

Approved: February 25, 2010
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 16, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Chris Steineger-absent

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Senator John Vratil
Diane Gjerstad, Wichita USD #259
Neil Guthrie, Division Director, Special Education, Wichita USD #259
Mark Masterson, Corrections Director, Sedgwick County Department of Corrections
Dale Dennis, Deputy Commissioner, Kansas Department of Education

Others attending:

See attached list.

Hearing on SB 340 - School districts; pupils residing at certain youth residential facilities; determining enrollment of school district

Theresa Kiernan, Office of the Revisor of Statutes, presented a brief review of **SB 340**. This bill would eliminate a provision in the school finance law that allows each pupil at the Judge James V. Riddel Boys Ranch in Wichita USD #259 and the former Atchison Juvenile Correctional Facility, USD #409, to be counted as 2.00 FTE students. This provision would expire on June 30, 2011. Students would then simply be counted as regular students at 1.00 FTE and would also be eligible for the at-risk weighting of .456, plus the enrollment weighting. She also stated the Legislative Education Post Audit recommended passage.

Senator John Vratil (Attachment 1), presented testimony supporting the bill. He felt it was necessary to remove the inconsistency in treatment of correctional facilities as this was the only facility of its type allowed to count students twice.

Diane Gjerstad, Wichita USD #259 (Attachment 2), spoke in opposition to the bill. She reviewed the history of the Judge James V. Riddel Boys Ranch and noted that the facility is not within the USD #259 boundaries but the district is required by law to provide services to the facility. She stated passage of this bill would increase the USD #259 subsidy to over \$140,000.

Neil Guthrie, Division Director, Special Education, Wichita USD #259, and Mark Masterson, Corrections Director, Sedgwick County Department of Corrections (Attachment 3), both provided testimony in opposition to the proposed legislation.

A discussion of differences between YRC's and PRTF'S. It was pointed out that Judge Riddel, as a YRC, is funded at the 2-for-1 rate while other YRC'S are not. Senator Vratil requested a Fiscal Note on funding all YRC's at the 2-for-1 rate.

There were no other conferees. The hearing on **SB 340** was closed.

SB 359 - Special education; catastrophic state aid

Chair Schodorf began the discussion with a review of the previous day's actions on the bill. Senator Abrams followed with a discussion of the amendment offered to **SB 359** at the meeting of February 15, 2010. He stated his balloon relating to the 2010-2011 school year should be disregarded; line 34 should say 'special education' teacher; and lines 6 and 7 should say, rather than 'from any other source' should instead say 'from

2/16/10

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 16, 2010, in Room 152-S of the Capitol.

'Federal special education funds and State special education funds'. This would become effective upon publication in the Kansas register. Theresa then clarified the changes to be made to lines 6 and 7 which would leave in the part stricken and add 'or Federal special education money'. This would eliminate the opportunity for the "double dipping" which occurred.

Senator Abrams moved for adoption of the amendment to SB 359. The motion was seconded by Senator Hensley. The motion carried on a voice vote.

Discussion then centered on the bill as amended. Senator Owens voiced his concern that the bill was taking money away from districts that had already budgeted for it. It was pointed out that that had already been discussed. Dale Dennis again explained the process and timing of applications for catastrophic aid money.

Senator Umbarger moved the committee recommend SB 359, as amended, favorable for passage. The motion was seconded by Senator Hensley. Motion carried on a voice vote with Senators Owen and Vratil voting no.

The next meeting is scheduled for February 17, 2010.

The meeting was adjourned at 02:25 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

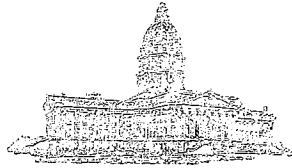
DATE: February 16, 2010

NAME	REPRESENTING
Scott Frank	Post Audit
Diane Gjerstad	USD 259
Neil Guthrie	USD 259
Carla Smith	USD 259
Susan Walston	USD 261
Jane Harmon	KS BOE
Gary George	Platte School District
Rich Minner	Sr. Derek Schmidt
Edwin Jimenez	Washburn University
David Pomeroy	Kearney Assoc
Tracy Russell	SQE
MARK DEBETTI	KNEFT
Stuart Little	Shawnee Mission #512
Bill Brady	SFFF
Jennifer Brown	Federico Consulting
Doug Bowman	CCECOS
Cheryl Semmel	USA/Kansas
Mark Masterson	JRBR



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Vice President
 Kansas Senate

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 COMMISSION

Testimony Presented to
 Senate Committee on Education
 By Senator John Vratil
 February 16, 2010
 Concerning Senate Bill 340

Good afternoon! Thank you for the opportunity to appear before the Senate Committee on Education in support of Senate Bill (SB) 340. Under current law, students housed in psychiatric residential treatment facilities (PRTF) in Kansas are not treated the same when educational aid is calculated for the school districts in which their respective facilities are located. Senate Bill 340 would eliminate the inconsistency.

Currently, students housed at the Judge James V. Riddell Boys Ranch (Wichita) and students housed at the former Atchison Juvenile Correctional Facility are counted as two (2.0) FTE students. Senate Bill 340 would allow this special treatment to expire June 30, 2011. Beginning July 1, 2011, a student housed in any PRTF in our state would be counted as one (1.0) FTE for purposes of calculating educational aid for the school district in which the PRTF is located. The counting afforded students at the Judge James V. Riddell Boys Ranch and the former Atchison Juvenile Correctional Facility is inconsistent with how students at other PRTFs are counted. Senate Bill 340 removes the inconsistency.

I ask you to support SB 340.

Senate Education
 2-16-10
 Attachment 1

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Senate Education Committee

Senator Schodorf, Chair

S.B. 340 – Repealing Judge Riddel Boys Ranch funding

*Presented by Diane Gjerstad
Wichita Public Schools*

February 15, 2010

Madame Chair and members of the committee:

Kansas has a long standing policy to fund youth residential facilities at the lower of “two times the base or actual costs.” The cap for the facilities is limited to two times the base; if actual costs are lower, the district would receive the lower amount.

Judge Riddel Boys Ranch is in a separate statute because the facility is not within the boundaries of USD 259. The statute was amended to provide USD 259 funding for educating the students residing at Judge Riddel’s. The Riddel language is written differently but has the same effect to cap funding at two times the base. This bill would repeal the two times funding.

These facilities are expensive to operate. Typically the classrooms are for ten or fewer students. These students require extensive support services to update evaluations, track down transcripts and communications with multiple state or community agencies. Just last week we had a call from a state agency asking about graduation status of a student. The student has had over 30 different placements but since he had been in Wichita the longest – 3 months – USD 259 staff had to piece together all his credits and partial credits to see if he would be able to graduate. Typically these students have large academic gaps which require supplemental materials and small group teaching to work with their deficits.

Two times the base does not cover the cost of serving the students at Judge Riddel. Judge Riddel is costing \$50,000 each year more than two times the base generates. The fiscal note for S.B. 340 indicates a savings of \$94,352. Passage of S.B. 340 would increase the USD 259 subsidy to over -\$140,000. If the legislature is going to reduce funding, we would ask you repeal Judge Riddel statute all together so the requirement for USD 259 to serve those students is also repealed.

Districts do not have a say in which special facilities locate within their boundaries – but we are tasked with providing education to those who often have tremendous educational and emotional needs. These facilities are very expensive to operate. S.B. 340 would place an additional financial burden on Wichita Public Schools. We oppose the bill.

Senate Education
2-16-10
Attachment 2

**SEDGWICK COUNTY
DEPARTMENT OF CORRECTIONS**

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**Testimony In Opposition to SB340
Before the Senate Education Committee
February 16, 2010**

By: Mark Masterson, Director
Sedgwick County Department of Corrections

I am employed by Sedgwick County and operate Judge James V. Riddel Boys Ranch. I have been associated with the Boys Ranch since 1983. I am here to testify in opposition to SB340, specifically eliminating double pupil accounting for youth served at the campus school by USD 259.

Understanding the history of the facility and funding is important.

JRBR is a unique situation. It is a residential facility program for adjudicated male juvenile offenders. It is at YRC II program licensed by KDHE. All the youth are in JJA (State) custody.

It is not located within the boundaries of USD 259.

The 49 bed facility serves only youth from SG County (mostly Wichita). All come directly from the SG County juvenile detention facility.

It is the only such facility operated by county government in Kansas.

This comes from its history. In the late 1950's the Orville Wright Boys Home on South Seneca outgrew its quarters. It was an orphanage in Wichita from the 1920's. With the leadership of Judge James Riddel, the District Court, Sedgwick County and USD 259 agreed to move the facility to the country 23 miles from Wichita, at Lake Afton, in Goddard, Kansas. In 1961 the newly constructed facility opened for business on 61 acres. It was operated administratively by the District Court with county funding and USD 259 provided school services onsite. This was changed in 1985, when SG County assumed administrative responsibility to operate the ranch program. That is how it operates today.

In 1989, USD 259 (Supt. Stuart Burger) attempted to discontinue providing school services at JRBR claiming it was not within the boundaries of the District and that it was now Renwick School Districts responsibility. Renwick and Sedgwick County opposed it. USD 259 sent trucks to JRBR to remove their property. I was the director there at the time and refused to grant them admission to get the property.

Sedgwick County quickly obtained an injunction from the District Court to block USD 259 from taking the property. A mutually agreed solution was worked out for double pupil accounting and codified in state statute. JRBR was designated to be legally part of the USD 259 school district, although not within the boundaries.

*Senate Education
2-16-10
Attachment 3*

Now SB340 proposes ending the funding strategy after June 30, 2011 that was the basis for the agreement back in 1989-1990.

JRBR continues to serve only Sedgwick County youth and USD 259 provides school services. JRBR serves approximately 140 youth per year. It is a successful partnership and has been since the late 1950's. Effective education services are critical and this change will damage services.

Sedgwick County joins with USD 259 to oppose this change in SB340.