

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 10, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Anthony Hensley- excused  
Senator Chris Steineger- excused

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes  
Theresa Kiernan, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Sharon Wenger, Kansas Legislative Research Department  
Dale Dennis, Deputy Commissioner, Kansas Department of Education  
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Jerry Henry, Representative, 63<sup>rd</sup> District  
Dr. Susan Myers, Supt., USD #409  
J. Russell Jennings, Commissioner, Juvenile Justice Authority, State of Kansas

Others attending:

See attached list.

### Approval of Minutes

Senator Teichman moved to approve the minutes of February 25, 2009; February 26, 2009; March 2, 2009; March 3, 2009; March 4, 2009; March 5, 2009 and March 9, 2009. The motion was seconded by Senator Wagle. Motion carried on a voice vote.

### SB 290 - Teachers at the school for the deaf and the school for the blind under the professional negotiation act

Theresa Kiernan, Office of the Revisor of Statutes, presented a brief review of **SB 290** which clarifies that teachers at the Kansas State School for the Deaf and the Kansas State School for the Blind are professional employees and allows them to negotiate with teachers under the Professional Negotiations Act.

Senator Vratil moved the committee recommend **SB 290** favorable for passage. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

### Hearing on HB 2001 - School districts; number of pupils in USD No. 409, Atchison

Theresa Kiernan, Office of the Revisor of Statutes, presented a summary of the provisions of **HB 2001**. This bill was introduced by Representative Henry. It relates to enrollment of certain pupils in USD 409, Atchison. The bill would provide that for school year 2009-10 the number of pupils enrolled in the district but housed and receiving educational services at the youth residential center (YRC) located on the grounds of the former Atchison juvenile correctional facility would be deemed equal to two times the licensed capacity of the former correctional facility. In all school years after 2009-10, a pupil housed and receiving educational services at the YRC would be counted as two pupils. All applicable pupil weightings under the school finance act would be assigned to these students. According to the fiscal, note, the bill would cost an additional \$151,928 in general state aid.

Jerry Henry, Representative, 63<sup>rd</sup> District, (Attachment 1) provided testimony in support of the proposed legislation. He pointed out the Kansas Juvenile Justice Authority (JJA) had suspended operations at the Atchison Juvenile Justice Correctional Facility in December, 2008. JJA has released a proposal requesting to re-purpose the Juvenile Justice Authority Facility into a Youth Residential Center II to serve 56 youth at the center. The establishment of a YRC in Atchison would require USD 409 to re-open a stand-alone school

## CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on March 10, 2009, in Room 545-N of the Capitol.

located on the campus.

Dr. Susan Myers, Supt., USD #409, (Attachment 2) presented testimony in support of the legislation, comparing the proposed facility to that of the Judge James V. Riddel Boys Ranch in Wichita. This funding request would be identical to the Boys Ranch.

J. Russell Jennings, Commissioner, Juvenile Justice Authority, State of Kansas, (Attachment 3) testified in support of **HB 2001**. He stated that in response to the suspension of operations at the Atchison Juvenile Correctional Facility as a juvenile correctional facility, a re-purposing plan for the facility to become a Youth Residential Center II was begun. JJA has issued a Request for Proposals (RFP) for operation of the former juvenile correctional facility as a YRC II. Three proposals were submitted for operation of the facility as a YRC II.

The proposals are under evaluation and JJA will be moving forward with negotiations for a contract as two of the three proposals meet the criteria as stated in the RFP and the stated costs are within a range the agency determined appropriate for consideration. They anticipate the negotiations will culminate in a contract being executed and operations commencing before July 1, 2009.

Following additional discussion, Chair Schodorf announced the Hearing on **HB 2001** would continue on March 11, 2009.

### **HB 2003 - Career technical education; funding formula; update in terminology**

Kristen Kellems, Office of the Revisor of Statutes, presented a brief review of **HB 2003**. This proposed legislation amends various statutes relating to technical education with the goal of updating outdated language, repealing irrelevant statutes, and codifying proviso language.

Senator Teichman moved the committee recommend **HB 2003** favorable for passage. The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

### **HB 2197 - State educational institutions; admission standards**

Theresa Kiernan, Office of the Revisor of Statutes, presented a summary of the provisions of **HB 2197**. Under the bill, a resident who graduated from a non-accredited school would qualify for admission if the applicant has a composite ACT score of not less than 21 points or upon reaching age 21. In addition, a non-resident who graduated from a non-accredited school would qualify for admission if the applicant has a composite ACT score of not less than 21 points. The bill creates separate categories, or windows, for freshman admissions, for in-state transfer students as well as for out-of-state transfer students. There would be a 10% window in each of these categories. Under subsection (f) the bill would authorize the Board of Regents to adopt standards for the admission of students which differ from the standards listed in subsection (a). These standards would not be effective until the year 2014.

Senator Umbarger moved the committee recommend **HB 2197** favorable for passage. The motion was seconded by Senator Vratil. Motion carried on a voice vote.

The next meeting is scheduled for March 11, 2009.

The meeting was adjourned at 2:25 p.m.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 10, 2009

NAME	REPRESENTING
Diane Gjerstad	Wichita Public Schools
Russ Jennings	NA
<i>[Signature]</i>	LPA
<i>[Signature]</i>	<i>[Signature]</i>
TERRY FORTS YTH	KNEA
Julene Miller	KBOR
Rita Johnson	KBOR
BLAKE FLANDERS	KBOR
Tom Kutz	KASB
Kip Peterson	KBOR
HOWARD SMITH	PITTSBURG STATE UNIVERSITY
ROD MENLY	KENNEY & ASSOC.
BRAD NEUENSWANDER	KSDE
SUZANNE ZONNEVELD	USD 409 ATCHISON PUBLIC SCHOOLS
Susan Myers	USD 409 Atchison Public Schools
Val DeFoor	Schools for Quality Education

STATE OF KANSAS

**JERRY HENRY**

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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: HOUSE APPROPRIATIONS COMMITTEE  
SOCIAL SERVICES BUDGET COMMITTEE  
HOUSE TRANSPORTATION COMMITTEE  
JOINT COMMITTEE CORRECTIONS AND  
JUVENILE JUSTICE OVERSIGHT

March 10, 2009

Senator Jean Schodorf, Chairperson,  
Members, Senate Education Committee.

On December 8, 2008, the Kansas Juvenile Justice Authority suspended operations at the Atchison Juvenile Justice Correctional Facility. Approximately 85 state employees lost their jobs in Atchison because of this facility closure. As all of you are keenly aware, the loss of this facility and jobs has had an economic impact on our community.

The facility located in Atchison is in excellent condition, for this reason, the Juvenile Justice Authority has released a proposal request to re-purpose the Juvenile Justice Authority Facility into a Youth Residential Center II to serve between 55 to 60 youth at the center. The establishment of a Youth Residential Center at this facility in Atchison would require the Atchison School District 409 to re-open a stand alone school located on the campus.

The purpose for the introduction of House Bill 2001 is to request that a student enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility, shall be counted as two pupils.

The Bill also requests that on the pupil count date of Sept. 20, 2009 that the pupil count shall be deemed to be equal to two times the licensed capacity of the Youth Residential Center as certified by the secretary of the Kansas Department of Social and Rehabilitation Services.

I would like to request that the Senate Education Committee pass House Bill 2001, to start the process of re-opening the Atchison facility as a Youth Residential Center.

Jerry Henry  
State Representative

*Senate Education  
3-10-09  
Attachment 1*

**Testimony Presented by  
Dr. Susan Myers, Superintendent  
USD 409, Atchison Public Schools**

**House Bill No. 2001**

For over 35 years, Atchison Public Schools, USD 409, has provided educational services for youth residing at the Atchison Juvenile Correctional Facility (AJCF). Services began in 1972 when the facility was the Youth Center of Atchison under the direction of Social & Rehabilitation Services and continued when the facility became AJCF under the direction of the Juvenile Justice Authority (JJA).

The funding for the educational program provided to the youth at AJCF was through a contract between USD 409 and JJA. Funds for providing education including personnel salaries and benefits, supplies and equipment were paid directly to USD 409 by JJA.

In September 2008, JJA made the decision to close AJCF and repurpose from a juvenile correctional facility to a Youth Residential Center II (YRC II). With the repurposing, USD 409 is now required to provide educational services to the youth living at the facility as if they were residents of Atchison. Students residing at the YRC II will now be counted in the USD 409 September 20 headcount along with other USD 409 students, and the cost for personnel salaries and benefits, supplies and equipment will be the sole responsibility of USD 409.

The District will need to meet the educational needs of these additional students residing at the YRC II without taking away from any of the existing educational programs benefiting the current USD 409 students or without asking the citizens of Atchison to pay additional taxes to provide services to the YRC II.

In order to provide the necessary educational programs to this facility, USD 409 is requesting funding as provided to the Judge James V. Riddel Boys Ranch in Wichita per K.S.A. 2008 Supp. 72-6407. A student housed, maintained and receiving educational services at the Judge James V. Riddel Boys Ranch is counted as two (2) pupils. The YRC II in Atchison will deliver educational programming in a like manner to the Judge James V. Riddel Boys Ranch and serve a population of offenders with similar backgrounds. 25% of the population in Atchison will be comprised of sexual offenders. 25% will include a population transitioning from a correctional facility down to a YRC II (see attached chart).

We are also asking that for the first year of operation, USD 409 would receive funding at the licensed capacity of 56 resident YRC II students for the September 20, 2009, headcount. JJA intends to keep the facility at or around 56; however, in the event the number of students is less than 56 due to the transition, it is imperative that USD 409 have adequate funds to staff at the 56 student capacity level.

(over)

*Senate Education  
3-10-09  
Attachment 2*



The 2008-09 contracted budget with JJA to provide services for the students residing at the correctional facility was \$912,766 based on 30-35 children in the facility.

According to the current Governor's proposal, if USD 409 receives traditional funding for the 56 students, the budget would be approximately \$369,600, a far cry from the \$912,766 that was used to educate fewer students than will reside in the YRC II.

If funded in the same manner as the Judge James V. Riddel Boys Ranch, the district would receive approximately \$616,000, allowing us to provide quality educational programming without it adversely affecting existing district programs or increasing taxes.

Educational services for the YRC II will be provided on-site at the facility using the Bert Nash School. Some YRC II providers send their youth to "traditional" schools, where the students are co-mingled with non-adjudicated youth. In light of recent increases in enrollment for the last two years, USD 409 is at or near capacity in all school buildings and is in the process of examining facility contingency plans.

Finally, the students in this type of facility are commonly two to three years below grade level in Reading, Math and Language skills. As they will be included in the District's State Assessment scores, this may have a dramatic effect on our ability to maintain Adequate Yearly Progress (AYP). Adequate funding for this school will help us provide appropriate educational services for all students and achieve required benchmarks for school accreditation and No Child Left Behind (NCLB) mandates.

In conclusion, USD 409 is asking to be funded in the same manner as the Judge James V. Riddel Boys Ranch in Wichita per K.S.A. 2008 Supp. 72-6407 for the students residing at the YRC II, and asking to be funded on September 20, 2009, at the licensed capacity of 56 students.

Thank you for your consideration.

## Judge Riddel's Boys Ranch (Goddard) vs. Atchison YRC II (Atchison)

	<b>Judge Riddel Boys Ranch USD 259 (Wichita)</b>	<b>Atchison YRC II USD 409 (Atchison)</b>
Facility licensed to serve 56 youth	YES	YES
All youth in custody of the Kansas Juvenile Justice Authority at the time of placement (no SRS referrals)	YES	YES
All youth reside at the facility 24-hours/day	YES	YES
Youth screen in as moderate risk offenders	YES (approx. 2/3 of total population)	YES
Youth screen in as high risk offenders	YES (approx. 1/3 of total population)	YES
Population includes/will include sexual offenders	YES (average 18% of total population since summer 2008)	YES (25% of total population under RFP guidelines)
Population includes youth transitioning from a correctional facility down to a YRC II prior to aftercare.	YES (average of 9% of total population)	YES (25% of total population under RFP guidelines)
School district receives double funding based on Sep. 20 count	YES	?
School district separates incoming state aid from the general fund to an account solely for JRBR staff and supplies.	NO	?

TESTIMONY ON HB 2001

SENATE EDUCATION COMMITTEE

March 10, 2009



J. Russell Jennings  
Commissioner  
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Senate Education  
3-10-09  
Attachment 3



On September 8, 2008 the Juvenile Justice Authority announced the suspension of operations at the Atchison Juvenile Correctional Facility as a juvenile correctional facility and a repurposing plan for the facility to become a Youth Residential Center II (YRCII). This step was taken in order to meet the expectations of the Governor for the agency to meet a 3% budget reduction during FY09. Operations as a juvenile correctional facility ceased in December 2008. Late in 2008, JJA issued a Request for Proposals (RFP) for operation of the former juvenile correctional facility as a Youth Residential Center II. The RFP calls for a 56 bed YRCII operation licensed by the Kansas Department of Health and Environment. The RFP closed on February 16, 2009. Three proposals were submitted for operation of the facility as a YRCII. The proposals are under evaluation and JJA will be moving forward with negotiations for a contract as two of the three proposals meet the criteria as stated in the RFP and the stated costs are within a range the agency determined appropriate for consideration. JJA anticipates the negotiations will culminate in a contract being executed and operations commencing before July 1, 2009.

During the term of operations of the Atchison Juvenile Correctional Facility, JJA contracted with USD 409, Atchison Public Schools, to provide accredited education services. With a declining census at the facility the contract amount was reduced from in excess of \$1 million annually to the current year contract amount of \$890,000.

USD 409 will be obligated by law to provide education for the residents of the successor YRCII. JJA has agreed with USD 409 to continue to provide building space on the Atchison campus for student instruction. JJA recognizes that the suspension of operations at the Atchison facility and repurposing of the campus as a YRCII has significantly impacted the community of Atchison and in particular USD 409. USD 409 has a long history of providing education services to the youth residents of the Atchison campus and has performed well in providing those services.