

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on January 30, 2007, in Room 123-S of the Capitol.

Committee members absent: Carolyn McGinn- excused

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Heather Morgan, Juvenile Justice Authority
Representative Richard Kelsey

SB 80 – School finance; juvenile detention facilities; Marillac

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 80** amended the definition section in the school finance law. The amendment on page 4, line 24, added Marillac, a psychiatric residential treatment facility located in Overland Park, to the definition of a juvenile detention facility. She further explained that pupils that are housed in a juvenile detention facility are not counted under the school finance law under the enrollment, but the school districts would provide services to those students qualified under another provision of the law for reimbursement through a grant. The amount of the grant is determined by counting that student as if it was counted twice under the school finance law. The bill treats Marillac as a juvenile detention facility, which then makes the school district eligible to receive the grant. In addition, she noted that there was a technical amendment in the definition of the high density at-risk pupil weighting to correct the reference.

Senator Vratil commented that **SB 80** was not necessary if **SB 95** passes. He went on to say that **SB 80** does for Marillac what **SB 95** does for all of those student facilities on a statewide basis.

Senator Schodorf called the Committee's attention to written testimony submitted by Mark S. Richards, President/CEO of Marillac, in support of the passage of **SB 80** or the favorable consideration **SB 95** in place of **SB 80**. (Attachment 1)

SB 95 – School finance; pupils housed at residential treatment facilities or confined to juvenile detention facilities, Medicaid

Theresa Kiernan, Revisor of Statutes Office, reminded the Committee that **SB 95** was introduced at the request of the Juvenile Justice Authority because, due to the current statutory definition of Level VI facilities, there was some concern about losing federal money after July 1, 2007. She discussed the amended definition of "juvenile detention facility" on page 6, lines 39 through 43, and on page 7, lines 1 through 5. The new language included a definition for "psychiatric residential treatment facility," which would clarify that Level VI facilities are not juvenile detention facilities.

Heather Morgan, Director of Public and Legislative Affairs for the Juvenile Justice Authority, testified in support of **SB 95**. She explained that, on July 1, 2007, most Level V and VI facilities in the state will transition to a category of facility defined by the Centers for Medicaid and Medicare Services as psychiatric residential treatment facilities. The bill would update the statute to reflect this change, and it would also remove references to individual treatment facilities which have gone out of business. In addition, the bill would update the language relating to pupils enrolled in USD 259 but who reside in the Judge James V. Riddel Boys Ranch. (Attachment 2)

Senator Schodorf called the Committee's attention to written testimony in support of **SB 95** submitted by Don Jordan, Acting Secretary, Kansas Department of Social and Rehabilitation Services (Attachment 3) and written testimony in support of **SB 95** submitted by Melissa Ness, Legislative Coordinator, St. Francis Academy (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:30 p.m. on January 30, 2007, in Room 123-S of the Capitol.

Representative Richard Kelsey testified in support of **SB 95**, which he considered to be simply a clean-up bill. He explained that he manages a Level V center for 44 boys, who are educated through Smoky Valley virtual school. He commented further that double funding is necessary for the boys' care.

There being no others wishing to testify, the hearing on **SB 95** was closed.

Attention was turned to the minutes of the January 23 meeting. Senator Vratil moved to approve the minutes of the January 23 minutes, seconded by Senator Ostmeier. The motion carried.

The meeting was adjourned at 1:55 p.m.

The next meeting is scheduled for January 31, 2007.

**Testimony on SB 80 and SB 95- School finance
and pupils residing in certain facilities
Senate Education Committee**

**by Mark Richards
President/CEO of Marillac in Overland Park, KS
January 30, 2007**



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*Senate Education Committee
1-30-07
Attachment 1*

Marillac Center, a Level VI facility in Overland Park, Kansas, is writing to urge your support of SB 95. We are aware that SB 80 is also being submitted and we are supportive of SB 80, but believe that SB 95 serves the intent of SB 80 at the same time as resolving additional issues in the present language of K.S.A. 2006 Supp. 72-6407 and K.S.A. 72-8187.

SB 95 corrects K.S.A. 2006 Supp. 72-6407, which labels Level VI facilities as juvenile detention facilities. Level VI facilities are not juvenile detention facilities, but are treatment facilities focused on helping mentally ill youth. On July 1, 2007 most Level V and Level VI facilities in the state will transition to a category of facility defined by CMS as psychiatric residential treatment facilities (PRTF's). This term will functionally replace the term's Level V and Level VI in the Kansas residential service system. SB 95 would update the statute to reflect this change.

SB 95 also removes the references to individual treatment facilities and replaces this with those facilities that are licensed as PRTF's. By doing so, it allows K.S.A. 72-8187 to remain current regardless of business changes by individual facilities by identifying anyone as a PRTF as eligible to have residents counted in this way under the school finance formula under the direction of the Department of Education.

Marillac Center urges your favorable consideration of SB 80 at a minimum, or the favorable consideration of SB 95 in the place of SB 80. I would be happy to make myself available for questions.

**Testimony on SB 95- School finance and pupils residing
in certain facilities
Senate Education Committee**

**by Heather Morgan
Director of Public and Legislative Affairs**

January 30, 2007



Heather Morgan
Director of Public and Legislative Affairs
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*Senate Education Committee
1-30-07
Attachment 2*

The Juvenile Justice Authority urges your support of SB 95. SB 95 corrects a conflict in statute which incorrectly identifies Level VI facilities as juvenile detention facilities, removes references to Level VI facilities (which will be a term no longer used after July 1, 2007), removes references to specific facilities in statute by covering all facilities falling into a specific category as evidenced by certification and licensure, and updates this statute to reflect current practices relating to these facilities.

SB 95 corrects the current statute, which labels Level VI facilities as juvenile detention facilities. Level VI facilities are not juvenile detention facilities, but are treatment facilities focused on helping mentally ill youth. Clarifying this statute is important because it was highlighted in a report from the Centers for Medicaid and Medicare Services (CMS) last year, in which CMS claimed that because Level VI facilities were being defined as juvenile detention facilities they had no responsibility to participate in funding of these facilities. CMS does not participate in funding detention facilities, or any facility, which is being used to detain youth instead of incarceration. Though federal funding for these facilities was not effected by the report, correcting the statute would help alleviate Level VI facilities being confused as detention facilities.

On July 1, 2007 most Level V and Level VI facilities in the state will transition to a category of facility defined by CMS as psychiatric residential treatment facilities (PRTF's). This term will functionally replace the term's Level V and Level VI in the Kansas residential service system. SB 95 would update the statute to reflect this change. SB 95 also removes the references to individual treatment facilities. Facilities currently listed in the statute contain facilities that have gone out of business, Level V facilities, and Level VI facilities. By removing the references to individual facilities it allows the statute to stay current regardless of business changes by identifying anyone certified and licensed as a PRTF as eligible to have residents counted in this way under the school finance formula under the direction of the Department of Education.

SB 95 also updates the language relating to pupils who are enrolled in USD 259, but reside at the Judge James V. Riddel Boys Ranch (JRBR). Current statute identifies these youth as being under the custody of the Secretary of Social and Rehabilitation Services. JRBR currently houses only youth who are under the custody of the Commissioner of Juvenile Justice. This has been their practice for a number of years. SB 95 cleans up statutory language to reflect current programmatic usage at JRBR.

The Juvenile Justice Authority urges your favorable consideration of SB 95. I would be happy to stand for any questions.

Kansas Department of

Social and Rehabilitation Services

Don Jordan, Acting Secretary

Senate Education Committee
January 30, 2007

**SB 95 - Pupils Housed At Residential Treatment
Facilities**

Health Care Policy

For additional information contact:
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*Senate Education Committee
1-30-07
Attachment 3*

**Kansas Department of Social and Rehabilitation Services
Don Jordan, Acting Secretary**

Senate Education Committee
January 30, 2007

SB 95 - Pupils Housed At Residential Treatment Facilities

Chairperson Schodorf and members of the Committee. Thank you for the opportunity to provide written testimony on Senate Bill 95.

SRS supports SB 95 and agrees with the language that defines the PRTFs which is consistent with CMS regulations. We believe that SB 95 addresses the past issues regarding the educational benefits and clearly defines and provides guidelines for the agencies.



2007 LEGISLATIVE SESSION~

2007 POLICY AGENDA~

SERVING A RURAL POPULATION

The needs, perspectives and culture of our rural and frontier population shall be reflected in decisions and policies that shape services to children and families at all levels.

MENTAL HEALTH AND BEHAVIORAL SERVICES

All children in the child welfare system will have access to quality, and timely mental health and behavioral health services designed to sustain and reunite families.

MANAGING POSITIVE SYSTEMS CHANGE

System changes that impact children and families must be adequately funded, accompanied by plans to build system capacity, and have a process for monitoring and evaluating performance against outcomes.

Committee on Education Support for SB 95 January 30, 2007

St. Francis Academy has a rich history of serving troubled youth and their families over the past 60 years. We provide a range of services to youth and their families from family preservation, foster care, drug and alcohol services, restorative justice programs, and residential services and supports. As this state continues to evolve in organizing service delivery to the children and families of Kansas, St. Francis continues to focus its efforts on how we build the capacity and the menu of services for youths in our care while at the same time managing the available funding to ensure positive outcomes.

SB 95 will assist in bringing clarification to the roles and responsibilities set out by the state agency for services such as ours, by updating the statute to reflect changes in the psychiatric residential treatment systems. St. Francis Academy stands in support of the testimony provided by the Juvenile Justice Authority and agrees with the changes. Particularly removing references to individual facilities provides the flexibility that this state needs in assuring services remain contemporary to the needs of children and families. This allows the state to stay current regardless of business changes and allows certified and licensed psychiatric treatment centers as they will be called, to be eligible to have residents counted accurately under the school finance formula directed by the Department of Education.

We ask for your favorable support and passage of this bill that will increase clarity and function of the system. Respectfully submitted,

Melissa Ness, JD, MSW - Legislative Coordinator

The system serving children and families will reflect regional differences, ensure access to critical services and effectively manage change.

For more information contact mlness@cox.net

Senate Education Committee
1-30-07 Attachment 4