Approved:	January 31, 2000						
	Date						

MINUTES OF THE SENATE WAYS & MEANS COMMITTEE.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 25, 2000 in Room 123-S of the Capitol.

All members were present except: Senator Downey and Senator Lawrence, who were excused

Committee staff present: Alan Conroy, Chief Fiscal Analyst, KLRD

Michael Corrigan, Asst. Revisor of Statutes

Rae Anne Davis, KS Legislative Research Department Debra Hollon, KS Legislative Research Department Judy Bromich, Administrative Assistant to the Chairman

Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Commissioner Albert Murray, Juvenile Justice Authority

Others attending: See attached list

Commissioner Albert Murray of the Juvenile Justice Authority appeared before the Committee to provide an overview of the agency's objectives, local juvenile justice block grants, case management purchase of services, facility and central office operating budget reductions, and facilities master plan. (Attachment 1)

In discussing local juvenile justice block grants, Comm. Murray stated that the amount of funding for graduated sanctions for this fiscal year and next is the same as it was last fiscal year. He said that all local providers have been informed and they have greater flexibility to determine how the monies will be used. In response to a question regarding speculation about a change in the funding formula, the Commissioner stated that a funding formula was developed for the prevention and the graduated sanctions block grants. He stated that the graduated sanctions formula will not be changed. However, a task force is reevaluating the prevention formula based on a report from the Joint Committee on Corrections and Juvenile Justice. He told members that if a change is made in the formula, it will be done before the end of the 2000 Legislative session and he will make legislators aware of it. Members requested a copy of the report of the Joint Committee.

Concern was expressed that the agency had not captured all of the available federal monies in the area of purchase of services for case management, and there was some discussion regarding who has the responsibility for documentation that is required for reimbursement. Deputy Commissioner Ken Hales stated that JJA has worked aggressively to identify and capture as much federal money as possible and is working under a second contract in an attempt to capture additional dollars. It was noted that a list of all federal funds flowing into the agency can be provided to Committee members. In answer to a question regarding the agency's budget for FY 2000, the Commissioner stated that \$1.5 million savings from cost savings measures is not listed in the area of purchase of services. (Attachment 1-4)

In reviewing "Facility and Central Office Operating Budget Reductions" (<u>Attachment 1-4</u>), Commissioner Murray stated that reclassification helped with turnover last year, but has made it difficult this year to operate within the shrinkage rate.

In response to questions, Commissioner Murray stated that two juvenile correctional facilities have been operated through a contractual agreement with Kelly Services and a business decision has been made to discontinue the placement of juveniles in the Intensive Behaviorial Intervention Program (IBIP) in Topeka. He told members that IBIP is a boot camp model and the decision to not purchase services from Kelly was made to save money and because research on juvenile boot camps is not that impressive. It was noted that cost savings would be \$630,000 for the balance of this fiscal year and \$2.5 million in FY 2001.

CONTINUATION SHEET

SENATE WAYS & MEANS COMMITTEE MINUTES

The Deputy Commissioner informed members that the IBIP is state funded only and the juveniles currently receiving services there will be moved to facilities that qualify for federal monies. In response to questions, the Deputy Commissioner stated that the Sappa Valley Youth Ranch in Oberlin is seeking to become Medicaid approved and to operate as a Level V facility. In answer to a question, it was stated that there has been no indication that case managers have had difficulty moving juveniles from IBIP.

There was some discussion regarding outcome standards for case management facilities. The Commissioner reminded members that JJA is in the process of preparing a preliminary draft which should be available in February, 2000.

There was discussion about the population projections of juvenile correctional facilities. It was noted that intake and assessment are dependent on many factors, and, although monthly numbers fluctuate, annual numbers continue to increase.

The Chairman asked the Commissioner to highlight areas of concern in the agency's FY 2001 budget for the subcommittee to review. Commissioner Murray cited the shrinkage rate, the central office operations budget, and monies for overcrowding at the facilities.

Senator Salisbury, Chairperson of the JJA subcommittee, requested that the Commissioner provide an update on standards for evaluating the community programs and information about the possible impact that the elimination of community programs might have on the population in correctional facilities. Senator Salmans requested information on the costs and profits associated with ACA accreditation.

Senator Salmans moved, Senator Morris seconded, that bill draft 9rs 1888 be introduced as requested by Senator Salmans and Senator Umbarger. The motion carried on a voice vote.

The Chairman adjourned the meeting at 12:15 p.m. The next meeting will be January 26, 2000.

SENATE WAYS & MEANS COMMITTEE GUEST LIST

DATE: <u>January 25, 2000</u>

NAME	REPRESENTING
For Dunes	MesCare
Cody Depto	DOB
Bell Henry	RS Goo! Consully
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Held Pedigo	JJA
Rodie Welsteal Johnson	Ks Action for Children.
Junis Mc Miller	LWV-K
I melge Sodie	CFP
Judy moler	Ks. ann of Courties
May tout on	Johnson Country
Jeff Bottenberg	Kunsus Pouc officers
Melisse L Ness	Ks. Children's Jervier League
Mauree M. Mahorey	Kan Valley Cester
Buches)	Children allience
Mora Smith	Intern



BILL GRAVES Governor

Juvenile Justice Authority

Albert Murray, Commissioner

Jayhawk Walk 714 SW Jackson, Suite 300 Topeka, Kansas 66603 Telephone: (785) 296-4213 FAX: (785) 296-1412

PRESENTATION TO

SENATE WAYS AND MEANS COMMITTEE TUESDAY, JANUARY 25, 2000 COMMISSIONER ALBERT MURRAY

AGENCY OBJECTIVES:

For Fiscal Year 1999, the agency's mandate was to operationalize Juvenile Justice Reform by putting plans into action. Now, following two years of developing local plans, transferring functions from other state agencies, and expanding capacity at both the community and juvenile correctional facility level, the agency has the architecture of the new system in place. This structure involves the community's ability to access funding, to make sound decisions locally about juvenile offender services, and to expand their capacity to serve more juveniles in better, more effective ways. Major accomplishments include:

- the statewide community planning process;
- developing and implementing a community-based governing structure of administrative counties and juvenile corrections advisory boards;
- introducing the use of block grants for graduated sanctions and prevention programs;
- implementing the facility master plan to expand capacity of the state's juvenile correctional facility; and
- on-going development of the Juvenile Justice Information System (JJIS).

In general, what we have done so far is to engage in the planning and to put into place the structure of the new system. Now, we must move forward with an emphasis on program implementation and quality assurance. Consequently, one of my key priorities for the coming year is to put into place a system to assure quality programs are instituted and that state funds are used wisely and effectively. Our approach to this will be consistent with the partnership model. Our role will be to provide training, to give leadership and technical assistance, and to issue statewide standards for program activities. I will do what I can and must do to help our local partners and facility superintendents be successful. Yet, if necessary, I will hold or delay grant payments, or even choose not to purchase certain services or grant certain programs funding, if they fail to make the grade, are poorly planned, or if money is used unwisely. To effectively carry out this oversight and quality assurance function, the following objectives must be realized:

Senate Ways and Means Committee

Date January 25, 2000

- 1. We must have good processes in place to assure that the grant requests are well prepared and that our granting decisions are wise and constructive.
- 2. We must have program standards in place for the core community based programs.
- 3. Training must be provided to our local partners on the program standards.
- 4. A process must be engaged in which local partners are being tested against the core program standards.
- 5. A program for conducting routine fiscal audits is necessary, not just for core program operators, but for all who spend or receive Juvenile Justice Authority funds.

In the juvenile correctional facility system, quality control will focus on:

- 1. Population management
- 2. Facilities master plan implementation
- 3. Continued professionalism of facility operations and personnel
- 4. Enhanced system-wide leadership and resource management.

In the most general terms, the Juvenile Justice Authority budget funds three primary arenas of activity. Based on FY 1999 actual expenditures, approximately 38% of the budget funds the juvenile correctional facilities, 54% are grants to local communities, and 8% is spent on administration, technical assistance to communities, and the agency's oversight responsibilities (see attachment 1). For today's discussion, I think it is most helpful to focus my comments on the local juvenile justice block grants, the purchase of services cost for youth in custody, the facilities and central office operating budget, and the facilities master plan projects.

Local Juvenile Justice Block Grants:

Within the local juvenile justice block grants category is the prevention and graduated sanctions block grants. For Fiscal Year 2001, the Governor has demonstrated his commitment to juvenile crime prevention by recommending \$5 million be appropriated for prevention block grants. This is an increase of \$1 million from the current year's budget.

The recommended level of appropriation for graduated sanctions grants remains unchanged, at approximately \$19.3 million. Graduated sanctions include the core program grants, such as juvenile community corrections, case management operations and juvenile intake and assessment services. It also includes any new or enhanced graduated sanction programs funded pursuant to the community plans.

There are two points related to this I want to emphasize. One is that although there is no change in the funding level, there will be a change in the service level: simply put, the number of juvenile offenders in intensive supervised probation, the number of juveniles placed in the custody of the Juvenile Justice Authority for services, and

the cost of doing business at the local level will all increase in FY 2001. (Please see attachments 2-4 for illustration of population and service trends.) For FY 2001, we will be asking our local partners to do more without a commensurate increase in funding. I believe this is doable in FY 2001, in the short term, without compromising public safety or local services. Funding at this level will not increase local capacity, and if prolonged, will require diminishment of local program standards and could jeopardize the local partnership.

The other point I wish to emphasize is that when staff and I traveled across the state talking about Juvenile Justice Reform at the community level and the state and local partnership to bring it about, the criticism and fear heard almost universally was that the state would engage this partnership and then back out of funding it. Our promise was, at a minimum, that local communities would receive the same level of aid as they have in the past and have greater flexibility and control on how to use those resources. With increased aid in this year's budget and with no significant reductions next year, we are faithful to that promise. However, to be facing the fiscal problems the state currently faces at the same time we are beginning this new partnership makes our local partners very uneasy about our on-going commitment.

Case Management Purchase of Services:

Also within the aid to local communities cost center are the purchase of service funds. These are the funds used to purchase services and commodities for all juvenile offenders in JJA custody that are not being served in a juvenile correctional facility. These are the juvenile offenders that were once part of the Social and Rehabilitative Services' foster care population that came into the custody of JJA following passage of the Juvenile Justice Reform Act. The purchase of services costs are the most unpredictable and difficult to control of all the expenses in the Juvenile Justice Authority's budget in a large part because custody is determined by the court. All expenses from these funds are for juvenile offenders in the agency's custody that are receiving community-based case management services. In most respects, the case management function the agency performs for these juveniles differs little from what SRS did prior to foster care privatization, with the exception that JJA contracts with local communities to provide the case management services. The operating costs (salaries, telephone, etc.) for local case management officers is funded through the aid to local communities block grants, which were previously discussed. It is the services that community case management officers purchase for juveniles in custody that are paid out of the JJA purchase of service budget. The process is as follows:

- 1. Judge commits offender to JJA custody.
- 2. Local case management agencies are notified.
- 3. Case management arranges for services (such as out of home placements) and provides on-going management of the case file, including federal benefits determination, child support, etc.
- 4. Case management agency enters into placement agreements (group homes, counselors, etc.) to secure services.

5. Provider (e.g. group home, counselor) sends the invoice to the case management agency. The local agency verifies the charges, then submits voucher to JJA central office for payment. (Please note Medicaid reimbursements are billed through the SRS Medicaid system and JJA is then billed by SRS for its non-federal portion of the bills in aggregate.)

This system of case management supervision and purchase of services continues to be an entitlement system. Consequently, we are obligated to provide the necessary services to youth in our custody, although we have no control over when or who the court places in our custody. I should add, when this population was a part of the SRS foster care population, budget increases were determined by the caseload estimating group. These projections were incorporated into the base budget.

Last year, a part of JJA's mandate was to expand services and capacity within the community. This included entering into new service agreements with residential and non-residential providers (see attachment 5). Perhaps due to the expanded network of service providers, but more likely due to that and a number of other factors, the purchase of service expenditures for FY 2000 are exceeding the JJA budget (see attachment 6). At the current rate of use, expenditures will exceed the FY 2000 budget by approximately \$4 million. To put it another way, at the current rate of expenditures, the purchase of service budget for FY2000 will be completely depleted by March 2000.

To address this problem, two actions were taken. First, the agency studied population and expenditure trends and from what was learned, instituted a set of budget control measures. We project these measures will result in savings of \$2.6 million for FY 2001. Second, even with these cost control measures, additional appropriation is needed to meet the purchase of service cost demands. Consequently, the Governor has recommended \$20 million be appropriated for the purchase of service category in FY 2000, which includes a supplemental of \$2.5 million from the State General Fund.

Facility and Central Office Operating Budget Reductions

Reductions to the operating budget were made to all four juvenile correctional facilities, as well as the JJA central office. Of particular concern are increases to the shrinkage rates at the Atchison, Topeka, and Beloit facilities, as well as the impact of a shrinkage rate in the central office in both FY 2000 and FY 2001. As Deputy Commissioner Hales mentioned previously, it is our preference to meet the shrinkage rate through natural turnover, or at best, to hold open non-essential or non-direct care positions. Shrinkage rates at the Larned and Atchison facilities are higher than what the natural rate of turnover will support. This will result in the need to hold positions open and make reductions to other areas of the budget. Because reductions were also made to other areas of the operating budgets, the high rate of shrinkage becomes an even greater challenge.

As an example, the Atchison Juvenile Correctional Facility's (AJCF) shrinkage rate was increased from 3.0 to 4.0 percent in the current year, a reduction of \$40,346, and to 5.0 percent in FY 2001, a reduction of \$83,187. Because the majority of facility staff (64.0 percent) work in juvenile corrections classifications and the other direct care and support departments have little attrition, shrinkage targets in the past have been reached by holding vacant positions open. With the reclassification of youth service specialists to juvenile corrections officers and specialists, attrition in these classifications has decreased dramatically. During the first four months of the current fiscal year, two juvenile corrections staff have left facility, compared to ten for the same period in the previous year. Another impact of holding positions vacant, either actually or artificially, is the added overtime worked by existing iuvenile corrections staff to maintain adequate security for the living units. These additional hours are compensated with compensatory time off, which further affects post coverage, since staff also accrue compensatory time off due to working on holidays. Sick leave, annual leave, and required training time further exacerbate the difficulty of maintaining post assignment coverage.

The situation at Larned is similar. The Larned facility has had a budgeted personnel shrinkage rate of 5.0 percent. The actual rate in FY 1999 was 4.0 percent, with the differential being made up by foregoing certain capital outlay purchases. The rate so far this year has been running at around 3.6 percent. Salaries and wages at the Larned facility in FY 2000 account for 94 percent of the total budget. In FY 2001, the facility will have to hold open vacant positions, which are likely to be direct care positions. Deferring capital outlay expenditures is no longer an option, given the fact that the facility spent \$96,000 on equipment in FY 1999 but was reduced to a level of just over \$10,000 in FY 2001. It should be noted that the capital outlay requests of all of the facilities were already requested a level lower than required according to useful life replacement cycles. Reductions were then made to the facility requests. In all cases, the facilities, out of necessity, spend less and hold positions open at the same time that populations are increasing.

The central office operating budget was also cut dramatically from the request, particularly in FY 2001. The central office budget was already requested at a level that would support only a current service level of operations. The most significant aspect of the cuts was to the FY 2001 travel budget. Because of the decentralized nature of the juvenile justice system, JJA conducts a tremendous amount of travel across the state for purposes of training, technical assistance, etc. In FY 1999, JJA's State General Fund travel expenditures, excluding that travel and training from the MIS SGF account and Kansas Savings Incentive Program (KSIP) account, totaled \$85,782. The FY 2000 budget contains \$67,533 for travel. The FY 2001 budget is recommended at \$54,078. In addition, a shrinkage rate of 2.0 percent will be budgeted beginning in FY 2001, amounting to approximately \$41,000 in salary savings that will need to be generated. Currently, the JJA central office has one program consultant position vacant and will hold this position open indefinitely to meet the shrinkage rate. Areas such as rent were also reduced. below current expenditure levels. Because JJA is a small operation and has very little turnover, coupled with the fact that the other areas of the operating budget were reduced, dramatic reductions in the agency on-going operations will be necessary.

Allow me to emphasize two points. For FY 2001, a key objective is to develop programs and institute the quality assurance activities. This requires staff and travel. Even without any budget cuts, the number of program reviews and fiscal audits we have the capacity to perform far below what is needed.

Approximately \$750,000 was added to the budget of the Topeka Juvenile Correctional Facility to finance the operating costs associated with the addition of 57 new temporary beds in FY 1999. Of this amount was \$712,000 to finance a partial year of operation during FY 2000. JJA requests a total of \$1,899,061 in FY 2001 to finance these additional beds. The Governor's budget recommends a total of \$742,124. Furthermore, overtime money which was part of the \$750,000 was reduced by over \$60,000 in the current year. The facility will be able to withstand cuts in the current year to operate the additional beds by holding positions open, foregoing purchases, and delaying the full implementation of the new beds and associated programming. The reductions for FY 2001 will create seriously low staff levels on the units over capacity.

Facilities Master Plan:

In Fiscal Year 2000, the Juvenile Justice Authority received 3.6 million dollars to begin architectural planning for four capital improvement projects. The largest project is the *construction of a 225-bed juvenile offender complex in Topeka*. The primary architect is Horst, Terrill and Karst Architects, P.A. The complex will include a 150-bed maximum-security facility, a 60-bed classification and diagnostic facility, and a 15-bed medical facility. Current estimated cost of the complex is \$35,343,120. Architectural planning is expected to be complete October 2000. Construction of the facility is expected to be completed in September 2002. Upon completion, this complex will add 210 beds to the JJA system-wide bed capacity.

Another large project is the construction of a 122-bed juvenile offender facility in Larned. The primary architect is Hoefer, Wysocki Architects. The facility will include 90 medium-security beds that will be used for alcohol and substance abuse treatment and 32 maximum-security beds that will be used for mental health treatment. Current estimated cost of the facility is \$21,848,290. Architectural planning is expected to be completed June 2000. Construction of the facility is expected to be completed June 2002. This facility will replace the 116 Larned State Hospital beds now being used by JJA and will add six beds to the JJA system-wide bed capacity.

Also planned is the *renovation of four living units at the Topeka Juvenile Correctional Facility*. The primary architect for the program design is Peterson, Freud, and Associates. The renovation includes the demolition of two two-story living units, construction of two 30-bed living units and associated program space. Current estimated cost of the renovation is \$7,770,541. Architectural planning for the renovation is expected to begin March 2000, and be completed November 2000. Renovation is expected to be completed December 2002. The renovation will

replace 63 beds, 10 temporary detention rooms, and program space now housed in the two old two-story buildings with two new buildings.

The fourth project is the renovation of a living unit at the Beloit Juvenile Correctional Facility. The primary architect for the program design and architectural planning is Jones and Gilliam Architects and Engineers. The renovation includes upgrading 18 rooms in the Morningview living unit from minimum to the maximum-security level. Current estimated cost of the renovation is \$498,940. Program design and architectural planning is expected to be completed June 2000. Renovation is expected to be completed in July 2001. The Total estimated costs of all projects is \$65,460,897.00.

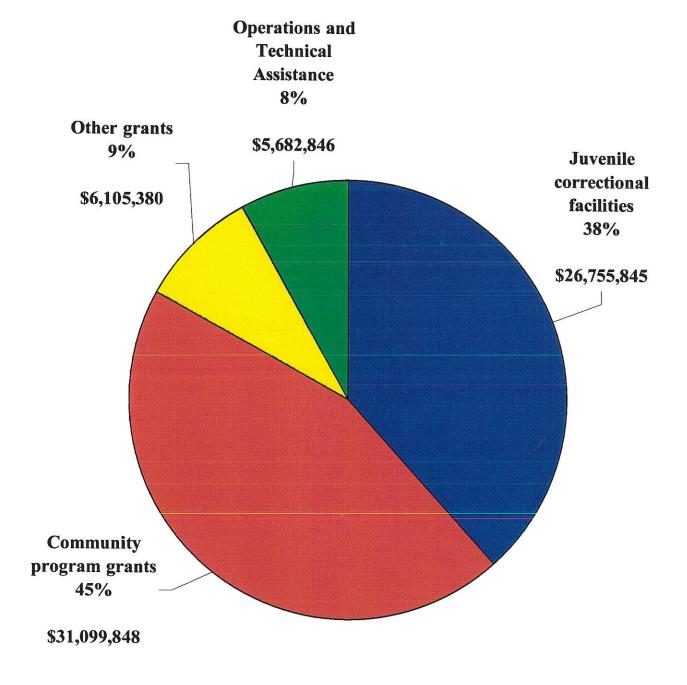
The facilities master plan and the four projects now under design are all predicated on our best understanding of the number of offenders to be housed in the agency's facilities over the next 10 year period. The Kansas Sentencing Commission has completed its fourth ten-year forecast of bed space needed for the juvenile correctional facility system. Please recall that effective FY 2000, the placement matrix defines which juvenile offenders will be sentenced to the juvenile correctional facilities and, within parameters, the length of stay for those offenders. This new law has a significant impact on the most current projections. These projections are based on FY 1999 data from the four juvenile correctional facilities. The findings indicate a significant increase in the incarcerated population from what has been indicated in the prior two projections. (See attachments 7 and 8.)

The major change for year 2000 projections from the previous three years relates to the number of juveniles that would have been subject to placement under the placement matrix, had it been enacted into law at the beginning of FY 1999. The number of juveniles who meet the criteria for placement under the placement matrix has more than doubled during the past four years, from 321 in 1995 to 778 in 1999. According to the Kansas Sentencing Commission, the increase in the numbers of placement matrix admissions will have a direct impact on the number of projected additional beds needed to accommodate the population.

In addition, under the new placement matrix law, minimum lengths of stay are predetermined and are longer than in the past. The predetermined length of stay contributes to the need for additional beds. What we have observed is that the courts are sentencing offenders to longer lengths of stay than was assumed in earlier population projections. Assuming the most recent projections are the most accurate, the current projects will fail to create sufficient capacity (see Attachment 9).

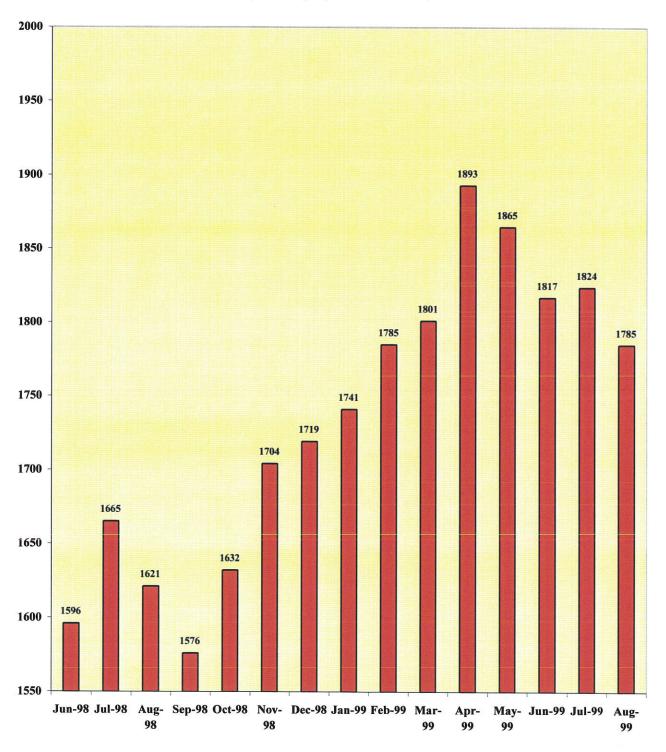
Thank you for the opportunity to present to you today. In closing, I would like to add that our ability to move forward with program implementation and quality assurance will depend on adequate resources and a well coordinated plan of action. Your support will be needed as we move forward with these most important initiatives.

JJA Expenditures FY99

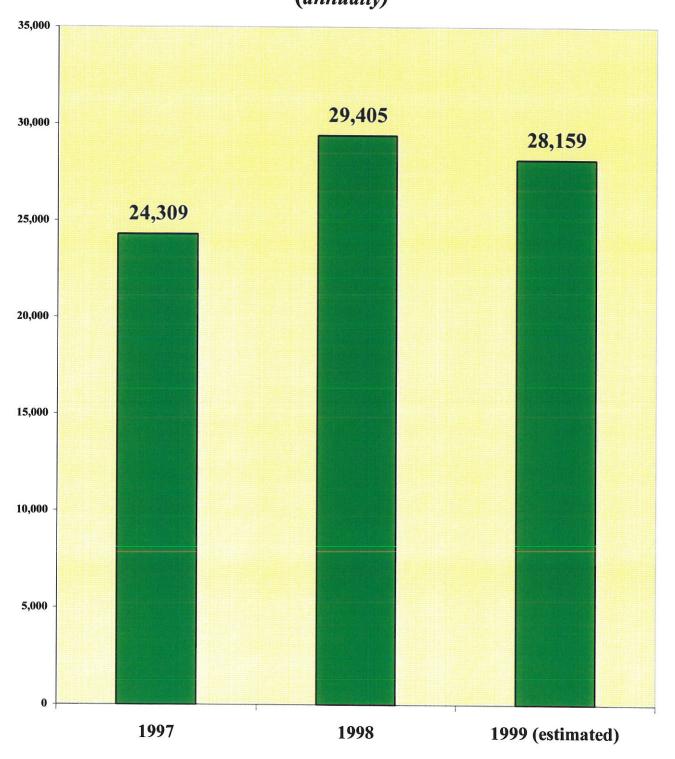


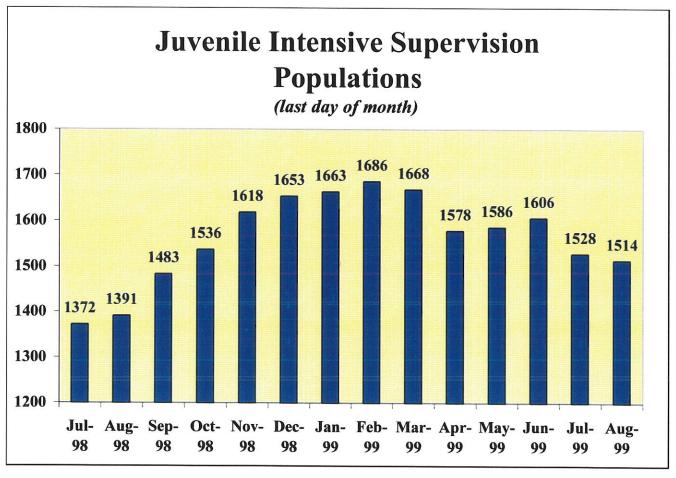
Number of JJA-custody youth within communities

(last day of each month)

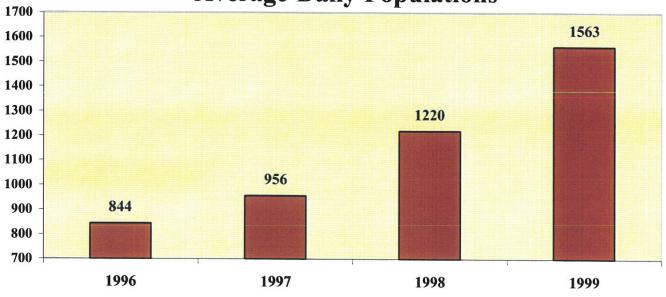


Total Number of Juvenile Intake and Assessments (annually)





Juvenile Intensive Supervision Average Daily Populations



Number of Licensed beds at Capacity by Residential Provider (non Family Foster Care)

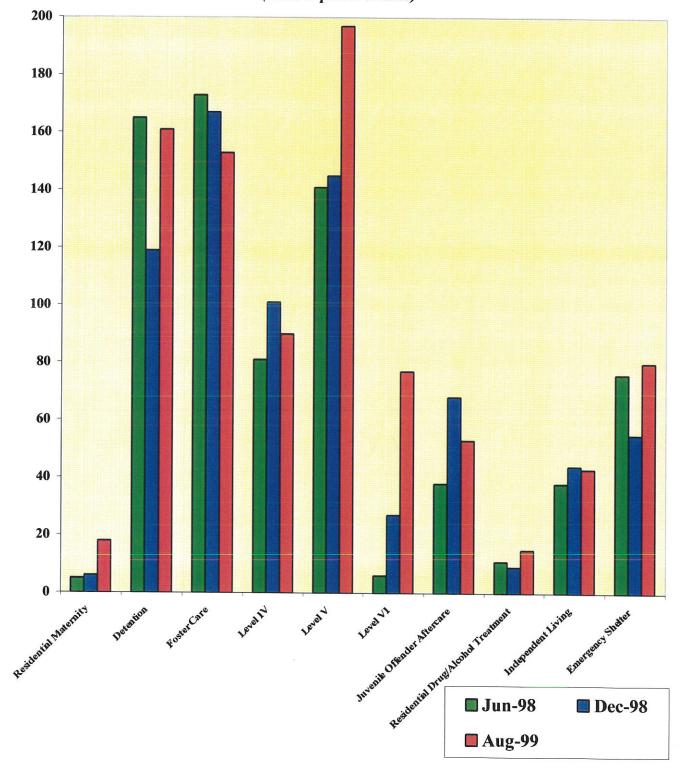
Provider	Emergency Shelter	Level IV	Level V	Level VI	Aftercare/	Maternity	Other
AS of June 30,1998							
Achievement Place for Girls		8					
Achievement Place, Inc		8					
Associated Youth Services	9						
Barton County Young Men's Organization		8					
Barton County YouthCare		10					
Boothill Youth Shelter	10						
Elm Acres	4		68				
Florence Crittendon		18	3				
Focus on the Future			20				
Gerard House						10	
Hanna's House Foundation						7	
Judge Riddel Boys Ranch			42				
Kaw Valley Center (estimated)			84	10			
Keys Youth Services		20	22				
Main -Place Youth, Inc		10					
Mary Elizabeth Maternity Home						6	
New Directions	30						
O'Connell Youth Ranch		24					
Pratt County Achievement Place		11					
Reno County Youth Services	24						
SCYP					20		
Sedgwick Co. Juvenile Residential Facility	21						
The Shelter, Inc	15						
St Francis Academy at Salina				26			
St Francis Academy Center			40				
St Francis Ellsworth	12		26				
Sumner Youth Services	14						
Temporary Lodging for Children	20						
United Methodist Youthville	20		78	37			
The Villages, Inc		82					
Youth Crisis Shelter	16						
Total on June 30,1998	195	183	383	73	20	23	0

Number of Licensed beds at Capacity by Residential Provider (non Family Foster Care)

	7					
	10			1	1	
	10	72				
	1 10	41				
		64				
			72			
6	11					
	10					
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		21				
	7					
				28		mv
93	62	254	209	112	10	4
288	245	637	282	132	33	4
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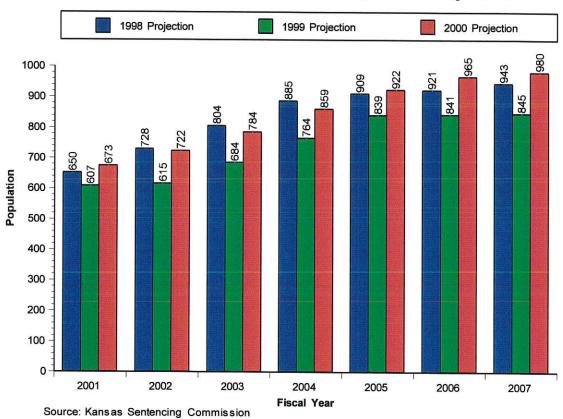
JJA-custody Youth in Various Residential Placements

(at three points in time)



Attachment 7

Juvenile Correctional Facilities Population Projections



Attachment 8

Juvenile Correctional Facilities Population Projections Projection Projection Monthly High **Projection 728 Fiscal Year**

Source: Kansas Sentencing Commission

Juvenile Justice Authority of Kansas Juvenile Offender Capacity vs. Popluation Projections

	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY O8	FY 09
	Jul-00	Jul-01	Jul-02	Jul-03	Jul-04	Jul-05	Jul-06	Jul-07	Jul-08
Existing JJA Facilities Capacities					200000000	27272			400
Atchison JCF	100	100	100	100	100	100	100	100	100
Beloit JCF	100	100	100	100	100	100	100	100	100
Larned JCF @ Larned State Hospital	116	116							
Topeka JCF-Medium Security Beds	219	219	156	156	156	156	156	156	156
Topeka JCF Crowding Beds	57	57							
Current Offender Capacity	592	592	356	356	356	356	356	356	356
40 Very LIA Markey Plan Eymanoiana									
10 Year JJA Master Plan Expansions			210	210	240	240	240	240	240
New Topeka JCF Complex			60	60	60	60	60	60	60
Existing Topeka JCF Facility Replacement Unit			122	122	152	152	152	172	172
New Larned JCF (SRS Replacement)			122	30	30	30	30	30	30
Atchison JCF								3	3
Beloit JCF Planned Offender Capacity	592	592	748	778	838	838	838	861	861
B. I. I. Branchiller	673	722	784	859	922	965	980	990	993
Projected Population		1 22	104	000	JEL				
Over(-)/Under Capacity	-81	-130	-36	-81	-84	-127	-142	-129	-132