vote of the qualified electors of such city for city bonds and the qualified electors of the school district for school district bonds at a regular city or regular school district election, as the case may be, or at a special election called for that purpose and unless a majority of those voting on the question shall have declared by their votes to be in favor of the issuance of said bonds: Provided, That neither the city nor the school district may issue bonds unless both elections carry. Such bond election shall be called and held and said bonds shall be issued, registered, sold, delivered and retired in accordance with the provisions of the general bond law. All bonds issued under the authority conferred by this act shall not be subject to or within any bonded debt limitation provided by any other law of this state. "School district" as used in this act means any district or political subdivision organized to provide grade, high, extension, college or vocational instruction and having the power to issue bonds, levy taxes and hold elections.

HOUSE BILL 2053

K.S.A. 72-67,109	This is an outdated statute concerning the School District Unification Act.
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72-67,109. Equitable payments; special benefit of payment. In any agreement or court order made pursuant to K.S.A. 72-6776 of the second unification act the unified districts may agree or the court may order that any payment made from one unified district to another shall be applied to a particular purpose or to the benefit of a particular area specified in such agreement or order. It is recognized by this section that in certain cases payments should be made to benefit taxpayers in localized areas of unified districts, however, specification of purpose and application of payments to accomplish equitable results for whatever reasons related to unification are authorized under this section.