

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on March 9, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes

Julian Efird, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Rick Cagan, Executive Director, NAMI of Kansas ([Attachment 1](#))

Eric Harkness, President, NAMI of Kansas ([Attachment 2](#))

Rocky Nichols, Disability Rights Center ([Attachment 3](#))

Michelle Sweeney, Policy Analyst, Association of Community Mental Health Centers ([Attachment 4](#))

Amy Campbell, Lobbyist, Kansas Mental Health Coalition ([Attachment 5](#))

Sally Fronsman-Cecil, Personal ([Attachment 6](#))

Sally Fronsman-Cecil, Center for Peace and Justice ([Attachment 7](#))

Ernestine Krehbiel, League of Women Voters ([Attachment 8](#))

Jane Rhys, Kansas Council on Developmental Disabilities ([Attachment 9](#))

Martha Gabehart, Commission on Disabilities ([Attachment 10](#))

Jane Adams, Keys for Networking ([Attachment 11](#))

Others attending:

See attached list.

Hearing on SCR 1622 - State constitutional amendment; repealing legislative authority to exclude persons with mental illness from voting

Jason Long, Office of the Revisor of Statutes, explained the concurrent resolution to change the state constitution by removing the term "mental illness" from the list of reasons for the Legislature to terminate voting rights.

Rick Cagan, Executive Director of NAMI Kansas, spoke in favor of the proposed concurrent resolution as it would aid in the destigmatization of mental illness ([Attachment 1](#)). The current language lumps persons with mental illness and offenders into the same group and was written prior to the development of recovery-based methods.

Eric Harkness, President of the NAMI Kansas Consumer Council, shared his personal experiences of dealing with depression and that it did not affect his ability to vote ([Attachment 2](#)). He has practiced pharmacy for many years and reminded the Committee that no questions have been raised about that ability, only his right to vote could be questioned.

Rocky Nichols representing the Disability Rights Center of Kansas, spoke on behalf of his clients in support of the proposed resolution ([Attachment 3](#)). The Kansas legislature now has the right to take away the vote from only two types of Kansans: 1) those incarcerated in prisons and jails, and 2) Kansans with mental illness. This section of the Constitution is outdated to reflect the federal and state disability laws. He informed the Committee that according to the National Institute of Health, over 26% of all Americans have some sort of mental illness or disorder.

Michelle Sweeney, Policy Analyst for the Association Community Mental Health Centers of Kansas, Inc., presented testimony in support of the concurrent resolution ([Attachment 4](#)). Current language in the Kansas Constitution was written prior to aggressive and evidence-based treatments for mental illness. At one point, persons with depression were assigned to mental hospitals.



CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 9, 2010, in Room 346-S of the Capitol.

Amy Campbell representing the Kansas Mental Health Coalition spoke in favor of the bill and suggested that it could be placed on the ballot this year as there are other issues on which voters will be voting and this would be the least expensive time (Attachment 5). She informed the Committee that currently the Legislature is not required to have a list of reasons for denying the right to vote.

Sally Fronsman-Cecil spoke on a personal note regarding her bipolar disorder and being the mother of a daughter who is also bipolar (Attachment 6). She said she was offended by the level of generalization and stigma embodied in the current wording of the Constitution. To single out a blameless class of people who can be denied the basic civil right of voting is wrong and unacceptable.

Written testimony was received from:

Sally Fronsman-Cecil, Center for Peace and Justice (Attachment 7)

Ernestine Krehbiel, League of Women Voters (Attachment 8)

Jane Rhys, Kansas Council on Developmental Disabilities (Attachment 9)

Martha Gabehart, Commission on Disabilities (Attachment 10)

Representative Kiegerl moved to report SCR 1622 favorably for passage. Motion was seconded by Representative Swenson. Motion carried.

Representative O'Brien moved for the approval of the minutes of February 24 and 25 and March 2 and 4, 2010. Motion was seconded by Representative Fund. Motion carried.

Chairman Neufeld appointed a subcommittee on HB 2537 - Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation consisting of Representative Knox, Representative Huebert, Representative Peterson, Representative Loganbill, and Representative Brunk.

Jane Adams, Keys for Networking, presented a power point explanation of the mission, duties, responsibilities, and progress of the i-GRAD program which is a tracking system for helping foster children receive their high school diplomas (Attachment 11). This is an agency which delves into school records of foster children to ascertain the full number of credits they have earned. They offer assistance in completion of class work and assist providers in gathering information on the educational component of their responsibilities toward these children. Foster children tend to be behind their peers in school due to different placements and unstable home lives prior to being placed in foster care. This program was authorized by SRS for middle and highschool students in foster care if needed and receives some federal funding. All information is shared with contractors, schools and case workers.

The next meeting is scheduled for March 10, 2010.

The meeting was adjourned at 2:50 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST
 DATE: Mar 9, 2010

NAME	REPRESENTING
Jane Cedar	Rep for Welcoming
Penny Hitchkiss	Help for Networking
Eric Harkness	Self
Amy Ogden	KMHQ
TED Hester	CS
Steve Solomon	TFI
Travis Low	Little Govt Relations
Manda Salchert	K8. Com on Disability Concerns
Tom Palace	Pment on K8
Joe Maximilian	Pancos
Dusty Buehl	Clearance
Rocky Nichol	DRC
Wendell Oulea	Keys for Networking
Kathy Oulson	KSNK
Jesse Noble	KDHE
Eyle Kenan	KVC
Austin LaFrance	Rep. Carl Helms
Nick Woods	DRC



House Committee on Federal & State Affairs

Testimony on SCR 1622

March 9, 2010

Presented by:
Rick Cagan
Executive Director

Mr. Chairman and members of the Committee, my name is Rick Cagan. I am the Executive Director of NAMI Kansas, the state organization of the National Alliance on Mental Illness. NAMI Kansas is a statewide grassroots membership organization dedicated to improving the lives of individuals with mental illness. We provide peer support, education and advocacy for our members who are individuals living with mental illnesses as well as their family members who provide care and support.

The current language in Article 5, Section 2 of the Kansas Constitution which provides for limiting the right to vote for persons living with mental illnesses represents an historical blemish tracing back to the original Constitution. This stigmatizing language, which lumps persons with mental illness and offenders into the same group, also reflects a terribly dated view of persons with mental illness, long before our understanding of the biological foundations of mental illness and long before the development of recovery-based treatment methods. The offending language reinforces unfounded fears about persons with mental illness and establishes a significant number of Kansans as second-class citizens, subject to having their voting rights removed. The time has come to repeal three simple words from the Kansas Constitution.

We don't believe that the legislature is interested in wielding its authority granted by Article 5, Section 2 and we don't believe that in recent times that the legislature has taken up this issue. We also do not believe that it would be practical for you to do so. How would you go about identifying more than 95,000 Kansas who are affected by serious mental illness according to a 2007 report? As we all know, there is currently no litmus test related to mental illness for those seeking to register to vote and there is no practical way to identify such persons at the point of registration.

Moreover, we believe that the current constitutional provision and any statute under this provision that a future legislature might attempt to enact would violate the U.S. Constitution, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

610 SW 10th Avenue • Suite 203 • PO Box 675 • Topeka, KS
785-233-0755 • 785-233-4804 (FAX) • 800-539-2666
namikansas@nami.org • www.namikansas.org

House Fed & State Affairs
Date: 3-9-2010

Attachment 1



House Committee on Federal & State Affairs

Testimony on SCR 1622

March 9, 2010

Presented by:
Eric Harkness, MS, RPh
President, NAMI Kansas Consumer Council

Mr. Chairman and members of the Committee, my name is Eric Harkness. I am the President of the NAMI Kansas Consumer Council, the Consumer advisory body to the state organization of the National Alliance on Mental Illness. The Consumer Council represents the NAMI Kansas members who live, struggle and survive with severe and persistent mental illness. I struggle with Major Depression. Therefore it is my duty not only as a citizen of Kansas but as the President of the Consumer Council to testify in favor of the bill before you.

The current language in Article 5, Section 2 of the Kansas Constitution represents an aberration tracing back to the original Constitution. The language, which lumps persons with mental illness and felons into the same group, is not only terribly dated with respect to the nature of mental illness but is also highly stigmatizing. The offending language reinforces unfounded fears about persons with mental illness and establishes a significant number of Kansans as potential second-class citizens, subject to having their voting rights removed. The time has come to repeal three simple words from the Kansas Constitution.

I do not believe that the legislature is interested in wielding the authority reserved in Article 5, Section 2. I also do not believe that it would be practical for you to do so. How would you go about identifying and singling out me and my friends?

Questions have been raised as to whether individuals with mental illness can exercise the proper judgment to fulfill their constitutional right to vote. No such question is raised regarding my capacity to practice my profession of Pharmacy. No such question is raised regarding my friends who practice Medicine or serve on the Faculty of our great institutions of higher learning. Would you deny Ted Turner, champion Yachtsman and cable television mogul, living with Bipolar Illness, the right to vote were he to move to Kansas?

Thank you for the opportunity to register my comments on SCR 1622.

610 SW 10th Avenue • Suite 203 • PO Box 675 • Topeka, KS 66601
785-233-0755 • 785-233-4804 (FAX) • 800-539-266
namikansas@nami.org • www.namikansas.org

House Fed & State Affairs
Date: 3-9-2010

Attachment 2



Disability Rights Center of Kansas

635 SW Harrison St. ♦ Topeka, KS 66603

785.273.9661 ♦ 785.273.9414 FAX

877.335.3725 (toll free TDD) ♦ 877.776.1541 (toll free voice)

www.drckansas.org ♦ info@drckansas.org

Testimony to the House Federal and State Affairs Committee Senate Concurrent Resolution 1622 March 9th, 2010

The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is the officially designated protection and advocacy organization for Kansans with disabilities. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and service providers. DRC's interest is the protection and enhancement of the legal rights of Kansans with disabilities. I am here today to present testimony on SCR 1622.

You may be shocked to find out that the Kansas Constitution allows the Kansas Legislature to take away the right to vote from only two types of Kansans: 1) those incarcerated in prisons and jails, and 2) Kansans with mental illness. DRC believes it is wrong for the Kansas Constitution to sanction discrimination against an entire group of Kansans with disabilities, especially when you consider that according to the National Institutes of Health, over 26% (1 in 4) of all Americans have some sort of mental illness or mental disorder. That translates into an estimated 744,000 Kansans.

The current version of this section of the Kansas Constitution was amended in 1974 and predates almost all of the disability rights laws passed in the Kansas Legislature and in Congress. This provision predates the Rehabilitation Act implementation, the Americans with Disabilities Act, the Help Americans Vote Act, the Kansas Developmental Disabilities Reform Act, the Kansas Mental Health Reform Act and other ground breaking disability and civil rights laws. Quite simply, this section of the Kansas Constitution is outdated and needs to be updated to finally reflect the new paradigm of disability rights laws and to bring it into the new millennium.

History of this Voting Section of the Kansas Constitution:

Up until 1974, restrictions on voting under the Kansas Constitution applied to "persons under guardianship," those who were "not competent," and the "insane." The 1974 Constitutional Amendment made some positive changes but didn't delete

Kansas also receives federal funds and is therefore covered by Section 504 of the Rehabilitation Act. Thus, the ADA and Rehabilitation Act prohibit the state from excluding individuals with disabilities from voting or any other state activity, program or service. Under federal law, the legislature cannot use voter eligibility criteria that screen out people with disabilities simply because they have a disability.

Fourteenth Amendment: Equal Protection and Due Process

Under the Equal Protection Clause, classifications that might interfere with the right to vote must be “closely scrutinized and carefully confined.” When a state subjects individuals’ voting rights to “severe” restrictions rather than “reasonable, nondiscriminatory” ones, the state must prove that its election laws are “narrowly drawn to advance a state interest of compelling importance.” Any law that categorically prohibits voting by people with mental illnesses would likely fail the strict scrutiny test to which the courts subject severe voting restrictions.

In addition to the Equal Protection Clause, the Due Process Clause “forbids the government to infringe certain ‘fundamental’ liberty interests *at all*, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”. What would be the state’s compelling interest in disenfranchising people with mental illnesses? The state cannot rely on asserting that a ban on voting by people with mental illness serves the interest in assuring that participants in elections be able to understand the electoral choices they make. Sanctioning a ban on all individuals with a mental illness, regardless of their capacity to vote, is over inclusive and would directly result in the disenfranchisement of many individuals who have the capacity to vote.

Conclusion:

As a nation we consider the right to vote a fundamental right. Fundamental rights in our nation receive the highest degree of deference by our government. Among these are the freedom of speech, of the press, freedom to marry, freedom to travel and associate as one pleases, and of course, the right to vote.

Any restriction of a fundamental right, particularly the right to vote, is extremely problematic. We have submitted previous testimony to the Legislature regarding this discriminatory Constitutional provision and how it runs afoul with the Americans with Disabilities Act (ADA), the Rehabilitation Act, the Help Americans Vote Act (HAVA) and other disability rights laws. All of these laws have been enacted since the language in the 1974 Constitutional Amendment in question was adopted. Therefore, the Kansas Constitution is out of alignment with

House Federal and State Affairs Committee
Testimony on SCR 1622
March 9, 2010

Mister Chairman and members of the Committee, my name is Michelle Sweeney, the Policy Analyst for the Association Community Mental Health Centers of Kansas, Inc. The Association represents the 27 licensed Community Mental Health Centers (CMHCs) in Kansas who provide home and community-based, as well as outpatient mental health services in all 105 counties in Kansas, with help available via phone 24-hours a day, seven days a week. In Kansas, CMHCs are the local Mental Health Authorities coordinating the delivery of publicly funded community-based mental health services. The CMHC system is state and county funded and locally administered. Consequently, service delivery decisions are made at the community level, closest to the residents that require mental health treatment. Together, this system of 27 licensed CMHCs form an integral part of the total mental health system in Kansas. As part of licensing regulations, CMHCs are required to provide services to all Kansans needing them, regardless of their ability to pay. This makes the community mental health system the "safety net" for Kansans with mental health needs, annually serving over 125,000 Kansans with mental illness.

It is important to note that one in four adults—approximately 57.7 million Americans—experience a mental health disorder in a given year.¹ Five of the top ten leading causes of disability world wide are mental disorders --such as depression, schizophrenia, bipolar disorders, alcohol use and obsessive compulsive disorders.² Of the non-communicable diseases, neuropsychiatric disorders (which include mental illness and substance use disorders) contribute the most to disease burden worldwide - more than heart disease and cancer.³

As it is currently written, even though the Kansas Constitution guarantees citizens the right to vote⁴, it also allows the Legislature to restrict those with mental illness from voting. The truth is, this section was adopted before there were aggressive and evidence-based treatments for mental illness. This was written when people with depression and other mental illnesses were automatically remanded to state institutions and hospitals.

The truth is, mental illness can happen to anyone. With treatment, medication and other services and care, recovery is possible for those who have been diagnosed with mental illness. The onset of a mental illness should not make an individual ineligible or unable to vote.

Voting is the most fundamental of all rights. If this article were ever implemented by the Legislature in Kansas, many Kansans could potentially be excluded from voting. Additionally, it is discriminatory to "lump" those with mental illness in with felons as a constituency--which this article now does. Someone who suffers from mental illness should not be placed in the same category as felons when it comes to voting rights. The U.S. Constitution, the Americans with Disabilities Act and the U.S. Voting Rights Act already protect disabled people's right to participate in elections⁵, shouldn't the Kansas Constitution be amended to reflect these rights?

The Association supports the inalienable right of citizens to elect their own representation. Discrimination against those with mental illness is against the law. A vote for this amendment would eliminate any state constitutional impediment for persons with mental illness to vote. Thank you for your support of mental health care and treatment for all Kansas, and the adoption of Senate Concurrent Resolution 1622 to eliminate discrimination against those with the disability of mental illness.

For more information, contact Sheli Sweeney, Association of Community Mental Health Centers of Kansas, Inc. at 785 - 234-4773 or ssweeney@acmhck.org.

¹ U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408, 409, 411.

² *Regional Strategy for Mental Health*, World Health Organization Western Pacific Region, 7 August 2001; Read at <http://www.wpro.who.int/NR/rdonlyres/02421D66-3336-4C76-8D59-6ADA8B53D208/0/RC5214.pdf> on 2-2-09.

³ Prince, M., Patel, V., Saxena, S., Maj, M., Maselko, J., Phillips, M., et al. (2007). No health without mental health. *Lancet*, 370, 859-877.

⁴ Constitution of the State of Kansas; Article 5, Section 1. See <http://www.kslib.info/constitution/art5.html>; Viewed March 10 2010

⁵ Bazelon Center for Mental Health Law; Jennifer Mathis, Deputy Legal Director; *Trenton Star Ledger*, January 8, 2007

House Fed & State Affairs

Date: 3-9-2010

Attachment 4

KANSAS MENTAL HEALTH COALITION

An Organization Dedicated to Improving the Lives of Kansans with Mental Illness

The Kansas Mental Health Coalition is comprised primarily of statewide organizations representing consumers of mental health services, families of consumers, community service providers and dedicated individuals as well as community mental health centers, hospitals, nurses, physicians, psychologists and social workers.
We all share a common goal: improving the lives of Kansans with mental illness.

Testimony to the House Federal and State Affairs Committee SCR 1622 March 9, 2010

The Kansas Mental Health Coalition is an Organization Dedicated to Improving the Lives of Kansans with Mental Illnesses and Severe Emotional Disorders. KMHC is a coalition of consumer and family advocacy groups, provider associations, direct services providers, pharmaceutical companies and others, all of whom share this common mission. Within the format of monthly roundtable meetings, participants forge a consensus agenda which provides the basis for legislative advocacy efforts each year. This design enables many groups otherwise unable to participate in the policy making process to have a voice in public policy matters that directly affect the lives of their constituencies. The result of this consensus building is greater success for our common goals. Our current membership includes over 40 organizations which get together once a month to discuss issues of common concern and develop consensus.

The Kansas Mental Health Coalition supports amending the Kansas Constitution to remove language discriminating against Kansans with mental illness.

Article V of the Kansas Constitution dealing with "suffrage" contains section 2 under the heading "disqualification to vote:" which currently reads as follows:

The legislature may, by law, exclude persons from voting because of mental illness or commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote.

Although the Kansas Legislature has not exercised this authority – the option is discriminatory and unacceptable. An examination of the statutes indicates there is only statute related to this provision – which allows courts to remove a person from the voter registration list. No amendments to the statutes would be necessary.

Up until 1974, the Kansas Constitution prevented "persons under guardianship," those who are "not competent," or those who were "insane" from either voting or holding elected office. In 1974 the Constitution was amended. It was amended to change the total prohibition from voting to a provision where the Legislature "may" take away the right to vote. It was further amended to remove references to persons under guardianship and those "not competent."

Kansans with mental illness were left on the list of persons for whom the Legislature can deny the right to vote.

Voting is the most fundamental of all rights. The Kansas Legislature should not have the power to take away the right to vote based on disability. It is wrong to target a class of people in the Constitution, like people with mental illness, and to give the legislature permission to discriminate.

For More Information, Contact:

Kansas Mental Health Coalition

c/o Amy A. Campbell, Lobbyist
P.O. Box 4103, Topeka, KS 66604
785-969-1617; fx: 785-271-8143; campbell525@sbcglobal.net

85 SW P
785-266-6100, f.

House Fed & State Affairs
Date: 3-9-2010

Attachment 5

Testimony in favor of **Senate Concurrent Resolution No. 1622**
Federal and State Affairs Committee, March 9, 2010
Sally Fronsman-Cecil

As a mental health consumer with Bipolar Disorder and the mother of a consumer who also has this condition I am shocked and outraged that the Kansas Constitution holds that the Legislature could take the right to vote from me and my daughter as well as all Kansas citizens with mental illness. I am offended by the level of generalization and stigma embodied in the current wording of the Constitution of the State of Kansas which classes those of us with mental illnesses as incompetent, politically undesirable and to subject to being sanctioned by withdrawal of our voting rights in the same way as felons who have acted against the interests of society. To single out a blameless class of people who can be denied as basic of a civil right in a democracy as voting is wrong and unacceptable. We must be able to assume the safety of our right to vote as a given civil right to participate as citizens in the political and civil life of Kansas and the United States.

I urge you to pass Senate Concurrent Resolution No. 1622 and amend the Kansas Constitution to ensure that those in positions of political power in the Kansas Legislature would be unable to withdraw our voting rights.

Sally Fronsman-Cecil
1609 SW Wayne Avenue
Topeka KS 66604
785-215-3075
otteramie@hotmail.com

House Fed & State Affairs
Date: 3-9-2010

Attachment 6

Testimony in favor of **Senate Concurrent Resolution No. 1622**
Federal and State Affairs Committee, March 9, 2010
Topeka Center for Peace and Justice

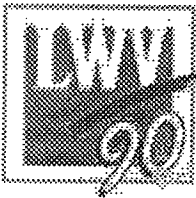
The Topeka Center for Peace and Justice supports SCR 2622 as a measure to assure access to the right to vote for people with mental illness in the State of Kansas. The current Constitutional provision allowing the Kansas Legislature to withdraw the voting rights of people with mental illness is stigmatizing and singles out a blameless class of people. The Topeka Center for Peace and Justice holds that such a threat to a basic civil right as voting is inappropriate in a democracy that asserts and protects this civil right for our citizens. The State should not assume that people with mental illness are incompetent and politically undesirable. Nor should they be subject to being sanctioned by withdrawal of voting rights in the same way as felons. We must protect voting rights of people with mental illness as this civil right is central to participation by all citizens in the political and civil life of Kansas and the United States. When one group is at risk of withdrawal of the right to vote we are all ultimately at risk of losing this civil right.

The Topeka Center for Peace and Justice urges you to pass Senate Concurrent Resolution No. 1622 and amend the Kansas Constitution to ensure that those in positions of political power in the Kansas Legislature would not be entitled to suspend the voting rights of people with mental illness.

Submitted by:
Sally Fronsman-Cecil
Designated Topeka Center for Peace and Justice Board Representative
1609 SW Wayne Avenue
Topeka KS 66604
785-215-3075
otteramie@hotmail.com

W. Winters

House Fed & State Affairs
Date: *3-9-2010*
Attachment *7*



**KANSAS
LEAGUE OF
WOMEN VOTERS**

618 KANSAS AVE., SUITE 1B,
TOPEKA, KS 66609
785-234-5152
lwwk@sbcglobal.net / lwwk.org

March 9, 2010

To the Members of the Committee,

The League of Women Voters of Kansas commends this committee for carefully studying this proposed constitutional amendment. It would eliminate the potential discrimination in the voting booth against those who may at some time have received a diagnosis of mental illness. The League supports the widest possible enfranchisement of citizens. We also support an educated and informed voting citizenry. There is nothing about a diagnosis of mental illness that should preclude involvement in the electoral process as an educated and informed citizen.

This clause in the current constitution could potentially be used to eliminate a huge number of the voting public. It is left over from a time of ignorance when mental illness was openly stigmatized. That time has past. We know better now. Virtually anyone who has sought the counsel of a professional therapist, and who has had that consultation paid for by an insurance company, has been diagnosed with a mental illness even just for situational depression or anxiety; this could impact a large percentage of the voters.

Just a few years ago, the US Congress passed the Help America Vote Act requiring all states to have voting machines that are handicap accessible. Clearly the US Congress was trying to make sure that no citizen, regardless of condition was denied the right to vote. It is difficult to imagine that any other diagnosis would ever have been potentially limiting in this way - whether it were cancer, heart disease, or anything else. It is stigmatizing, demeaning and it needs to be taken out of the Kansas constitution to meet the spirit of HAVA that insures the widest possible access to the most basic right of being a citizen--the VOTE.

The League of Women Voters of Kansas strongly urges the passage of this constitutional amendment by the members of the House.

For more information please contact Linda N. Johnson of Winchester KS, swlkj1@gmail.com 913-991-7958; member of the Mental Health Coalition and Board of Directors of the League of Women Voters of Kansas.

President
Ernestine Krehbiel
Wichita

1st Vice President
Diane Kuhn
Shawnee

2nd Vice President
Diane Oakes
Lawrence

Secretary
Linda Johnson
Winchester

Treasurer
Leonore Rowe
Johnson County

Directors
Eleanor Browning
Emporia

Kay Crawford
Salina

Pat Dooley
Wichita

Rebecca Dudrey
Great Bend

Jean Lee
Manhattan

Jurina Watts
Manhattan

Webmaster
Carol Yoho
Topeka

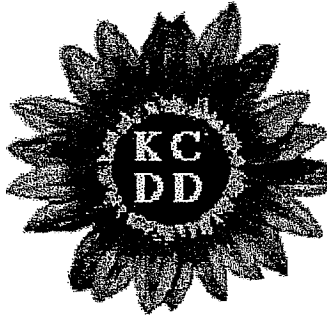
VOTER Editor
Linda R Johnson
Manhattan

President, League of Women Voters of Kansas

House Fed & State Affairs

Date: 3-9-2010

Attachment 8



Kansas Council on Developmental Disabilities

MARK PARKINSON, Governor
KRISTIN FAIRBANK, Chairperson
JANE RHYS, Ph. D., Executive Director
jrhys@kcdd.org

Docking State Off. Bldg., Rm 141,
915 SW Harrison Topeka, KS 66612
785/296-2608, FAX 785/296-2861
http://kcdd.org

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

March 9, 2010

Testimony in Regard to SCR 1622 – State constitutional amendment; repealing legislative authority to exclude persons with mental illness from voting.

Mr. Chairman, Members of the Committee, I am providing written testimony on behalf of the Kansas Council on Developmental Disabilities regarding a repeal of the legislative authority to exclude persons with mental illness from voting.

The Kansas Council is federally mandated and funded under the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Members are appointed by the Governor and include primary consumers, immediate family, and representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities to receive adequate supports to make choices about where they live, work, and learn.

We are interested in this bill because some persons who have a developmental disability also have a mental illness. My personal interest stems from over 34 years involvement in the education of children with mental illness, 16 of them on a full time basis and 18 of them as a member and then President of the Midwest Symposium for Leadership in Behavior Disorders. We annually provide a conference and training for teachers and other personnel who work with these children.

I was frankly disturbed when I discovered that the Kansas Constitution had a clause that permitted denial of the right to vote on the basis of mental illness. To deny someone the right to vote because of

House Fed & State Affairs

Date: 3-9-2010

Attachment 9

an illness, a disability for which they are not responsible is wrong. Do we deny persons the right to vote based on race, religion, or national origin? The language in the Constitution equates mental illness with commitment to a jail or penal institution and conviction of a felony, the latter that occur as a result of a person's chosen action.

Our ancestors created this clause when there was little knowledge of mental illness. With current knowledge it is wrong to continue having such a discriminative clause in our constitution.

As always, we appreciate your time and patience and would be happy to answer any questions. I can be contacted at the phone number and/or e-mail address below.

Jane Rhys, Ph.D., Executive Director
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570
785 296-2608 jrhy@kcdd.org

Testimony in Support of
SCR 1622
By Martha K. Gabehart
Executive Director
Kansas Commission on Disability Concerns (KCDC)

Mr. Chairman and members of the committee, thank you for the opportunity to testify in support of passage of SCR 1622.

Treatment of mental illness has progressed to the point that people with mental illness are capable of working, taking care of themselves and living active lives in their communities. They are capable of understanding the issues and candidates' platforms. The Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA) and the Kansas Act Against Discrimination protect their rights in employment, government services, public accommodations, education and housing. The Help America Vote Act (HAVA) and National Voter Registration Act (NVRA) all protect their rights to register and vote. It is time to update the constitution of the State of Kansas and eliminate mental illness from the disqualification to vote section in Article 5 of the constitution.

The Kansas Commission on Disability Concerns (KCDC) encourages you to support passage of SCR 1622.

House Fed & State Affairs

Date: 3-9-2010

Attachment 10

iGRAD

Testimony: House Appropriations

Jane Adams, Ph.D.
Keys for Networking
March 9, 2010

iGRAD: Purposes

- 1. Assure Kansas youth 15+ (who are in foster care) complete high school (diploma or GED)
- 2. Collect full set of credits each semester

House Fed & State Affairs
Date: 3-9-2010

Attachment 11

What we do

- Collect school information.
- Connect providers to school information.
- Connect educators to foster care providers
- Offer suggestions to recover credits, find lost credits, change incompletes and F's to completes, improve reading, address special needs, engage youth in extracurricular activities, etc.

Monitoring progress against school credit requirements

ATTEMPTED	EARNED	CUMULATIVE CREDITS	GPA																			
December 2004				Bldg # 9661 USD # 500 School: KVC Academy <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2">Credits Required Per Grade</th> </tr> <tr> <th colspan="2">9th Grade</th> </tr> <tr> <td>3.50</td> <td>7.00</td> </tr> <tr> <th colspan="2">10th Grade</th> </tr> <tr> <td>10.50</td> <td>14.00</td> </tr> <tr> <th colspan="2">11th Grade</th> </tr> <tr> <td>17.50</td> <td>21.00</td> </tr> <tr> <th colspan="2">12th Grade</th> </tr> <tr> <td>24.50</td> <td>28.00</td> </tr> </thead> </table> Credits Earned: 8.25 Credits Behind: 19.75 # of Sem. Since Start Date: 3 Cum. GPA: 1.666 Credits Required: 28 Total Semesters: 8.0	Credits Required Per Grade		9th Grade		3.50	7.00	10th Grade		10.50	14.00	11th Grade		17.50	21.00	12th Grade		24.50	28.00
Credits Required Per Grade																						
9th Grade																						
3.50	7.00																					
10th Grade																						
10.50	14.00																					
11th Grade																						
17.50	21.00																					
12th Grade																						
24.50	28.00																					
May 2005																						
December 2005																						
May 2006																						
December 2006																						
May 2007																						
December 2007																						
May 2008																						
December 2008	3.75	2.75	2.75																			
May 2009	4.25	3.25	6.00																			
December 2009	2.75	2.25	8.25																			
May 2010		8.25	2.17																			

High School Start Date: August 2008	Projected Graduation Date: May 2012
-------------------------------------	-------------------------------------

Finding lost or missing credits

Bldg #	School Name	City	Date In	Date Out	in School
9661	KVC Academy	4300 Brenner Dr Kansas City	2/20/2010		
8142	Peno County Juvenile Detention	219 W.2nd St Hutchinson	2/12/2010	2/16/2010	4
4815	UMY Newton	900 W. Broadway Newton	2/10/2010	2/12/2010	2
9661	KVC Academy	4300 Brenner Dr Kansas City	1/29/2010	2/10/2010	12
NH001	New Hope Heartland	619 Fairfield Street Norwich	1/12/2010	1/28/2010	16
B552	CAPITAL CITY	500 SW Tuffy Kellogg Dr Topeka	1/23/2009	1/6/2010	348
9661	KVC Academy	4300 Brenner Dr Kansas City	8/31/2008	1/22/2009	144

Transcript



CAPITAL CITY SCHOOL
 500 SW Tuffy Kellogg
 Topeka, KS 66606 (785)295-3400

Pupil Transcript:

ID NUMBER:
 BIRTHDATE:
 GRADUATION DATE:

ACADEMIC ACHIEVEMENT RECORD

DATE PRINTED: 02/01/2010
 UNITS EARNED 8.25/24.00
 UNWEIGHTED GPA 1.6666 RANK 157
 WEIGHTED GPA 1.6666 RANK 157

00 21 FALL	2009	C	1.00
01 21 FALL	2009	C	1.00
02 21 FALL	2009	C	1.00
03 21 FALL	2009	C	1.00
04 21 FALL	2009	C	1.00
05 21 FALL	2009	C	1.00
06 21 FALL	2009	C	1.00
07 21 FALL	2009	C	1.00
08 21 FALL	2009	C	1.00
09 21 FALL	2009	C	1.00
10 21 FALL	2009	C	1.00
11 21 FALL	2009	C	1.00
12 21 FALL	2009	C	1.00
13 21 FALL	2009	C	1.00
14 21 FALL	2009	C	1.00
15 21 FALL	2009	C	1.00
16 21 FALL	2009	C	1.00
17 21 FALL	2009	C	1.00
18 21 FALL	2009	C	1.00
19 21 FALL	2009	C	1.00
20 21 FALL	2009	C	1.00
21 21 FALL	2009	C	1.00
22 21 FALL	2009	C	1.00
23 21 FALL	2009	C	1.00
24 21 FALL	2009	C	1.00
25 21 FALL	2009	C	1.00
26 21 FALL	2009	C	1.00
27 21 FALL	2009	C	1.00
28 21 FALL	2009	C	1.00
29 21 FALL	2009	C	1.00
30 21 FALL	2009	C	1.00
31 21 FALL	2009	C	1.00
32 21 FALL	2009	C	1.00
33 21 FALL	2009	C	1.00
34 21 FALL	2009	C	1.00
35 21 FALL	2009	C	1.00
36 21 FALL	2009	C	1.00
37 21 FALL	2009	C	1.00
38 21 FALL	2009	C	1.00
39 21 FALL	2009	C	1.00
40 21 FALL	2009	C	1.00
41 21 FALL	2009	C	1.00
42 21 FALL	2009	C	1.00
43 21 FALL	2009	C	1.00
44 21 FALL	2009	C	1.00
45 21 FALL	2009	C	1.00
46 21 FALL	2009	C	1.00
47 21 FALL	2009	C	1.00
48 21 FALL	2009	C	1.00
49 21 FALL	2009	C	1.00
50 21 FALL	2009	C	1.00
51 21 FALL	2009	C	1.00
52 21 FALL	2009	C	1.00
53 21 FALL	2009	C	1.00
54 21 FALL	2009	C	1.00
55 21 FALL	2009	C	1.00
56 21 FALL	2009	C	1.00
57 21 FALL	2009	C	1.00
58 21 FALL	2009	C	1.00
59 21 FALL	2009	C	1.00
60 21 FALL	2009	C	1.00
61 21 FALL	2009	C	1.00
62 21 FALL	2009	C	1.00
63 21 FALL	2009	C	1.00
64 21 FALL	2009	C	1.00
65 21 FALL	2009	C	1.00
66 21 FALL	2009	C	1.00
67 21 FALL	2009	C	1.00
68 21 FALL	2009	C	1.00
69 21 FALL	2009	C	1.00
70 21 FALL	2009	C	1.00
71 21 FALL	2009	C	1.00
72 21 FALL	2009	C	1.00
73 21 FALL	2009	C	1.00
74 21 FALL	2009	C	1.00
75 21 FALL	2009	C	1.00
76 21 FALL	2009	C	1.00
77 21 FALL	2009	C	1.00
78 21 FALL	2009	C	1.00
79 21 FALL	2009	C	1.00
80 21 FALL	2009	C	1.00
81 21 FALL	2009	C	1.00
82 21 FALL	2009	C	1.00
83 21 FALL	2009	C	1.00
84 21 FALL	2009	C	1.00
85 21 FALL	2009	C	1.00
86 21 FALL	2009	C	1.00
87 21 FALL	2009	C	1.00
88 21 FALL	2009	C	1.00
89 21 FALL	2009	C	1.00
90 21 FALL	2009	C	1.00
91 21 FALL	2009	C	1.00
92 21 FALL	2009	C	1.00
93 21 FALL	2009	C	1.00
94 21 FALL	2009	C	1.00
95 21 FALL	2009	C	1.00
96 21 FALL	2009	C	1.00
97 21 FALL	2009	C	1.00
98 21 FALL	2009	C	1.00
99 21 FALL	2009	C	1.00
100 21 FALL	2009	C	1.00

Immunization Record

PAGE 2 OF 4

February 16, 2010
WPS152R 4.0.23

HEALTH INFORMATION

IMMUNIZATION	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE
DTP/DTaP	11-09-1993	05-20-1994	07-21-1994	05-15-1997	08-24-1998
IMMUNIZATION	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE		
HEPATITIS B	09-08-1993	11-09-1993	05-20-1994		
IMMUNIZATION	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	
MIB	11-09-1993	05-20-1994	07-22-1994	05-15-1997	
IMMUNIZATION	ADMIN. DATE	ADMIN. DATE			
MMP	05-15-1997	08-24-1998			
IMMUNIZATION	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	ADMIN. DATE	
POLIO - OPV	11-09-1993	05-20-1994	05-15-1997	08-24-1998	

Any immunization dates of 01-01-*year* are probably not accurate dates, based on previous incomplete data for month and day dates. I.E. The year is correct; the 01-month and the 01-day are hypothetical. Likewise, when incomplete data exists for day date only, it may have been recorded as 01 (with correct month and year, eg. 01-01-99).

TO THE BEST OF MY KNOWLEDGE, THIS TRANSCRIPT ACCURATELY REPRESENTS THE EDUCATIONAL RECORD OF THIS STUDENT. IT DOES NOT NECESSARILY CONTAIN ALL OF THE INFORMATION HELD ON THIS STUDENT.

2008-2009 2009-2010 Other Risk Factors

AT A GLANCE FOR YOUTH

2009-2010 Risk Factor Information

ACADEMIC PROGRESS

Absences (History of Excessive)	1
AWOL History	1
CREDITS	
YOUTH started high school in August 2008. He/she should graduate May 2012.	
10.5 # of credits YOUTH should have earned at end of Fall 2009	
8.25 # Cumulative Credits Fall 2009	
2.25 # of Credits YOUTH is behind	
28 # Credits Needed for NYC Academy	
3.5 # of Credits Required Fall 2009	
2.25 # of Credits YOUTH Earned Fall 2009	
Expulsions/Suspensions Current	
Expulsions/Suspensions History	
0 Falling GPA - Lower than Previous Semester	
1 GPA Cumulative Below 2.0	
2 GPA Below 2.0 For Multiple Semesters	
0 GPA for Fall Semester 2009 Below C	
1 Grade/Credit Mismatch	
1 Participation in Extra-Curricular Activities	
1 Not Progressing at Expected Rate Graduate as of Fall 2009	

DEMOGRAPHICS

1 Age/Grade Mismatch	ELL
0 Age 17 +	0 Minority Status
1 Disability	

MISCELLANEOUS

Health Problems	JJA Involvement
1 Hospitalization	Pregnant/Parenting Teen
GED Program	

PARENT INVOLVEMENT

0 Current Ed. Advocate	1 Parental Rights Terminated
0 Court Appointed Education Decision Maker	

PLACEMENT MOBILITY

MOBILITY: RESIDENCE CHANGES

1 2009-2010 1st Semester	7 Beginning of High School
6 2009-2010 School Year	6 Current Semester

SCHOOL MOBILITY

MOBILITY: SCHOOL CHANGES

1 2009-2010 1st Semester	7 Beginning of High School
6 2009-2010 School Year	6 Current Semester

risk [risk] noun: a situation involving exposure to danger

*School & Placement changes since August 2008

Interventions

GPA below 2.0/C (Multiple Semesters)

Score Range: 0-7

Range indicates the number of semesters the youth's GPA has fallen below 2.0. Any youth has the opportunity to exceed seven semesters prior to the eighth or last semester. A score of "0" indicates that the youth has achieved a "C" average or better for each semester of high school. Scores ranging from "1" to "7" indicate the number of semesters where the youth's GPA is below 2.0.

Why?

Why having a GPA below 2.0 during multiple semester matters?

A youth with lower grades or GPA over an extended period is at greater risk to fail classes, fall behind his/her peers, or drop out.

Best Practice and/or Research Demonstrated Effective Practices to Address GPA below 2.0/C during multiples semesters:

Clear Suggestions Select Suggestions

- Refer for a special education comprehensive evaluation
- Refer for a comprehensive reading evaluation
- Refer for a reading evaluation
- Seek tutoring
- Ask for learning styles assessment and provide information according to it

PRINT

BACK TO RISK FACTOR PAGE

Interventions

Health Problems-physical

Score Range: 0 or 1

A score above "0" indicates the presence of physical health problems as reported in the school records.

Why?

Why physical health problems matter?

Physical health problems may disrupt attendance, impede academic focus and result in fatigue and/or other situations which impact the youth's capacity to attend, study and participate in extracurricular activities.

Best Practice and/or Research Demonstrated Effective Practices to Physical Health Problems:

Clear Suggestions Select Suggestions

- Secure a physician's authorization for missed school and for doctor's appointments. Move doctor's appointments to Saturday or other times when the youth is not in school.
- Secure homebound instruction if the youth is unable to attend school for more than 7 days.
- Request an assessment to determine eligibility for Section 504 Accommodations.
- Secure advocacy from parent centers to assure appropriate assessments and the development of evaluations and accommodation plans.

PRINT

BACK TO RISK FACTOR PAGE

Interventions

Lack of Participation in Extracurricular Activities

Score Range: 0 or 1

A score above "1" indicates no participation in school-sponsored activities.

Why Participation in Extracurricular Activities Matters?

Failure to participate in school-sponsored activities leads to youth disengagement from the school and peers and may result in dropping out intellectually and physically.

Best Practice and/or Research Demonstrated Effective Practices to address Lack of Participation in Extracurricular Activities:

Clear Suggestions

- Identify the youth's interests in sports, drama, music, language, forensics and other programs.
- Assist youth who enroll late to meet enrollment eligibility for extracurricular groups.

Select Suggestions

PRINT

BACK TO RISK FACTOR PAGE

2007 vs 2010 Outcomes

- We have school information and it is available immediately with an online open data base
- Graduation/GED rate increase (25%-46%)
- SRS required provider outcomes include school success indicators
- Students access their own transcripts for college (unofficial)
- Schools and providers use iGRAD: 50-60 calls per day requesting information

What we have learned

- 50% of youth in foster care are behind, they lack credits for grades they are in and they start high school 1-2 years later than peers.
- Moves correlate, if not cause, school failure
- Schools need help getting information from each other and from providers.
- Providers need help getting information from schools and from each other.
- Youth in foster care need help to navigate school.

Success story

- The Marion school district awarded credits to a senior from her freshman year. She transferred from Fairfax in Kansas City the first part of her freshman year to Marion. As a senior she lacked necessary credits, Marion USD combined the withdrawal grades from Fairfax with grades earned at their school and retroactively awarded credits.

Success

- Hope high school helped a youth who was turning 18 in December. He was leaving custody and moving away. Hope staff helped him complete his entire school year in the first semester. The guidance counselor called to tell us that the young man told him he never knew people would work so hard to help him - and half of those people were not even people he knew.

Success

- We received a student transcript in January. It had all passing grades but no credits awarded. When we called, the registrar realized that the youth had not been given any credit for classes she passed. Registrar notified us last week that a new transcript was en route and the counselor had awarded an entire semester of passed classes--7 credits found.

Successes

- A senior last year needed one credit to graduate. We reviewed the transcript, found a failed welding class from three years ago. Keys staff called the teacher and learned the student moved without completing the project. We got the project, caseworker helped finish it. Student got credit and graduated with class.

Graduation rates

Age 18	Age 19	Age 20	Age 21	Age 22	Age 23/24
19%	27.8%	32%	44%	52%	67%

We project the graduation rate for 2010 = 46%

Goal 2. Assure youth earn credits

Active youth = 2131

Youth with full set of credits for Fall 2009
= 866 or 22%

Credit calculation

- Even within the same district, schools offer different classes, employ different methods of calculating full and partial credits and require students to take different types of core classes to graduate. (when students transfer they cannot obtain full or partial credit for the coursework completed in previous schools).

Data we collect

- School placements and length of time per school
- Enrollment delays
- Grade performance
- NCLB categories: sped, poverty, ethnicity, ELL
- Enrollment in vocational programs, virtual schools
- Participation in after school, extended school year and extracurricular programs
- Credit transfer problems and credit completion per semester
- Progress towards graduation
- Special education evaluations, IEPs and services

Demographics: NCLB categories

	Foster Care profile	Graduate profile
Minority	24%	29%
Special education	33%	39%

What youth need

- state alternative diploma (minimum standard)
- access to extracurricular activities (music, sports, drama, etc)
- standard curriculum
- access to testing and evaluation

Partners

- 1898 Kansas schools, 139 out of state schools
- Four foster care providers:
KVC, St Francis, TFI, Youthville
- 4967 youth 15+ in Kansas foster care (since 2006)
- 200+ Guardian ad Litem and CASA volunteers
- 10,000+Parents (biological and resource)

Thank you

Kansas

Department of Social and Rehabilitation Services

Children and Families