

Manhattan Free Press

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FREE

Supreme Court contradicts itself, defies constitution in equity ruling

By Dave Trabert
The Kansas
Policy Institute

The Kansas Supreme Court's March 2014 ruling on school funding was a thoughtful, student-focused approach. They said outcomes matter most in determining adequacy, all funding sources (including KPERS) should be considered and said the cost study upon which Montoy and the lower court's Gannon rulings were based is "more akin to estimates" than certainties. Since then, and certainly with their May 27, 2016 equity ruling, it's been mostly about establishing their desired dominance over the Legislature.

For starters, there is nothing in the state constitution that empowers any court to order schools closed. To the contrary, the Court has found that the constitution guarantees students certain educational rights, so closing schools would deprive students of such rights and thereby violate the constitution. But even if the Court believes it has the right to do so, how are students better served by depriving them of education as opposed to participating in a system where funding might... just maybe in the eyes of seven judges... be inequitably distributed by less than 1 percent of total funding? It seems that education is taking a back seat to the Court's determination to prove it can compel the Legislature to accede to its demands.

The Supreme Court's threat to close schools appears to be prohibited by existing law. K.S.A. 60-2106(d) says "As a part of a remedy, preliminary decision or final decision in which a statute or legislative enactment of this state has been held unconstitutional as a violation of article 6 of the Kansas constitution, the appellate court or any master or other person or persons appointed by the appellate court to hear or determine a cause or controversy or to make or enforce any order or remedy ordered by a court pursuant to K.S.A. 60-253, and amendments thereto, or any other provision of law, shall not have the authority to order a school district or any attendance center within a school district to be closed or enjoin the use of all statutes related to the distribution of funds for public educa-



Kansas Supreme Court: Seated left to right: Hon. Marla J. Luckert, Hon. Lawton R. Nuss, Chief Justice; Hon. Carol A. Beier. Standing left to right: Hon. Dan Biles, Hon. Eric S. Rosen, Hon. Lee A. Johnson, and Hon. Caleb Stegall.

tion."

Mike O'Neal, an attorney, former Speaker of the House and now CEO of the State Chamber, says, "The plaintiffs challenged the school closure prohibition in the District Court. The panel found the challenge to be "not ripe for review" and did not issue a ruling on that claim. Accordingly, the issue was not considered by the Supreme Court and was not addressed in either Friday's decision or the February decision." That measure was passed and signed into law during the 2005 special session by Governor Kathleen Sebelius, following the Supreme Court's threat to close schools in Montoy.

O'Neal went on to say, "There are actually two separate state laws containing the school closure prohibition. K.S.A. 72-64b03(b) prohibits the district court panel from imposing that remedy and there is also K.S.A. 60-2106 in the Code of Civil Procedure, which deals with appellate court rules and jurisdiction. This statute clearly applies the same prohibition against school closure to the Appellate courts."

Page 12 of their May 27 decision repeats the Court's threat to close schools if the will of the [seven] people is not met.

We cautioned: "In short, if by the close of fiscal year 2016, ending June 30, the State is unable to satisfactorily demon-

strate to this court that the legislature has complied with the will of the people as expressed in Article 6 of their constitution through additional remedial legislation or otherwise, then a lifting of the stay of today's mandate will mean no constitutionally valid school finance system exists through which funds for fiscal year 2017 can lawfully be raised, distributed, or spent.

"Without a constitutionally equitable school finance system, the schools in Kansas will be unable to operate beyond June 30." 303 Kan. at 743-44.

Since the 'will of the people as expressed in Article 6' is ostensibly the crux of the matter, let's review what the people say in Article 6(b): "The legislature shall make suitable provision for finance of the educational interests of the state." Aside from prohibiting tuition, that's the extent of the people's will on the funding of public schools. Anything else is just the interpretation of seven people on the Supreme Court and a panel of three lower court judges.

That's not to say that equity should not be included in the people's will; it should. But it's hard to imagine that 'the people' would prefer to have schools closed than to have students be exposed to a system

with a few (possibly) misplaced dollars. Keep in mind that even this Court said: "[W]e acknowledge there was no testimonial evidence that would have allowed the panel to assess relative educational opportunities statewide." There was no evidence of lack of educational opportunity in fact. Further, anyone who has spent much time discussing school funding with 'the people' knows they are much more concerned about improving outcomes and whether schools are adequately funded rather than the lesser equity issue. This begs the question; why didn't the Court first take on the larger, more important matter of adequate funding?

Some have speculated that they'd rather not deal with the more volatile issue of adequacy while standing for retention. But the Court's March 2014 remand and the lower court's responses on adequacy may point to a different motive. The Court said (on page 77) adequacy "...is met when the public education financing system provided by the legislature for grades K-12—through structure and implementation—is reasonably calculated to have all Kansas public education students meet or exceed the standards set out in Rose and presently codified in K.S.A. 2013 Supp. 72-1127."

Subsequently, school districts and the Department of Education have gone on record saying they don't know how to measure or define the Rose capacities. And if they can't define the Rose capacities, what is their legal basis for claiming they lack adequate funding to get there? The lower court ignored that obvious conundrum and also ignored the Supreme Court's guidance to not rely on the old Augenblick & Myers cost study. So when the Supreme Court does finally take up adequacy, they may have to dismiss the case on the grounds that the Plaintiffs can't make their case.

If they took up adequacy first and followed their March 2014 ruling, they wouldn't have had the opportunity to express their desire to dominate and flog the Legislature in an election year. So they keep running the clock on equity, hoping that a new Legislature may decide to pay

the schools' adequacy ransom and avoid having to say that the Plaintiffs can't make their case.

Finally, there's the circular logic they applied to the Legislature's equity solution. There is no dispute that the Legislature's methods of determining which districts qualify for equity funding are of their own arbitrary design.[i] The Supreme Court has also repeatedly ruled that the Legislature may develop new equalization formulas that could distribute fewer equalization dollars, because the focus is on equitable distribution rather than on the amount of equalization funding.

Yet every time the Legislature does so, the Court finds a way to say that they didn't spend enough money. This time, they said there wasn't enough because the Legislature used a proration factor in its new formula. The Legislature could have developed a formula without a proration factor that would have distributed the same amount of money, but the Court used the proration factor as an excuse to again chastise the Legislature for not providing enough money.

The Court repeatedly says the Legislature can resolve equity in a variety of ways of their own device, but that's like Henry Ford telling customers they could choose whatever color car they wanted as long as it was black.

This equity ruling sadly has nothing to do with the educational interests of students. It's just another attempt to establish the Judiciary as the dominant branch of government.

Table 7: General Fund Allocation to K-12 Education
(FY 2015 Budget)

Alabama52.4%	Wisconsin41.0%	Maine35.9%	Rhode Island . . .29.2%
Kansas50.7%	Nevada40.7%	Missouri35.8%	Vermont27.4%
Indiana50.2%	Georgia40.7%	Montana35.5%	North Dakota . .27.3%
Idaho48.0%	Louisiana40.4%	Pennsylvania . .35.3%	Alaska24.9%
Utah47.9%	Minnesota40.2%	Colorado35.2%	Ohio24.7%
West Virginia . .46.4%	California40.1%	Average35.2%	Hawaii24.7%
Washington . . .46.0%	Texas39.7%	Delaware33.4%	Illinois22.7%
Kentucky45.2%	Mississippi . . .39.1%	Tennessee33.0%	Connecticut . . .18.8%
New Mexico . . .44.1%	North Carolina .38.9%	New York32.7%	Massachusetts .16.5%
Arkansas43.1%	New Jersey . . .37.4%	Virginia30.8%	Michigan0.8%
Iowa43.0%	South Carolina .37.0%	Oklahoma30.5%	Wyoming0.0%
Oregon42.8%	Maryland36.7%	Nebraska30.0%	New Hampshire .0.0%
Arizona41.1%	Florida36.4%	South Dakota . .29.4%	

Source: National Association of State Budget Officers, State Expenditure Report

2016 Public Education Fact Book - Kansas Policy Institute

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Kansas Profile: Jill Mason – Confetti & Cashmere

By Ron Wilson, director of the Huck Boyd National Institute for Rural Development at Kansas State University.

Let's go to Los Angeles, for the VIP after-party for the Emmy Awards. It's a big event, and lots of celebrities are showing up. Who do you suppose was a key planner for this event? Would you believe, a young woman from rural Kansas? It's today's Kansas Profile.

Jill Mason is the owner of Confetti & Cashmere Party Boutique in Manhattan, Kansas. Jill grew up on a farm in Dickinson County. As a high school student, she rode a bus 30 miles to Chapman, where she was active in FFA and other school and community activities.

Jill went on to K-State where she majored in Hotel and Restaurant Management and minored in business administration. She also worked in food service for Chartwells and volunteered at Big Lakes Development Center. "I think these experiences helped me to become a better manager, to be more well-rounded and work with lots of different people." Jill said.

Jill got an internship with the

Kansas City Chiefs. "I started at the very bottom," Jill said. But she worked her way up and, in one-and-a-half years, became a manager.

She had responsibility for booking the Stadium Club at Arrowhead Stadium and grew the business to \$3.5 million in catering sales annually.

That led to an opportunity to go to Los Angeles, California. She helped plan and execute events for the big pro teams such as the LA Galaxy, the Lakers, Kings, and Dodgers. She was involved in special events such as VIP parties for the Emmys and Grammy awards, NBA playoff games and annual events such as the Kentucky Derby.

She lived on the water at Newport Beach and planned posh weddings and special events at a boutique hotel. It sounds like an unbelievable career.

Of course, she was exposed to the quirks and demands of big time celebrities. "One time we were hosting Elton John for a performance," Jill said. "In his dressing room, he had 25 different pairs of sunglasses. I also remember that he had to have 1 1/2 x 1 1/2 squares of filet mignon for his dog."

It was the experience of a lifetime, but this Kansas farm girl was missing the simplicity and values of the Midwest. Most of her family was still back in her home state. Unlike Dorothy in the Wizard of Oz, it wasn't ruby slippers but rather a call about the new Hilton Garden Inn in Manhattan that brought her back to Kansas. This new corporate hotel and conference center was starting a catering department, and Jill decided to pursue this opportunity back home.

After several years at the catering department, she wanted to start a party and planning business of her own. It is named Confetti & Cashmere. "I wanted a name that suggested both celebration and class," Jill said. It operated as an online business at first, and then in 2014 she opened a physical storefront in the historic limestone buildings of downtown Manhattan.

Confetti & Cashmere Party Boutique offers handcrafted party items such as hats and garland banners, trendy paper products, vintage party supplies, amazing balloons, soiree styling, equipment rentals, and custom made items and gifts. These are sold online as well as

in the store. She also helps plan events such as realtor open houses and corporate events all around Kansas.

"Whether it is an intimate gathering for ten or an elaborate gala for 4,500, I love how a simple idea becomes a spectacular memory that is cherished for a lifetime," Jill wrote on her website. Through her online business, she has sold products from Alaska to Alabama. It's a remarkable record for a farm kid who grew up near the rural community of Carlton, population 38 people. Now, that's rural.

It's time to leave Los Angeles, where a VIP after-party for the Emmy Awards was planned by a girl from Kansas. Now she has brought her creative skills back to her native state. We commend Jill Mason of Confetti & Cashmere Party Boutique for making a difference with her entrepreneurship and creativity. With that, it's time to party.

Help Wanted

Nutrition Coordinator wanted at the Riley County Senior' Service Center. Outgoing, enthusiastic person, who is willing to host seniors and volunteers, coordinate meal services and file monthly reports. 6 hours per day M-F. Pick up application at or send resume to 401 Houston, Manhattan, Ks 66502 Call 1-800-432-2703 for information. EOE/AA



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PUBLISHED WEEKLY EVERY THURSDAY



Manhattan Free Press

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- Thomas Jefferson, 1787

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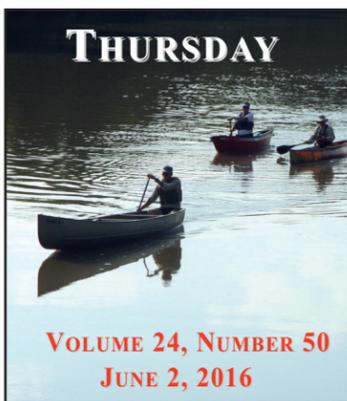
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Flint Hills Christian Ends Track Season

The FHCS Warrior Track & Field team finished their 2016 season last Saturday at the Veritas Christian School Invitational, hosted at Eudora High School.

This season has gone by in a flash, but the list of accomplishments is impressive. Between the Junior High and High School teams they set 75 personal bests and beat 8 school records.

On Saturday alone they set 10 personal bests and 2 school records. The Junior High Girls got 5th out of 12 teams, beating Hogan Prep, WAHAA, Cornerstone, Ark City, IHS, FCA and Central Christian Academy.

The High School Girls took 8th, beating Sunrise, Central Christian, WAHAA and the home team, Veritas. Special mention from Saturday goes to the 4x100 meter relay team of Ann Hess, Madelynn Roberson, Olivia DeWolf and Angela Navrat for their 1:00.55. Congratulations also to Madelynn for improving her 100 meter dash record to 14.22.

Other records set this season are the 7th grade girls Shotput



Kelsey Warren running the 300 meter Hurdles for Flint Hills Christian School.

(Hannah Trechter, 50' 4"), 7th & 8th grade girls' Javelin (Leah Sapp, 39' 8" & Ann Hess, 49' 8"), 7th girls Sprint Medley

Relay (DeWolf, Arnett, Roberson, Keeley, 2:20.33), High School boys 110 Meter High Hurdles (Khalil Smith, 20.52),

and the High School boys 300 Meter Intermediate Hurdles (Khalil Smith, 46.92).

Congratulations Warriors!

Wichita teachers vote for shorter school year

WICHITA, Kan. (AP) — Union officials say Wichita teachers have approved a plan to lengthen the school day and shorten the year.

United Teachers of Wichita president Steve Wentz told The Wichita Eagle (<http://j.mp/1sR-tUJW>) that nearly 70 percent of the more than 4,000 ballots the union received Wednesday morning were in favor of the proposed calendar.

The calendar was proposed as a way to trim about \$3 million from next year's budget. It'll shorten the school year by 15 days for Wichita students and lengthen the school day by 30 minutes.

Under the new calendar, students will go to school 158 days in the 2016-17 school year instead of 173, and teachers will work 175 days instead of 190. Their pay will be unaffected by the changes.

"Everyone agrees this is not what is best for kids," Wentz said. "Three weeks less of student contact is not what the students in (USD) 259 need."

The Wichita school board must approve the proposed change. Members are expected to approve an addendum to this year's teacher contract noting the calendar change, as well as a new calendar for the 2016-17 school year, during its June 6 meeting.

He Blew the Whistle on a Global Financial Firm, Then Broke Open Swiss Bank Secrecy

Heritage Foundation

This Sunday on "Full Measure," we have the incredible story of a whistleblower sent to prison after turning evidence against one of the biggest and most secretive banks in the world.

Released from prison four years ago, Bradley Birkenfeld is a wealthy man thanks to a record \$104 million settlement paid to him by the U.S. government after he served his time.

I talk with the former em-

ployee of the Swiss bank UBS about the massive scheme to help wealthy Americans evade taxes, and why he says the U.S. Department of Justice chose to prosecute him, but let nearly everyone else involved in the scam get off with light penalties or none at all.

While UBS agreed to pay a settlement of \$787 million, Birkenfeld calls it a sweetheart deal because it was a billion dollars less than the profit the bank made from the illegal accounts. There is still no expla-

nation from the Department of Justice as to who decided which names were divulged and which ones were not made public.

Here's part of my interview: Birkenfeld: "Why wouldn't you get all of the names?"

Attkisson: "In essence, the secrecy has been allowed to continue, instead of being stopped?"

Birkenfeld: "Well, that's precisely it. It's a continuation of Swiss bank secrecy, American

style. This was not a real investigation. This was to cover up for the rich and powerful people in this country, the millionaires and billionaires, and politicians who had accounts in Switzerland."

While Birkenfeld, the whistleblower, was prosecuted, the U.S. government worked behind closed to doors to cut a deal with UBS, which was one of President Obama's top donors. Former Secretary of State Hillary Clinton took the lead in negotiations with the

Swiss Foreign Minister.

Birkenfeld: "We were well aware of many people that had accounts at UBS that were giving to political parties. That was a fact, but yet because it was a numbered account in Switzerland, no one ever thought they'd be exposed. So that's very, very dangerous and something they don't want to have come out."

Attkisson: "Was it worth it to expose the practices that you did to get the \$100 million

plus? But also spend years in prison?"

Birkenfeld: "I think I did it out of courage and doing the right thing for my country. I think people see that, and certainly I did go to prison for two-and-a-half years. But the vindication of getting the \$104 million really makes me smile. Because what it does is send a message to the DOJ. I beat the system, and I beat you. And now, the American people can decide who is right and who is wrong."

Nanny State: FDA fries family's potato chip business with new cooking oil mandates

Watchdog

Back in 1940, Frederick Jones of Mansfield, Ohio, was facing a serious problem. He ran a small company that distributed potato chips, but his suppliers couldn't keep up with demand.

Jones solved the problem the entrepreneurial way: he bought potatoes and oil, along with some basic equipment, and starting making his own chips to sell. He kept right on doing it, making his signature wavy cut chips for more than 40 years before turning the company over to his kids in 1986, when he retired.

Not much has changed in potato chip technology over the years. It's still as simple as peeling, slicing, frying, salting and packaging.

At least, it was, until the federal government got involved.

By the end of this year, Jones' will stop making their wavy chips because new rules from the U.S. Food and Drug Administration has made it impossible to get the type of cooking oil that gives the chips their distinctive flavor. That oil, partially hydrogenated cooking oil, is no longer considered safe for consumption, according to rules the FDA published last June.

"It is disappointing that we will have to change a product that we have been making for seventy years; however, we are optimistic that many of our local customers will enjoy our new products and continue to support us," Bob Jones, president of the company, said in a statement announcing the changes to their products.

Jones says they will experiment with different kinds of legal cooking oil and will continue producing chips with soybean oil for now, but the flavor won't be the same. For a small business that doesn't have the same market reach as big chip

makers like Lays or Wise, losing that distinct flavor could mean losing customers.

"That's what all, or many, of our local customers have grown to love, and it's what they expect," Jones told local television station WMFD. "We're doing it because the government is telling us to stop doing it."

The FDA says the new rules for cooking oil are intended to protect Americans from making potentially dangerous decisions about what we eat and "demonstrates the agency's commitment to the heart health of all Americans."

But those decisions have real consequences — and the ban isn't necessary to make people healthier.

For starters, if you don't want to eat unhealthy food, maybe just stay away from the potato chip aisle.

And if you still want to eat chips, good news, the market has provided for you, too! Jones' had already started making other varieties of chips using healthier oils — the company has had a line of potato chips with zero grams of trans-fat for about eight years. That's a sensible thing to do in an age

when many consumers are more conscious about their health.

But the federal government decided to decide for everyone, and that means Jones' and their customers don't get to decide for themselves anymore.

"We don't really have a choice. Some people say 'don't do it, change back, fight the government,'" Jones said. "Those are things I can't do."

Few people can. The Nanny State wins again.

House Bill Would Strengthen Welfare Work Requirement

Heritage Foundation

Rep. Jim Jordan introduced a bill Thursday that would reform the Department of Agriculture's Supplemental Nutrition Assistance Program.

"Welfare programs are meant to be a temporary safety net, but they have become a permanent way of life for millions of Americans," Jordan, R-Ohio, said in a statement. "Instead of giving impoverished families and individuals a helping hand, the current system penalizes positive steps toward self-sufficiency."

According to a press release from Jordan's office, H.R. 5360, the Welfare Reform and Upward Mobility Act, is based on Maine's successful reforms and the welfare reforms of 1996.

The bill would, among other things, implement stricter work requirements for "able-bodied" adults without dependents receiving assistance through the Supplemental Nutrition Assistance Program. It would also help recipients with employment training and job searches to give recipients the tools needed to overcome poverty.

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"Able-bodied individuals should be required to work—or be prepared to work—as a condition to receiving aid," Robert Rector, a senior research fellow at The Heritage Foundation, told The Daily Signal.

Jordan, alongside Rep. Mark Meadows, R-N.C., and Sen. Mike Lee, R-Utah, wrote in an op-ed for National Review on Thursday that "the key to understanding America's social-welfare system today—and why it needs to be reformed—is not its bloated annual budget but its tendency to undermine the two most dependable routes out of poverty: work and marriage."

"Work and marriage are the greatest protectors against poverty. Unfortunately, the means-tested welfare system undermines both," Rachel Sheffield, a policy analyst at The Heritage Foundation, told The Daily Signal in an email. "These institutions are weaker today than when the War on Poverty began back in the

1960s."

According to Sheffield, assistance is significantly lessened or even depleted entirely when recipients get married, even if the spouse meets low-income standards as well. These penalties discourage recipients from progressing toward a better, more self-sufficient life, creating a habitual state of government assistance in the U.S.

"Inserting work requirements for able-bodied adults into welfare and reducing marriage penalties are crucial to reform," Sheffield said in an email to The Daily Signal.

"Welfare should complement efforts toward self-sufficiency rather than displacing them," Rector said. "Like welfare reform in 1990s, this bill will substantially reduce both poverty and welfare dependents."

According to a press release from Jordan's office, the Welfare Reform and Upward Mobility Act will do the following:

-Improve reporting of means-tested welfare spending.

-Create state-run work activation programs to help SNAP recipients find work through vocational education, job training, and job search assistance.

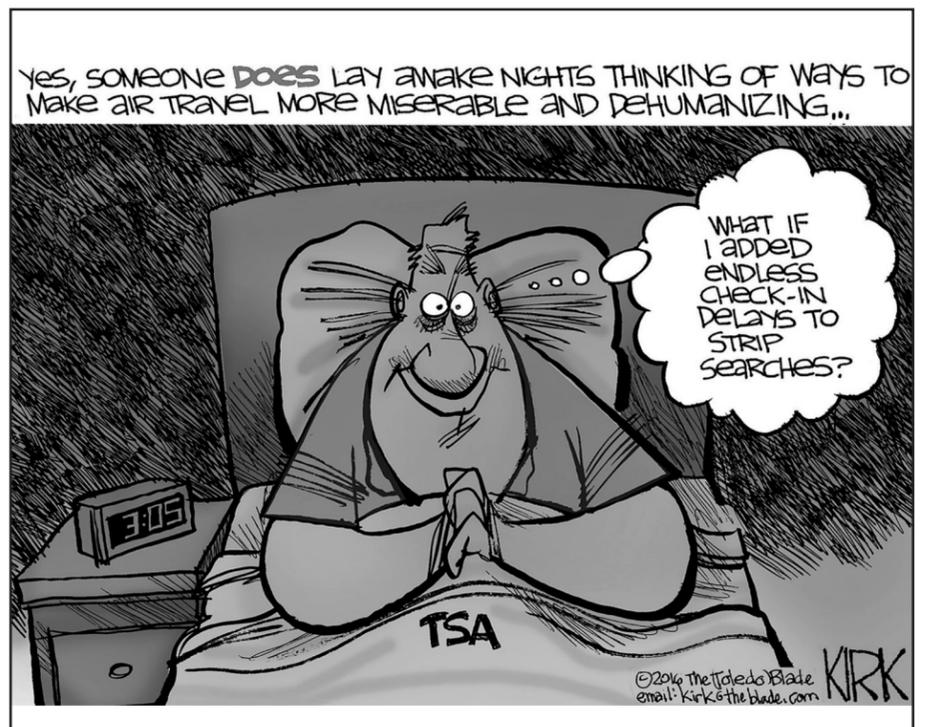
-Focus on able-bodied adults without dependents, by reinforcing an 80-hour per month work activation program to help SNAP recipients rise out of poverty.

-Modify Temporary Assistance for Needy Families (TANF) to fix existing provisions that penalize marriage, reinforcing the family as a primary way to combat poverty.

H.R. 5360 is currently co-sponsored by Meadows, Reps. Scott DesJarlais, R-Tenn.;

Louie Gohmert, R-Texas; and Steve Chabot, R-Ohio. It is sponsored in the Senate by Lee.

"I'm honored to work with Sen. Mike Lee to improve the welfare system and help our fellow Americans realize their goals and potential," Jordan said in a statement.



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Politics/Commentary

With opioid addiction rising, experts eye medical marijuana

By Michael Bielawski
Watchdog

DRUG SWITCH: People addicted to opioids in Vermont may soon have the ability to use medical marijuana to combat their addiction.

With opioid addiction increasing at alarming rates, leaders are open to new ideas, including the use of medical marijuana to help mitigate the crisis.

“People are looking for creative solutions here,” said Kalev Freeman, a medical doctor who studies medicinal marijuana at the Phytoscience Institute in Montpelier. “Whether you are in Hardwick or Rutland or Burlington, we are seeing this all over the state, and really all over New England.”

According to the Vermont Department of Health, the number of people treated for prescription opioid abuse between 2010 and 2014 went up about 52 percent, from 1,946 to 2,971. During that same period, those receiving treatment for heroin abuse went up over 262 percent, from 623 to 2,258.

The numbers do not account for untreated drug abuse. According to a VTDigger special report in February, Chittenden County alone had 300 people waiting for treatment, with wait times averaging one year. The treatment is costly too: over \$13 million in tax payer money was budgeted to fight the opioid epidemic in 2015.

Freeman, who is board-certified in emergency medicine, frequently sees the worst of the opioid crisis from inside emergency rooms.

“It’s gotten worse,” he said. “I moved here from Boston eight years ago, and I remember when I was working in their city hospital we saw a lot of heroin overdoses. When I moved to Vermont I said, ‘Well this is great, we won’t have this problem in Vermont.’ (But) over the last eight years it’s increased dramatically. It’s really different working today from seven or eight years ago.”

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Freeman says he is seeing opioid addicts turn to medical marijuana for help on their own initiative, and with some success.

“(The medical marijuana program) has been going on for about three years now, and over those years we have seen this group of patients who are using opioids already for chronic pain being referred to the medical marijuana dispensaries, and they are asking for help for get-

ting off of pain meds.”

While medical marijuana use is commonly used to help alleviate chronic pain, Gov. Peter Shumlin is expected to sign a bill to broaden the scope of medical marijuana use which, according to Freeman’s interpretation, should include opioid addicts. It will not include clinical trials on patients due to FDA restrictions, but entities like Phytoscience will be able to experiment with the medical strains within their laboratories.

Willy Cats-Baril, a University of Vermont business professor and colleague of Freeman’s at Phytoscience Institute, says the bill will not only open up the market, but also expand the scope of research allowed.

“We were very happy about S.14,” said Cats-Baril. “Vermont has maybe the strictest medical marijuana program in the country. Comparatively speaking, the percentage of Vermonters that are on a medical marijuana program is the lowest in the country.”

He echoed Freeman’s sentiment that opioid addiction is an urgent situation.

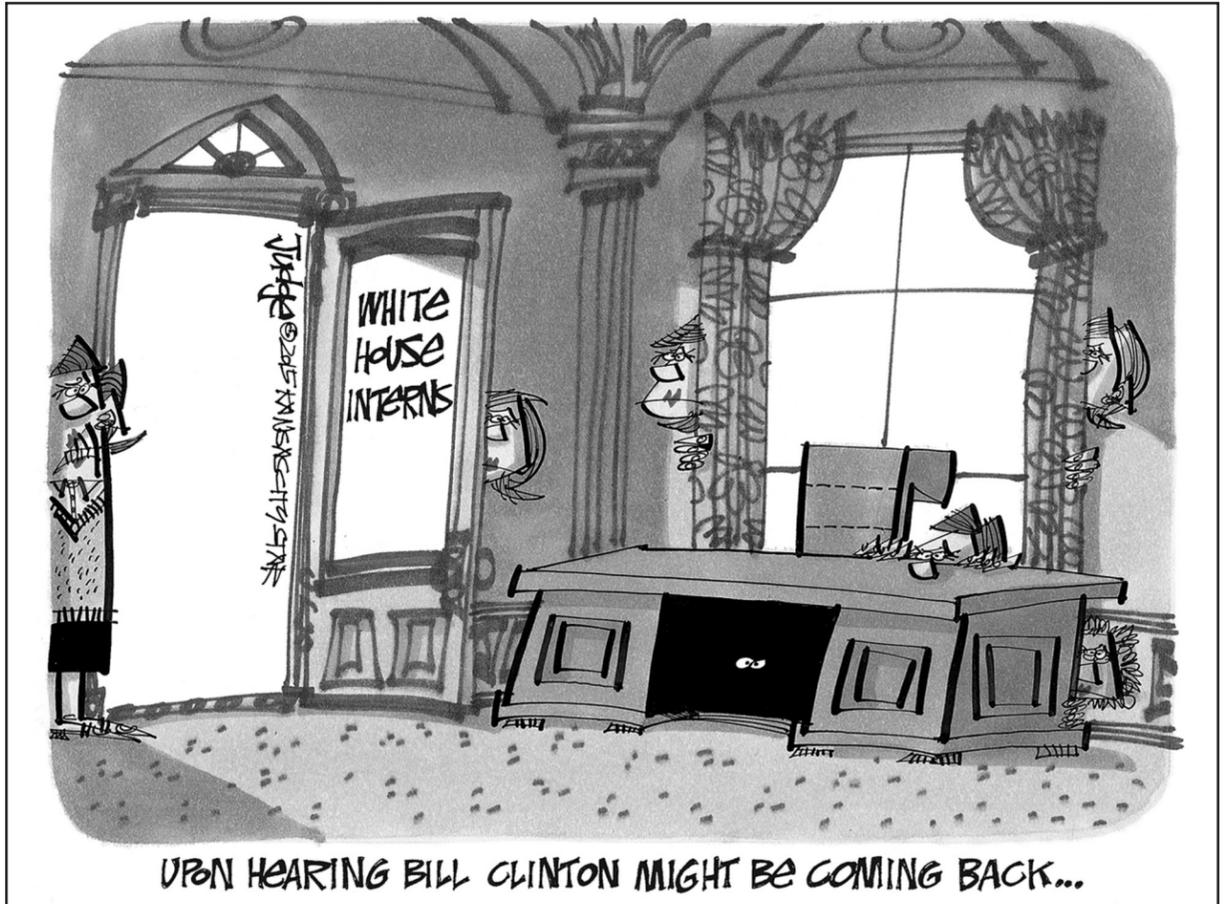
“This opium epidemic is killing, I think, 1,500 people a year in New Hampshire. This is serious stuff,” Cats-Baril said. “Politicians are taking their head out of the sand here and addressing it because it is becoming a real major issue that is draining a tremendous amount of resources.”

State Rep. Chip Troiano, D-Stannard, a member of the House Committee on Human Services, has been advocating for better treatment for those suffering from opioid addiction. He acknowledged the avenue of using marijuana.

“I guess ‘treatment’ is the key word, because there are many who would say it’s not treatment, but ... is kind of supplanting one substance use for another that is less damaging,” Troiano said.

“I think we should be ready to put any tool in the box that we can. It’s a real problem and we are spending tons of money on it. Anything that may have a positive impact on the treatment, I would support it.”

Have You Read What The Free Press Said



County Minutes Are Light On Detail



Board of Riley County Commissioners Regular Meeting Minutes May 23, 2016 115 North 4th Street Manhattan, KS 66502

Cindy Kabriel 785-565-6200
Commission Chambers
8:30 AM

District 1 – Ben Wilson,
Chair

8:30 AM Call to
Order

Attendee	Name	Title	Status	Arrived
Robert Boyd	County Commissioner	Present	8:30 AM	
Ronald Wells	County Commissioner	Present	8:30 AM	
Ben Wilson	County Commissioner	Present	8:30 AM	
Rich Vargo	County Clerk	Present	8:30 AM	
Craig Cox	Deputy County Counselor	Present	8:30 AM	
Cindy Volanti	Human Resource Manager/Deputy Clerk	Present	8:30 AM	
Monty Wedel	Planning & Special Projects Director	Present	8:30 AM	
Leon Hobson	Public Works Director/County Engineer	Present	8:30 AM	
Joan Strickler	League of Women Voters	Present	8:34 AM	
Pat Collins	Emergency Management Director	Present	8:36 AM	
Lea Skene	Manhattan Mercury	Present	8:48 AM	
Kevin Howser	IT/GIS Director	Present	8:50 AM	
Jennifer Wilson	County Extension Director	Present	9:00 AM	
John Jobe	Extension	Present	9:00 AM	
Brady Bauman	KMAN	Present	9:07 AM	
Greg McClure	Extension Agent	Present	9:30 AM	
Gregg Eyestone	Extension Agent	Present	9:30 AM	
Alvin Perez	Public Works Operations/Fleet Manager	Present	10:23 AM	

Pledge of Allegiance

Public Comment

Public Comments

Hobson said the low bid on the Winkler Mills Bridge appears to be valid. Hobson stated the project should begin the beginning of October. Hobson said staff will post message boards on the road the first of September.

Hobson stated on the Carson Sewer Benefit District improvement he would like to discuss with the Board where to get the money for the project.

Commission Comments

Commission Comments Wilson's Comments:

Thursday I attended the joint City/County/County meeting, where we had an informative presentation regarding the Joint Land Use Study with Fort Riley and the neighboring counties and cities.

Afterwards, I attended the first annual Public Works Expo at CiCo Park. I was impressed with the turnout despite the rain and those in attendance seemed to be enjoying themselves. It was also a good time to get to know the county Public Works staff better and see some of the equipment up close.

Friday I talked with a constituent and subsequently with RCPD and the Highway Patrol regarding concerns about potential traffic delays caused by the race along K-177 on Saturday. Friday I also read a couple issues of the Kansas Government Journal.

Boyd's Comments: Thursday 05.19.16

Attended Good Morning Manhattan prior to our commission meeting. Chairman Wilson gave an update on the County activities.

Attended the Manhattan Rotary Club meeting where Riley County's very own Allana Saenger of the Museum gave a very interesting presentation on our County's history.

Attended the City/County /County meeting at the Manhattan City Commission room. Jennifer Jordan of the Flint Hills Regional Council presented an update on the Joint Land Use Study (JLUS) regarding Fort Riley and the surrounding communities. The JLUS is an opportunity to identify areas and efforts, which promote compatibility with Fort Riley activities.

Friday 05.20.16

Chaired the Flint Hills Regional Council regularly scheduled meeting at the Wamego City Chambers. The group was provided updates from staff and member communities and treated to briefings by Fort Riley Director of Environmental Programs, Herb Abel and Kansas Department of Wildlife's Trent McCown.

Saturday 05.21.16

Read legal briefs regarding Riley County, which were anything but brief.

Sunday 05.22.16

Worked on correspondence and preparations after church.

Met with a constituent regarding Riley County issues.

Wells' Comments:

Wells stated he attended the City/County/County Meeting regarding the JLUS.

Wells said he met with several constituents on the RCPD budget, cost of security, and the potential sale of the Courthouse Plaza East Facility.

Business Meeting

Action on Outstanding Check Resolution

Move to approve Resolution No. 052316-22, Resolution for voiding outstanding checks issued by Riley County prior to April 30, 2014.

ADOPTED [UNANIMOUS] County Commissioner Boyd, Wells, Wilson

Naming of Public Roads

Move to approve "Resolution No. 052316-23, Resolution naming a road in Riley County, Kansas outside the corporate limits of any city and repealing Resolution No. 042816-20" - Durein Trail.

ADOPTED [UNANIMOUS] County Commissioner Boyd, Wells, Wilson

Naming of Public Roads

Move to approve "Resolution No. 052316-24, Resolution naming a road in Riley County, Kansas outside the corporate limits of any city and repealing Resolution No. 042816-21" - Oilfield Trail.

ADOPTED [UNANIMOUS] County Commissioner Boyd, Wells, Wilson

Sign a Tax Roll Correction for the Bruce Oberhelman Trust and Tara Raney Hake

Move to approve the Tax Roll Correction for the Bruce Oberhelman Trust and Tara Raney Hake (204-18-2-60-09-005.00-0) for tax year 2015.

This results in a decrease in tax dollars of \$2,384.86.

ADOPTED [UNANIMOUS] County Commissioner Boyd, Wells, Wilson

USDA grant and Loan Forms

P. Collins reported Kevin McCann with USDA met with staff last week on the SCBA grant and loan application and process.

Move to sign the USDA grant and loan letter of conditions and SF 1940-1 forms.

ADOPTED [UNANIMOUS]

County Commissioner Boyd, Wells, Wilson

(Editor's Note: What Grant? What Loan? Minutes are to give the public an idea of what the Commission is passing. The County needs to make out complete minutes and they are not. What do they not want the public to know?)

Sign Riley County Personnel Action Form(s)

The Board of County Commissioners signed a Riley County Personnel Action Form for Travis Gordon, for a promotion, as a Systems Analyst/Admin, in the Information Technology Department, at a grade R step 3, at \$27.06 per hour.

Review Minutes

Board of Riley County Commissioners - Regular Meeting - May 19, 2016 9:00 AM

Move to approve the minutes.

RESULT: ACCEPTED AS AMENDED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner

SECONDER: Ronald Wells, County Commissioner

AYES: Boyd, Wells, Wilson

Review Tentative Agenda

9. Tentative Agenda

Press Conference Topics

Discuss Press Conference

Corps of Engineers Report

Brian McNulty

9:00 AM

Jennifer Wilson, County Extension Director

11. Extension Staff Time

J. Wilson presented an Extension calendar of events report.

J. Wilson reported the VITA tax service prepared 528 Federal and 529 Kansas tax returns which was a 12% increase this year. J. Wilson said 20 volunteers contributed 500 hours of service.

Jobe discussed the Making a Difference program to engage the Spanish speaking population. Jobe stated Priscila Aguerro, a KSU accounting major, who is an intern with Extension helped with the program.

9:15 AM

Lori Feldkamp, Big Lakes Developmental Center Director
12. Big Lakes Developmental Center update No update.

9:30 AM

Press Conference

13. Tractor Safety Course – June 7 & 8 - Greg McClure (3 minutes)

McClure reported the Tractor Safety Course will be June 7th & 8th at KanEquip, 18035 East Hwy 24.

14. Rewrite of Zoning and Subdivision Regulations - Monty Wedel (2 minutes)

Wedel reported LSL Planning/SAFE built will assist Riley County in the rewrite of the Riley County Zoning and Subdivision Regulations. Wedel said the project formally began on May 2nd. Wedel said the project kick-off with the consultant will be May 25th in a joint session with the Riley County Planning Board and the Manhattan Urban Area Planning Board at 3:00 p.m. on Wednesday, May 25th.

15. Garden Tour - Gregg Eyestone (2-3 minutes)

Eyestone reported the Garden Tour will be Sunday, June 5th from 1:00- 5:00 p.m.

10:00 AM
Break
10:10 AM
Craig Cox, Deputy County Counselor

16. Administrative Work Session
17. Pending County Projects
Cox discussed activities he has been working on. Cox stated he is preparing for the next tax sale.

10:09 AM
18. Executive session for preliminary discussions relating to the acquisition of real property

Move that the Board of Riley County Commissioners, including Chairman Wilson and Commissioner Wells, along with Clancy Holeman, Riley County

See Page 10

Help Wanted

Part time kitchen assistant at the Riley County seniors' Services Center, 4 hours/day M-F. Benefits are sick leave, holidays, paid vacation. Application and job description at the Senior Center, 301 N 4th St. Manhattan, Ks or send resume to 401 Houston, Manhattan, Ks 66502 Call 1-800-432-2703 for information. EOE/AA

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City of Manhattan Works On Anti-Discrimination



The Manhattan City Commission

**CITY COMMISSION
AGENDA MEMO May 24,
2016**

**FROM: Jason Hilgers,
Deputy City Manager**

**MEETING: May 31, 2016
SUBJECT: Anti-Discrimination Ordinance PRE-
SENTERS: Jason Hilgers,
Deputy City Manager
Katharine Jackson, City
Attorney**

BACKGROUND

In early 2016, a majority of the City Commission asked City Administration to explore a change to the discrimination ordinance potentially adding sexual orientation and/or gender identity. The City Commission also asked the Human Rights and Services Board (HRSB) to provide input. At its March 10, 2016, board meeting, HRSB voted 5-1 in support of an ordinance that would amend the existing version of Chapter 10 to add sexual orientation and gender identity to the list of protected classes. This input included a recommendation that the ordinance create a local human rights commission (or similar mechanism) to enforce complaints of discrimination on

any basis in the City of Manhattan.

On April 5, 2016, City Administration provided the City Commission with an overview of options to consider, similar to the HRSB. Feedback was provided by a majority to pursue an option that would have similarities to the Roeland Park Ordinance, which would add sexual orientation and gender identity to the list of protected classes, and to explore some level of enforcement and penalties to be administered locally.

DISCUSSION

City Administration has prepared a draft ordinance that includes adding sexual orientation and gender identity, in Chapter 10, as protected classes in the categories of employment, housing, and public accommodation. City Administration has also prepared definitions for a variety of terms, including the two additional protected classes. In this ordinance, religious organizations and nonprofit fraternal or social associations/corporations are specifically called out to “not be included” in the definitions of an employer, rental housing, and public accommodations.

We also included a definition of employer that is more consistent with the State of Kansas rather than Roeland Park’s more limited definition of a licensed business.

The draft ordinance continues to create the HRSB (as does the current Chapter 10) and defines their role as an advisory board to the City Commission. They do not have a role, however, in the investigation or enforcement procedures for sexual orientation or gender identity complaints. Their powers and duties, which are very consistent with how they are known and understood today, are defined in Section 10-14. The only significant difference is the role to investigate, mediate, and attempt to reach conciliation for all the protected classes today.

Section 10-17 of the draft defines the actions and behaviors not allowed within the ordinance for employment, housing, and public accommodation. In the category of housing, rental units have been defined as a property containing more than four units. Therefore, a single family home or a duplex that is a rental would not be subject to this ordinance. Religious organizations are also exempt from discrimination in the housing section for the sale or rental of real property or rental housing owned by the religious organization.

Sections 10-18 through 10-23 highlight the enforcement procedures of the draft ordinance. In summary, the aggrieved party files a complaint with the City. The City investigates the complaint and determines whether or not it has merit or finds probable cause. If probable cause is found, an investigation is conducted. If no settlement is reached, the issue goes before a hearing officer to determine if discrimination has occurred. At any point a settlement may be reached and compliance gained. If there is a discrepancy along the way with a settlement and compliance, the discrepancy can be appealed and handled in district court. This can occur either at the investigative point in the process or during the hearing officer proceedings. The flow chart attached does a good job of outlining all the options.

Section 10-23 identifies the “Remedies” or the factors included in determining a settlement by the investigator or an order by the hearing officer. In the area of employment, the status of the employee (hiring, reinstatement, and/or upgrading) of the employee, back pay, and retroactive benefits will be considered. Public accommodation complaints will focus on the admission to and full and equal use and enjoyment of goods, services, facilities, and accommodations offered. Housing complaints will consider the selling or renting of a property, the lending of money for acquisition, construction, rehabilitation, repair or maintenance of housing/real property, or the granting of loans or other financial assistance secured by housing/real property. The above remedies shall be in addition to the civil penalty of up to \$500.

Section 10-24 identifies the exemptions for this section of the code. Educational institutions (Unified School District, Manhattan Area Technical College, Manhattan Christian College, Kansas State University, etc.) and any department, agency, or political division of the USA, State of Kansas, Riley County, or Pottawatomie

County are exempt from this ordinance.

At this time, City Administration is seeking input and feedback on the draft ordinance.

FINANCING

Staff considerations to this point, in enforcing the draft ordinance, would include existing staff in the departments of Legal, Human Resources, and the City Manager’s Office. If several complaints are filed and pursued, or the final ordinance creates additional tasks and responsibilities, City Administration recognizes additional resources and staff may be necessary.

ALTERNATIVES

As this is a discussion item, City Administration is seeking guidance from the City Commission on its desired approach.

RECOMMENDATION

As this is a discussion item, no action will be taken. However, City Administration requests the City Commission’s guidance on the draft ordinance.

Senators: Stop Targeting Opponents of Obama’s Energy Policies

Heritage Foundation

On Thursday, five U.S. senators sent a letter to Attorney General Loretta Lynch demanding that she stop using Justice Department “law enforcement resources to stifle private debate on one of the most controversial public issues of our time—climate change.”

Sens. Ted Cruz, R-Texas, Mike Lee, R-Utah, Jeff Sessions, R-Ala., David Perdue, R-Ga., and David Vitter, R-La., expressed their concern over the response that Lynch gave at an oversight hearing before the Senate Judiciary Committee in March.

Sen. Sheldon Whitehouse, D-R.I., was pressing Lynch to criminally investigate anyone who refuses to accept man-induced climate change as an unassailable fact.

The response of the chief law enforcement official of the United States should have been that it is the duty of the Justice Department to fairly enforce the law in a dispassionate, non-ideological manner based on facts, not to investigate those who hold disfavored views regarding scientific controversies and an unproven scientific theory.

Instead, to the senators’ “astonishment,” Lynch said that the “matter has been discussed” and she had “referred it to the FBI to consider whether or not it meets the criteria for what we could take action on.”

The senators also refer to a “coalition of environmentalists and lawmakers” who asked the Justice Department in 2015 to investigate a “private sector company” over its views on climate change for violating the Racketeer Influenced and Corrupt Organizations Act.

This is the 1970s-era law that was passed by Congress to target mob organizations. And they express their concern over the actions by certain state attorneys general to go after other private parties, including subpoenaing universities, scientists, and nonprofit organizations for all of their research and communications on climate change.

The Competitive Enterprise Institute is one of the think tanks that was subpoenaed by the Virgin Islands attorney general, Claude Walker, for all of its research.

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KING V. BURWELL

With or Without Subsidies: Providing Relief to Kansas

In 2014, Affordable Care Act (ACA) regulations increased health insurance costs for **334,859 people in Kansas** covered by individual or small-employer group policies. Of those, 12 percent received an offsetting subsidy and 88 percent did not. If the Supreme Court strikes down the subsidies, Congress should exempt Kansas from the ACA's costly insurance regulations, giving much needed relief to both groups.

88% (294,001)
**DID NOT RECEIVE
SUBSIDIES**



(40,858)
**RECEIVED OFFSETTING
EXCHANGE SUBSIDIES** **12%**

Source: Heritage Foundation calculations using 2014 subsidized enrollment data from the Centers for Medicare and Medicaid Services and market segment enrollment data from insurer regulatory filings.

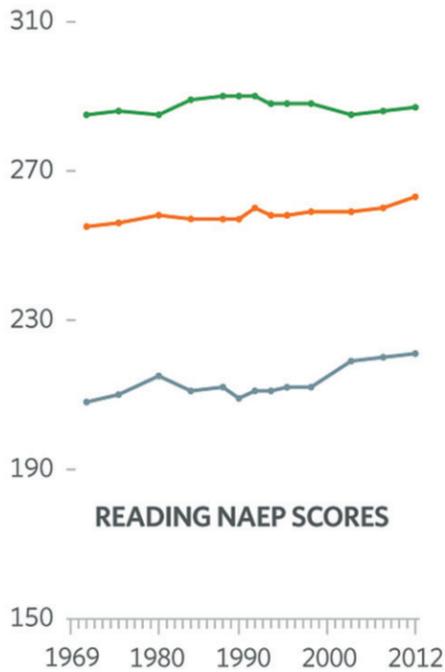
CHART 1

Student Test Scores See Little Improvement Despite Spending Increases

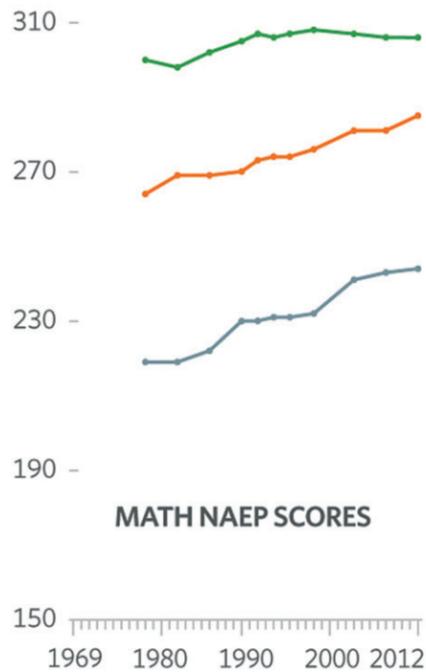
—9-year-olds —13-year-olds —17-year-olds

NAEP-NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

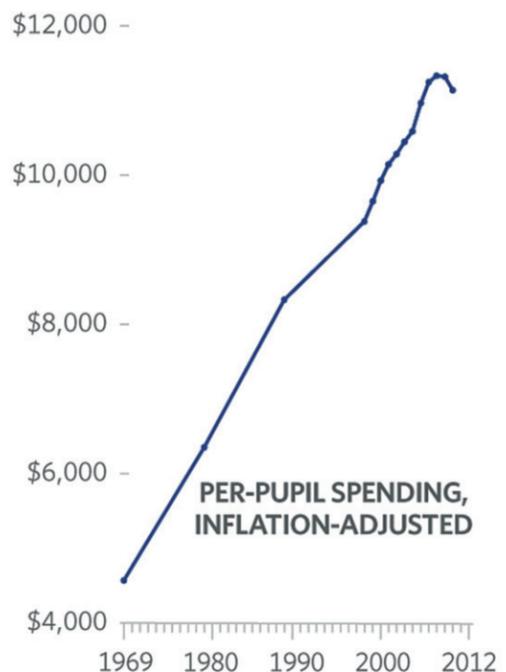
Public school student achievement in **READING** has barely improved over the last 45 years.



Similarly, **MATH** scores have remained almost constant.



SPENDING PER PUPIL has increased by more than \$6,000 since 1969.



Source: U.S. Department of Education Institute of Education Sciences, National Center for Education Statistics, "NAEP Long-Term Trend Assessments," March 3, 2015. <http://nces.ed.gov/nationsreportcard/ltt/> (accessed August 7, 2015).

BG 3056 heritage.org

Portland, Beaverton schools reject usual reading approach

PORTLAND, Ore. (AP) — Portland Public Schools, searching for a new way to teach young students to read and write after years of struggle, has decided to go it alone.

At the strong urging of teachers and other educators who've sampled various reading series, Oregon's largest district on Tuesday rejected offerings from every major publisher. Instead, it decided to buy six components from five companies and combine them into a unique reading and writing curriculum of its own.

Beaverton schools have already made a similar shift and will add the same main reading program that Portland picked, Units of Study in Reading, to all 33 of its elementary and K-8 schools this summer.

It's becoming increasingly common for the nation's school districts to create their own elementary reading curriculum. Educators have realized that rigidly adhering to a single reading series, which used to be praised as showing "fidelity," poorly served a lot of children, including those learning English as a second language, said Donald Bear, a literacy expert and author of both mainstream and supplemental reading programs.

Mixing and merging an assortment of reading programs "is risky," said University of Oregon education professor Gina Biancorosa, a Harvard University-trained expert in reading and literacy. The effectiveness of the suite of materials Portland and Beaverton have chosen is unproven, and the approach requires greater skill and judgment by teachers to pick

the right lessons and the smartest sequence for skill-building.

But sticking with a mainstream reading series would be risky, too, Biancorosa said, noting there's no solid evidence that textbooks by familiar names such as Scott Foresman or Houghton Mifflin are effective either.

Portland picked teachers from about three dozen schools who tried the six components it plans to adopt, plus a seventh program it didn't pick up, for much of this winter and spring. District officials measured some of the results, but so far have declined to release the findings.

Mainstream reading programs, which contain scripted lessons designed to teach phonics, fluent reading, accuracy, comprehension and vocabulary, are called comprehensive core reading programs. Research into how young readers learn, along with a big nudge from the federal No Child Left Behind law, enshrined them as standard in nearly all U.S. schools over the past decade and half.

But after Portland Public Schools' current reading series, Scott Foresman's Reading Street, didn't pan out well, district officials were open to novel options. A district selection committee eventually suggested forgoing any mainstream reading series until at least 2023.

Teachers and other educators on the district's selection committee had two primary reasons for ruling out mainstream offerings, said Elizabeth Martin, one of five former teachers who coordinate and provide training

for elementary literacy instruction in Portland Public Schools.

Most series failed to broadly include cultural minorities or portrayed them in stereotypical ways, she said. And all of them catered to a limited band of students in the middle, offering little instruction that fits well for the weakest or strongest readers, Martin said.

Portland chief academic officer Chris Russo said the district must do a better job teaching to all children to read — and black and Latino students in particular.

In 2014, the last year Oregon's old state tests were given, 27 percent of the district's third-graders failed the reading exam. In 2015, using the more challenging Smarter Balanced tests, 43 percent of Portland third-graders, including about 70 percent of blacks and Latinos, fell short of the national proficiency standard.

Russo is hopeful the new approach, backed with lots of teacher training, can help drive the huge improvements Portland schools need to show.

This fall, the new approach will be fully implemented in all Beaverton elementary schools and in 10 of Portland's 56 elementary and K-8 schools. Portland plans to provide the new materials to its remaining 46 schools over the next two years.

Both districts plan to rely heavily on teachers' judgment to interpret test results and customize lessons, small group work and independent assignments to match the needs of individual readers, said Portland's Martin and Beaverton's Nicole Will, administrator for elementary curriculum, instruction and

assessment.

Teachers don't view that as putting too much weight on their shoulders, Will said. Rather, they've been hungry to cast aside scripted programs and use their professional judgment to match lessons to students.

"They're finding it refreshing, exciting," she said.

Elizabeth Skorohodov, a kindergarten teacher at Atkinson Elementary in Southeast Portland, tried out Units of Study this spring and was relieved to no longer have only lessons that sail over the heads of her struggling readers and bore her most advanced ones.

"It is very much based on the interests of the kids," she said. "It's highly engaging, and all my students are seeing themselves as readers and writers. It is a really rich program, and I saw results."

Teachers at schools across Portland who tested various options are fired up about their committee's final selections, which the Portland school board approved unanimously Tuesday night.

Teachers will need to weave all the programs together and customize the scope and arrangement of lessons for individual students. That will require far more training than simply opening a teaching manual containing a year's worth of scripted lessons.

"It is very much based on the interests of the kids... I saw results." — Kindergarten teacher Elizabeth Skorohodov

Both Portland and Beaverton plan three full days of training in August for K-5 teachers in schools adopting the new pro-

grams. The districts also plan to offer whole and partial days of training during the year. Portland will also pay eight full-time coaches for the 10 schools that get the books this year: Arleta, Bridger, Forest Park, Grout, Laurelhurst, Lewis, Sitton, Vernon, Vestal and Whitman

Portland is taking those steps because it learned a lesson when it last adopted new reading materials in 2007, Russo said.

The district first failed to get widespread buy-in from teachers, a problem it rectified this time by asking two large teacher-dominated committees to frame and make the selection, Russo said.

The district then compounded the problem, he said, by providing almost no training to teachers, except in high-needs schools. As a result, some teachers barely used the textbooks, while others felt ill-equipped to use their full spectrum of features, he said.

Biancorosa, the University of Oregon expert on literacy education, said providing as much training as Beaverton and Portland plan to offer is smart.

"Professional development and coaching is really key, no matter what what curriculum or potpourri of products you are putting together," she said. "Sixty hours of training in the first year sounds fantastic." There is no evidence from a valid scientific study to show that Units of Study in Reading, either alone or in a suite like the ones Portland and Beaverton are developing, work to get nearly all students to learn to read well.

To assure taxpayers, parents and teachers that the new materials are effective, Biancorosa said, Portland Public Schools should hire an independent research team to examine the results and make them public. Russo said the district is committed to doing so, but has not decided on any specifics of who would do the research or what metrics and standards of success they might use.

At a public hearing, Meg Hagan, a parent of two Portland students and an advocate for students who have difficulty learning to read, pressed the district's curriculum director and board members to explain how they'll determine whether the new materials are a success. None of them gave specific answers.

State reading tests, given starting in third grade, won't show how well the program is working in the earlier grades. But parents and educators will want answers to that question after the new approach is in place, Biancorosa said.

But board member Julie Esparza Brown, whose day job as a Portland State University education professor involves knowing research about early reading instruction, said she and the rest of the board will insist on seeing evidence the new approach is paying off for all groups of students.

Biancorosa said current tests developed at UO that track young students' progress in reading can provide important insights if researchers compare results from the 10 schools with the new materials to 10 very similar Portland schools without them.

Minutes Are Light On Detail from page 6

Counselor, recess into executive session pursuant to the preliminary discussions relating to the acquisition of real property exception to the Kansas Open Meetings Act, in order to discuss an initial offer of purchase by the county, the open meeting to resume in the County Commission Chambers at 10:20 a.m.

RESULT ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner

AYES: Boyd, Wells, Wilson
10:20 AM

Move to go out of the executive session.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

No binding action was taken during the executive session.

10:30 AM
Rich Vargo, County Clerk
19. CIP Work Session - April 2016

Vargo presented the CIP work session information.

Boyd asked for staff to discuss and present information to the Board for consolidated storage area for multiple departments.

Wilson stated the emergency sirens should be purchased this year. Boyd asked if there is anything time critical to be purchased this year. Hobson said the mower in Parks, if it is to be used this mowing season.

Boyd suggested approving the mower, RCPD intercom system, and one truck in Public Works.

Hobson recommended the Board consider the Walk & Roll roller and lift as needed.

Move to approve the Parks activation of the Parks Mower-\$25,000, Public Works 3/4 tone 4x4 Ext. Cab Pickup-\$28,000, Public Works Walk & Roll roller and lift-\$40,000 and the LEC Jail Intercom System \$210,000.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

11:15 AM
Jane Freyenberger, WIC Coordinator

20. Out of State Travel Request to attend National WIC Association (NWA) Nutrition Education and Breastfeeding Biennial Conference

Freyenberger presented the out-of-state travel requests.

Move to approve the Out of

State Travel Requests for Lori Fortin and Jane Freyenberger to attend the NWA conference with the understanding the county will be reimbursed for training and travel expenses from the state WIC office.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

11:25 AM
Monty Wedel, Planning/Special Projects Director

21. Approve Project Steering Committee for New Land Development Regulations

Wedel discussed the Project Steering Committee for New Land Development Regulations. Wedel said he asked the various groups for their recommendation of the representatives listed on the committee.

Move to approve the Project Steering Committee for the New Land Development Regulations.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

22. Replacement of Lift Station at Carson Sewer District

Hobson discussed the replacement of the lift station for the Carson Sewer Benefit District.

Hobson said based on the estimated life cycle of the two proposals, and the warranty and everything will be new, staff would recommend the Riley County Commission authorize the total replacement of the Carson Sewer District lift station.

The Board agreed by consensus to the total replacement with the auto dialer, \$63,284, for the Carson Sewer Benefit

District lift station.

Hobson stated \$40,000 could be transferred from the Public Works budget for the Carson Sewer Benefit District lift station replacement.

Move to authorize the transfer of \$40,000 from the Public Works budget for the Carson Sewer Benefit District lift station repair. The \$40,000 is to be paid back to Riley County to include interest.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

Move to approve the purchase of a new Smith & Love-

less factory- build Everlast 1000 Series lift station with auto dialer in the amount of \$63,284 from the Ray Lindsay Company.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

11:42 AM
Adjournment Move to adjourn.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner **SECONDER:** Ronald Wells, County Commissioner **AYES:** Boyd, Wells, Wilson

Kansas lawmakers return to tax fight involving pizza magnate

TOPEKA, Kan. (AP) — The Kansas Senate's top Republican is pushing to override GOP Gov. Sam Brownback's veto of a bill enmeshed in a multi-million dollar tax dispute between the state and a retired pizza magnate.

Senate President Susan Wagle said Brownback "turned his back on Kansas taxpayers" earlier this month when he rejected the bill over a provision dealing with how tax disputes are handled. Lawmakers expect to vote on overriding the veto Wednesday, when they also have a brief ceremony formally adjourning their annual session.

The disputed provision would have ensured that any

taxpayer losing in a dispute before the Board of Tax Appeals could seek another full trial in district court before taking the case to the state Court of Appeals for a more limited review.

Legislators are considering the issue as Gene Bicknell fights for a refund of \$42.5 million in state income taxes paid under protest in 2013. Bicknell once owned more Pizza Hut franchises than anyone else in the U.S. He grew up in Pittsburgh and ran unsuccessfully for the Republican nomination for governor in 1994.

Bicknell moved to Florida before selling his company in 2006. He and the state disagree over whether, based on activities such as charitable contribu-

tions, he was still a Kansas resident in 2005 and 2006.

Bicknell has publicly likened Brownback's actions to "tax extortion," while the governor has argued the bill would have given Bicknell and other wealthy taxpayers special treatment. Both chambers approved the final version unanimously — setting up a potentially rare rebuke of a Republican governor by a GOP-dominated Legislature.

"We would certainly like them to take a shot at an override," said Mike O'Neal, president and CEO of the powerful Kansas Chamber of Commerce. "It was pretty obvious that this was targeted at one particular tax issue."



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Baylor Hires Former Wake Coach Jim Grobe

Baylor has hired former Wake Forest coach Jim Grobe to replace Art Briles and lead its football program through a tumultuous time.

The school announced Monday that Grobe had been hired as the acting coach.

Briles was let go last week after the release of a report commissioned by the Waco, Texas, school that accused the successful coach of not responding to or inappropriately handling allegations of sexual assault and violence by members of his team.

Grobe, 64, has been out of coaching for two seasons. He spent 13 years with Wake Forest, leading the team to some of its best seasons. Grobe was 77-82, including an Atlantic Coast

Conference title and Orange Bowl appearance in 2006. The Demon Deacons went to five bowl games under Grobe, half the school's overall total.

He resigned after the 2013 season, his fifth straight at Wake Forest that ended with a losing record.

"It is an honor for me to have the opportunity to join the Baylor football program during this important time," Grobe said in a statement released by the school.

"I am looking forward to getting to know and working with the coaches and players in the coming days, and I have great respect for Baylor as an institution and its long-standing heritage.

"As a coach, winning is im-

portant. At the same time, I want to assure the Baylor family that every decision we will make in this football program will be made with Baylor University, her students and our student-athletes in mind."

This is a difficult time of the year to hire a football coach, especially at a university wracked by scandal reaching the president's office.

There was speculation and unconfirmed reports following the move to dismiss Briles that Baylor would promote defensive coordinator Phil Bennett to interim coach.

Instead, the university beset with uncertainty after also demoting president Kenneth Starr and putting athletic director Ian

McCaw on probation, decided to go outside the program for at least a temporary solution.

"Jim Grobe is the right leader at this time to move Baylor University and the football program forward," McCaw said in a statement.

"Coach Grobe enjoys an impeccable reputation within the intercollegiate athletics community and is a man of great integrity and faith."

It is still unclear how much of the current staff will remain at Baylor for the upcoming season. Briles's son, Kendal, is Baylor's offensive coordinator and Briles' son-in-law, Jeff Lebby, is running backs coach.

a Big 12 powerhouse after they languished at the bottom of the conference since joining in 1996.

Grobe is still an active member of the American Football Coaches Association, which is headquartered in Waco. He served an eight-year term (2006-13) as chair of the organization's ethics committee. During that time, the AFCA was led by former longtime Baylor coach Grant Teaff.

Before taking over at Wake in 2001, Grobe coached Ohio University for six years.

In 1995 he took over a program that had not won more than four games in a single season the previous 12 years.

Great Plains Energy to purchase Westar Energy

KANSAS CITY, Mo. (AP) — Great Plains Energy on Tuesday announced plans to buy rival Westar for about \$8.6 billion, creating one large power provider in Kansas and Missouri with more than 1.5 million customers.

The two companies say the combination will lower their costs and help reduce rate increases for customers.

Kansas City, Missouri-based Great Plains Energy owns Kansas City Power & Light, which provides power in Kansas and Missouri, while

Westar's customers are in Kansas.

Westar shareholders will receive \$51 per share in cash and \$9 per share in Great Plains Energy stock, while Great Plains Energy will assume \$3.6 billion in Westar debt. The companies value the deal at about \$12.2 billion,

when debt is included.

Shares of Great Plains Energy Inc. fell \$1.82, or 5.9 percent, to \$29.18 in afternoon trading Tuesday. Shares of Topeka, Kansas-based Westar Energy Inc. rose \$3.36, or 6.3 percent, to \$56.28.

The transaction, which still

must get state and federal regulatory approval, is expected to be completed by next spring.

Once the transaction is complete, Great Plains will have 900,000 customers in Kansas and 600,000 in Missouri. It also will have the capacity to generate nearly 13,000 megawatts of electricity.

Several law firms across the U.S. said Tuesday they are launching investigations into whether the acquisition would be fair to shareholders.

In 2008, Great Plains acquired Aquila Inc.'s electricity assets in a \$1.7 billion deal that closed only after months of wrangling between the companies and the Missouri Public Service Commission.

Several industrial energy users and the Missouri public counsel, who represents customers before the PSC, challenged the acquisition, but the Missouri Supreme Court upheld the sale in July 2011.

Designers eye 'super two' highways for Nebraska

Expect to hear more about "super two" highways as state roads officials seek to stretch Nebraska's pavement dollars.

Essentially a modified two-lane highway, a super two features wider shoulders and an extra passing lane every 5 miles or so.

Engineers with the Nebraska Department of Roads say the design could improve traffic flow at less than half the price of a new four-lane highway, costing about \$1.5 million per mile instead of \$4 million per mile.

"It really could save you a lot of money," said Khalil Jaber, the Roads Department's deputy director for engineering.

Nebraska has no official super twos, although some highway segments in the state — including Nebraska 92 between Wahoo and David City — have comparable passing lanes, Jaber said.

Super twos could provide key cost savings as road planners consider where to spend the state's next big batch of

highway funds.

The money at play includes about \$400 million from this year's Transportation Innovation Act, largely earmarked from the gas tax hike lawmakers approved last year, and about \$600 million from the 2011 Build Nebraska Act, which assigns one quarter-cent of the state sales tax to road construction.

That \$1 billion total represents the bulk of state funding available for new highway construction through 2033.

"Nebraska has far more transportation needs than dollars available," Roads Director Kyle Schneeweis said in an email this month to members of a state transportation advisory group.

"Instead of the stark choice of either upgrading a two-lane road to a four-lane highway or providing no improvement at all, sometimes a Super 2 highway could provide an intermediate improvement with better paved shoulders and passing lanes every five miles,"

Schneeweis wrote.

The Roads Department isn't saying where super twos might be used.

Four-lane highways are still planned for filling out the expressway system envisioned in 1988, including U.S. 275 from Norfolk to Fremont and U.S. 81 from York to Columbus, Jaber said.

However, working drafts of the Panhandle's Heartland Expressway have called, at least temporarily, for converting parts of U.S. 385 into super twos from north of Alliance through Chadron and into South Dakota.

Roads officials have also encouraged communities elsewhere to consider super twos as alternatives for lower-priority projects, including those recommended during a statewide public outreach effort in January.

The Roads Department plans to hold another round of public meetings in July before finalizing how it will prioritize new highway projects.

Jaber said other states have

seen success with super twos.

Texas reduced its crash numbers and delays by adding passing lanes to some two-lane highways, according to a 2011 Texas A&M study. Drivers also appeared to like the design, researchers said.

And super twos can prove especially useful in hilly rural areas with moderate traffic, where minimal sight lines make passing slow-moving cars and semitrailers challenging on standard two-lane highways.

The Texas study said super twos should avoid high-volume intersections or driveways, but Jaber said engineers won't immediately rule out projects for that reason.

"Every segment is unique," he said.

Nebraska Transport Co. runs three to four round trips between Scottsbluff and Alliance each day, said owner Brent Holliday. Most of the drive is limited to a single lane in each direction, which creates tension between truckers and other motorists.

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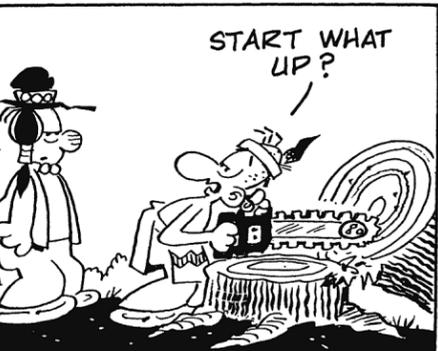
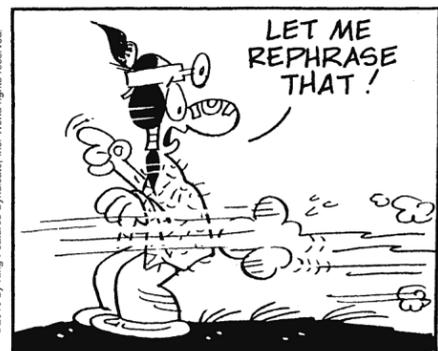
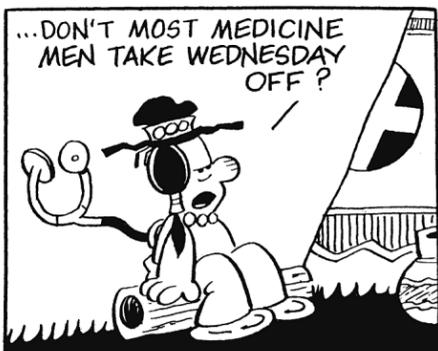
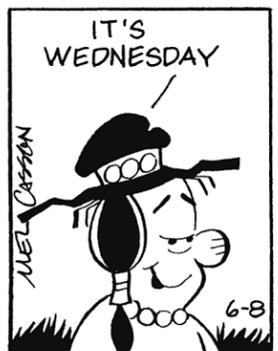
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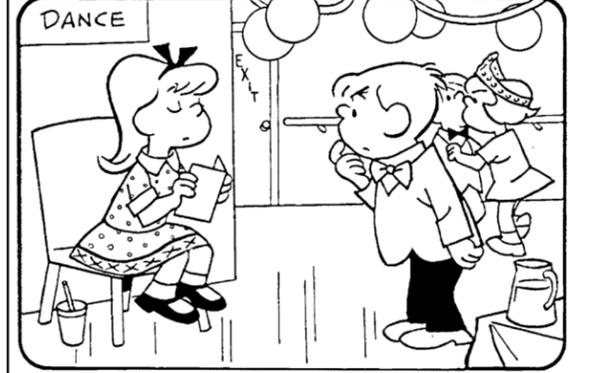
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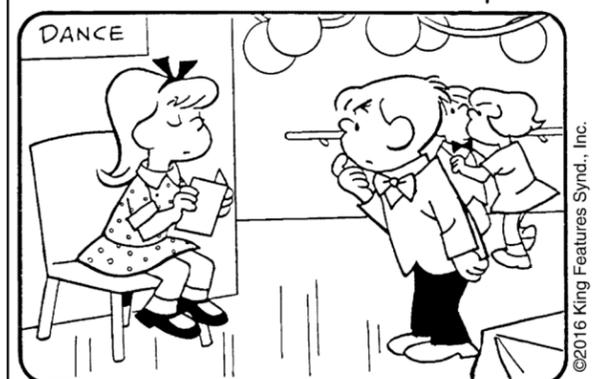
"My wife is gone, and I don't form opinions on my own."

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Find at least six differences in details between panels.



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NIH experts question fed study linking cellphones to tumors

WASHINGTON (AP) — National Institutes of Health expert reviewers are finding flaws in the agency's new study that connects heavy cellphone radiation to a slight increase in brain tumors in male rats.

The study bombarded rats with cellphone radiation from the womb through the first two years of life and found tumors in 2 to 3 percent of male rats, which the study's authors called low. But females weren't affected and, strangely, the rats not exposed to the cellphone radiation

died at a higher rate than those that were.

Another odd factor was that rats in the group that wasn't exposed didn't contract what would be the normal number of brain tumors for that population.

"I am unable to accept the authors' conclusions," wrote outside reviewer Dr. Michael Lauer, deputy director of NIH's office of extramural research. "I suspect that this experiment is substantially underpowered and that the few positive results

found reflect false positive findings."

The fact that the rats exposed to radiation survived longer than those that weren't "leaves me even more skeptical of the authors' claims," Lauer wrote.

The study also found a slight increase in a very rare type of heart tumors in the male rats exposed to cellphone radiation.

"Given the widespread global usage of mobile communications among users of all ages, even a very small increase

in the incidence of disease resulting from exposure to (cellphone radiation) could have broad implications for public health," the study said.

Partial, preliminary results of the study were released by the National Institute of Environmental Health Sciences, one of the NIH's institutes. More results of the study will be released later in upcoming reports.

Four other study reviewers

three from NIH — also raised questions about the way the study was conducted and its conclusions.

In 2011, a working group of the International Agency for Research on Cancer said cellphones are possibly carcinogenic. But numerous studies over the years, before and after that listing, have found little evidence of a problem. Among the largest, a survey of 13,000 people in 13 countries found little or no risk of brain tumors, with

a possible link in the heaviest users that the study's authors found inconclusive. And a large Danish study that linked phone bills to a cancer registry found no risk even in longtime users.

The Federal Communications Commission said in a statement that it was monitoring the research.

"Scientific evidence always informs FCC rules on this matter," the statement said. "We will continue to follow all recommendations from federal health and safety experts."

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manhattanfreepress.com

King Crossword

ACROSS

- 1 Asian desert
- 5 "-- Only Just Begun"
- 9 Book-spine abbr.
- 12 Director Reitman
- 13 Met melody
- 14 Inventor Whitney
- 15 Green-blue deposit on copper
- 17 Edge
- 18 Guarantee
- 19 Bar legally
- 21 Neighbor of OR and NV
- 22 Worth
- 24 Macadamize
- 27 Entreat
- 28 Recedes
- 31 Inseparable
- 32 Exist
- 33 Regret
- 34 Old Italian coin
- 36 Conclusion
- 37 Zoo structure
- 38 Conflagration
- 40 Biz letterhead abbr.
- 41 Definitely will

DOWN

- 43 Christie of whodunits
- 47 Dine
- 48 Red shade
- 51 Longtime ring champ
- 52 Furniture store name
- 53 Harrow's rival
- 54 Off-tattooed word
- 55 Night light
- 56 Lariat
- 1 Donate
- 2 Microwave, e.g.
- 3 Prohibits
- 4 Cause
- 5 Carry on
- 6 Mess up
- 7 Evening hour, in a way
- 8 Painter's prop
- 9 Backbone
- 10 Medley
- 11 Flaccid
- 16 George's brother
- 20 Jane's "Glee" role
- 22 "20,000 Leagues Under the Sea" author
- 23 On in years
- 24 D.C. figure
- 25 Blackbird
- 26 Not paraphrased
- 27 Folksinger Joan
- 29 Annoy
- 30 Spot
- 35 Every iota
- 37 Anthracite carrier
- 39 Cohort of Simon and Theodore
- 40 Hollywood trickery, for short
- 41 Line of fashion?
- 42 Head light?
- 43 "-- for All Seasons"
- 44 One of the Jackson 5
- 45 Barrel part
- 46 Heche or Hathaway
- 49 Scrape (out)
- 50 -- Speed-wagon

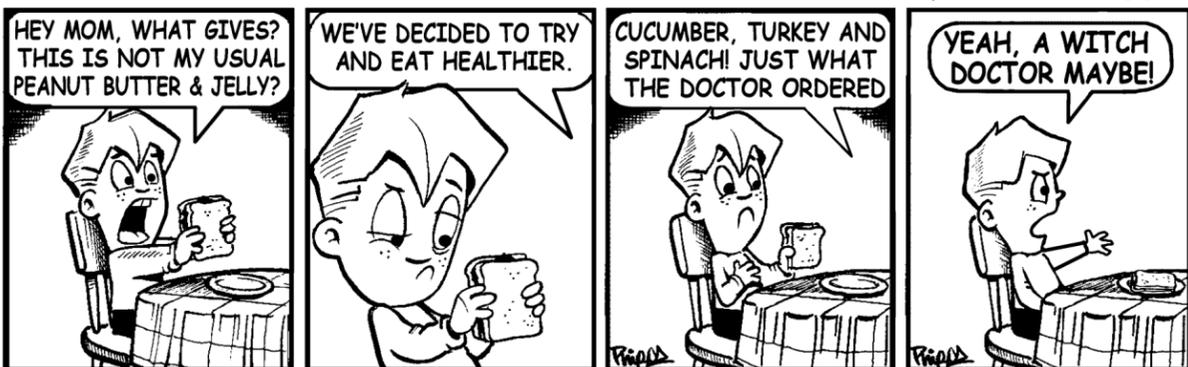
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Answers on page 2

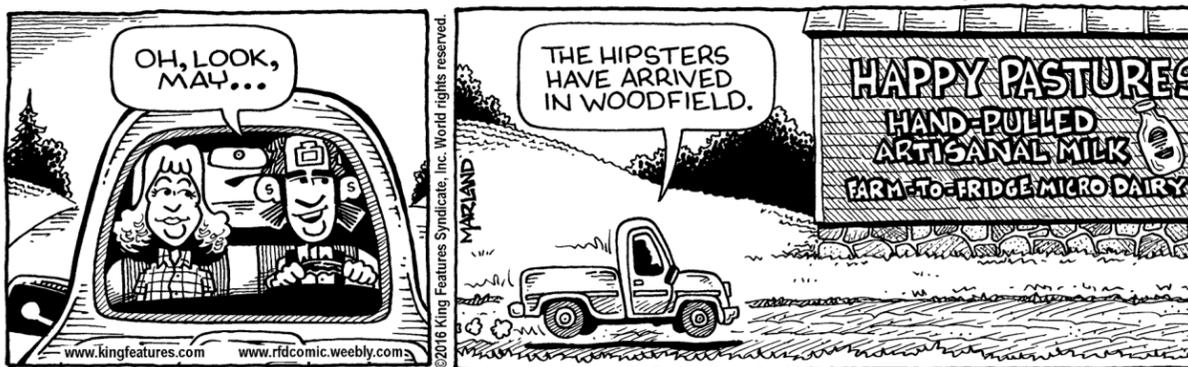
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Travel Kansas Events

Brain: The Inside Story March 5, 2016 - August 28, 2016

Recurring daily
Venue: Museum at Prairiefire
Address: 5801 W. 135th, Overland Park, KS 66223
Time: From: 10:00 AM to 5:00 PM
Type: Events
Phone: 913-333-3500

Learn how the fascinating human brain works - from senses and emotions to aging and effects of technology - as you explore this special exhibition.

2016 Garnett Farmers Market May 5, 2016 - October 6, 2016

Every Thursday
Venue: Prairie Spirit Trail
Address: 418 S. Main Street, Garnett, KS 66032
Time: 4:30-7:00 PM
Type: Events
Phone: 785-448-6767
The Garnett Farmer's Market is an weekly event that allows visitors to capture what is unique about Garnett.

2016 Historic William Fulton House Tours May 21, 2016 - August 28, 2016

Every Sunday, Saturday
Venue: Finney County Historical Museum
Address: 403 S 4th, Garden City, KS 67846
Time: From: 2:00 PM to 4:00 PM
Type: Events
Phone: 620-272-3664
There will be free guided tours of the Historic William Fulton House, dating to 1884 and built by one of Garden City's four founders.

Thomas The Train June 3-5 Baldwin City, Ks

Toot toot!!! Thomas the Tank Engine, his buddy Percy, and Sir Topham Hatt are pulling into Midland Railway Station for the "Ready, Set, Go Tour!" for 2 weekends in June!

Thomas & Friends will be joining us on June 3-5 & 10-12, with departure times every hour from 9:00 am - 5:00 pm. Passengers select a departure time when purchasing a ticket (ride is approx. 20 minutes), but can enjoy fun filled family activities all day long!

After meeting Thomas, guests will also have the oppor-

tunity to meet Sir Topham Hatt, the Controllor of the Railway on the Island of Sodor, and Percy the Small Green Engine! But wait, there's more! Included in your ticket price, you and your little ones have access to the Isle of Sodor storytelling, Petting Zoo, "The Great Parakeet Adventure", a special Thomas the Tank Engine video theater & magic show, and Thomas the Tank Engine & Megablok play areas! PLUS, live entertainment from "Mr. David".

Rides, entertainment, and activity areas close at 6:00 pm - so if you have tickets later in the day, be sure to come early to enjoy all the fun before your ride with Thomas!

"Float Your Boat" Contest June 19, 2016

Venue: Lovewell Reservoir, State Park, and Wildlife Area
Address: 2446 250 Rd, Webber, KS 66970
Time: From: 2:00 PM to 4:00 PM
Phone: 785-753-4971
Participants must design and build a cardboard boat (specifications will be available in early July), and bring it to the Southwinds Beach

17th Annual "Run for the Soul" Benefit Fundraiser June 25, 2016

Venue: City of Ellsworth
Address: 220 S Douglas Ave, Ellsworth, KS 67439
Time: From: 12:30 PM to 5:30 PM
Phone: 785-472-6212
Come enjoy the Kansas countryside on your motorcycle and help a very important organization raise funds to expand their programs. The ride

2016 Smallville ComicCon June 11 - 12, 2016

Recurring daily
Venue: Kansas State Fairgrounds
Address: 2000 N Poplar, Hutchinson, KS 67502
Time: Vary - see description
Phone: 620-669-3600
3rd Annual Comic Book and Pop Culture Celebration! Held at the Meadowlark Building on the Kansas State Fairgrounds, 2000 N Poplar, Hutchinson.

2016 Smallville, Kansas Festival June 16 - 18, 2016

Recurring daily
Venue: Downtown Hutchinson

Address: Various locations throughout Downtown, Hutchinson, KS 67501

Time: vary Daily
Phone: 620-694-2677
In 2013 we got our town's name changed to "Smallville" for a day. In 2014 we got it changed for two and had our first Smallville.

2016 WazUp Coffee House Spring Art Show & Sale June 18, 2016

Venue: WazUp Coffee House
Address: 1340 N. Nelson Drive, Derby, KS 67037
Time: From: 8:00 AM to 9:00 PM
Phone: 316-440-8334
The 2016 WazUp Coffee House Spring Art Show & Sale offers local and regional artists of all ages the opportunity to exhibit.

28th Annual Southeast Kansas Old Time Gas Engine and Tractor Club Show June 24 - 25, 2016

Every Friday, Saturday
Venue: Crawford County Historical Museum
Address: 651 U.S. 69, Pittsburg, KS 66762
Time: Jun 24, 2016 12:00pm - 7:00pm; Jun 25, 2016 12:00pm - 7:00pm
Phone: 417-927-3254
The 28th annual Southeast Kansas Old Time Gas Engine and Tractor Club Show will be held Friday, June 24th and Saturday, June 25th.

"Gems of the Muchnic" July 27, 2016 - September 18, 2016

Every Sunday, Wednesday, Saturday
Venue: Muchnic Art Gallery
Address: 704 N 4th St, Atchison, KS 66002
Time: From: 1:00 PM to 4:00 PM
Type: Events
Phone: 913-367-4278
Exhibition of the "Gems of the Muchnic" collection at the Muchnic Art Gallery.

100th Annual Crawford County Fair August 3 - 6, 2016

Every Wednesday, Thursday, Friday, Saturday
Venue: Crawford County Fairgrounds
Address: 249 E. 47 Hwy, Girard, KS 66743
Time: All day activities
Type: Events
Phone: 620-724-4092
Livestock exhibitions, arts and crafts exhibitions, competi-

tion between county FFA and 4-H clubs, livestock auction, rodeo and live music.

12th Annual Heartland Art Guild International Miniature Paintings & Sculptures Art Show June 27, 2016 - July 28, 2016

Recurring every 31 days
Venue: Miami County Historical Museum - Swan River Museum
Address: 12 E Peoria, Paola, KS 66071

Type: Events
Phone: 785-521-0449
12th Annual Heartland Art Guild International Miniature Paintings & Sculptures Art Show will be open June 27-July 29, 2016 in Paola, Ka..

17th Annual "Run for the Soul" Benefit Fundraiser June 25, 2016

Venue: City of Ellsworth
Address: 220 S Douglas Ave, Ellsworth, KS 67439
Time: From: 12:30 PM to 5:30 PM

Type: Events
Phone: 785-472-6212
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Wood Writing Desk; Oak Pattern Back Chair; Oak Parlor Table; Oak Dresser; 2 Caned Bottom Chairs; 2 Caned Back & Bottom Chairs; 10 ft. Church Pew; Wood Plant Stand; Duncan Phyfe Style Table with 4 chairs & leaf; Telephone Stand; Elect. Kero Lamp; Sm. Wicker Waste Basket; Bentwood Chairs; Lighted Schlitz & Budweiser Signs; RCA Victor Portable Radio; Wood Console Radio; Some Fancy Glassware; German Bowl; Pink Depression; Coca Cola Glasses; Pitcher & Glasses; Pressed Glassware; Shirley Temple Pitcher; Grain Belt Beer Glasses; Ruby Red Glassware; S&P Shakers; Figurines; Toothpick Holders; Divided Serving Tray; Sherbet Dishes; Refrigerator Dish; Yellow Pyrex Bowl; Wooden Clogs; Don't Spit Brick; Few Stone Jugs; Gas Iron; Cherry Pitter; Wire Egg Basket; Army Shovel; Silver Christmas Tree; Sad Iron; Old Clock Parts; Gas Lamps; Granite Coffee Pot; Sausage Stuffer; Sq. Tub; Nail Keg; Walking Cultivator; Trivets; Rug Beater; Hames; Cow Bell; Washington Marble & Granite Works Broom Holder; Grapette Crate & bottles; Glass Lidded Jars; Wrist Watches; Pocket Knives; Harmonicas; Little Chalk Boards; Porch Pillars; Door Knobs; Plastic Rooster Bank; Bump Car w/ clown; Marx Bulldozer; 3 Little Pigs Semi Truck & Trailer; Bronco & U Haul Trailer; Older Cameras; Pencil Box; Musket Flask; Modern Plastic Windup Toys; Dick Tracy Pistol; Silverware; Little Red Lantern; Match Holder; Cigarette Lighters; 1st Nat'l Bank & Citizens State Banks; Metal Doll House; Games; 1965 Blue Valley Grain Calendars; 1909 Riley County Plat Book; 1934 Randolph Calendar; Concrete Stop Sign; Wood Bench; Stroller; Chicken Barn; Old Magazines; Ladies Hankies; Aladdin Kero Lamp; Waterville Fireman's Helmet; Winkler Church Candelabras & Collection Plate; Costume Jewelry; Quilt; Army Uniform; Aprons; Tablecloths; Doilies; Tea Towels; Waterville Quilt; Area Rugs; Buttons; Little Indian Girl Clock; Hasko Mystic Board; 45 & 78 Records; Roy Clark Signature Guitar; Daisy BB Gun; Picnic Basket; Porch Swing; Household: 2015 Frigidaire Refrigerator; Lighted Glass Front Hutch; Lazy Boy Recliner; Love Seat; Swivel Rocker; 3 Cushion Divan; Recliner; Entertainment Center; Dynex 19 Inch Flat Screen TV; TV Stand; Wood Rocker; Magazine Rack; End Tables; Coffee Table w/ matching end table; Floor Lamp; Occ. Chair; Kroehler 3 Drawer Dresser; Kitchen Table & Chairs; 3 pc. Bedroom Set; Full Sized Bed w/ Pine Headboard; Chest of Drawers; Wood Step Stool; Bar & Stools; Bookcase; Dorm Refrigerator; Brass Lamps; Cedar Chest; Desk; Pots & Pans; Dishes; Glassware; Hand Appliances; Silverware; Corelle Dishes; Canner; Paperback Books; Ceramic Tree; Barleen Family CD's; CD Player; Kero Lamp; Dehumidifier; Grocery Cart; Croquet Set; Slide Projector; 8mm Movie Projector; Hymnals; Fans; Tools: Delta 15" Table Top Scroll Saw; Stanley Hand Miter Saw; Sm. Bench Vice; Nut Driver Set; Drill Bits; Bar Clamps; Few Hand Tools; Skil Jig Saw; Cordless Weed Eater; Level; Grinder; Hand Tools; 6 ft. Step Ladder; Tree Trimmer; Little Red Wagon; Buck Saw; Coleman Camp Stove; Log Chain; Maytag Wringer Washer; Ext. Cords; 30# Scale; Wood Ladder; Alum Ext. Ladder; Long Handled Tools; Battery Charger; Minnow Trap; 1955 Car Tag; 4 Inch Belt Sander; Craftsman 9 Inch Miter Saw; Delta Table Top Bank Saw; Bench Vice; 2 Table Saws; Craftsman Band Saw; Hand Drill Press; JC Higgins #5836 Bolt Action 20 ga. Shotgun; Rods & Reels; Dremel Tool; Soldering Iron; Singer Treadle Upholstery Machinery; Star Window Shade Cutter; Yardsticks; Lawn & Garden Items: Fimco 12 gal. Pull Sprayer; Troy Built Bronco Tiller; El. Mini Tiller; JD Hydro 175 Riding Lawn Mower — needs work; 3 Wheel Garden Seat; Apple Picker; Tomato Cages; 21 Inch Push Mower; Metal Lawn Chairs; Reel Mower; Garden Hose; Metal Sprinkling Can; Other Items. For Pictures See Websites.

REAL ESTATE — sells at 12:00 Noon

General Description: 127 W. Hazelwood: Vintage 4 bedroom, 2 bath home with full basement, attached carport & detached garage. Main level has living room w/ fireplace & built-in china cabinets, formal dining room w/ bench storage, kitchen, family room with access to back covered patio, sun porch, and bathroom. Upstairs is 4 bedrooms & a bathroom. Home features hardwood flooring, woodwork throughout, leaded glass windows, central a/c & heat, approx. 2400sq ft of living space, front covered porch, new roof.

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DOD uses undisclosed files to defend sex assault testimony

WASHINGTON (AP) — The Pentagon is relying on information it won't make public to dispute an Associated Press investigation that found the military misled Congress about sexual assault cases to blunt support for Senate legislation.

In a report sent Thursday to a bipartisan group of senators, the Pentagon refers to undisclosed files about several of the cases to challenge AP's findings. But the response, which faults AP for inconsistencies and misunderstandings, fails to conclusively counter the investigation.

The report also criticizes a separate examination of the cases by the advocacy group Protect Our Defenders. The group's president, retired Col. Don Christensen, fired back at the Pentagon in a statement Friday.

"The Defense Department repeatedly accused Protect Our Defenders of misunderstanding the military justice process," he wrote. "Yet they are the ones who mischaracterized this process to Congress in the first place." Christensen is the former chief prosecutor of the Air Force.

Defense Department spokesman Eric Pahon said the importance of protecting the privacy of sexual assault victims "inevitably limits the ability of the department to release certain information."

Even as the department pushed back, the report acknowledged difficulties in pin-

pointing its own records. An attorney who oversaw the Air Force's sexual assault cases had died, the department said, leaving that service "unable to determine with certainty" the cases in question for that service.

AP's investigation and the study by Protect Our Defenders focused on congressional testimony and correspondence delivered three years ago by then-vice chairman of the Joint Chiefs of Staff, Navy Adm. James Winnefeld. He cited dozens of sexual assault cases involving service members to illustrate for lawmakers that military commanders are more willing to punish sex offenders than civilian district attorneys and local police forces are.

Winnefeld retired from military service last year.

The Pentagon delivered the report on the eve of a Senate vote on legislation that has divided the chamber and led the military to warn of severe consequences if it's ever signed into law. The bill, sponsored by Sen. Kirsten Gillibrand, D-N.Y., would strip commanders of their power to decide whether sexual assault cases should go to trial and give that authority to seasoned, independent military trial lawyers.

Protect Our Defenders supports Gillibrand's bill.

Senior Pentagon officials have argued that commanders are essential to maintaining good order and discipline in the

ranks. Removing them from the decision to prosecute would mean fewer sex offenders will be caught and convicted, they said.

Her legislation was first introduced in the spring of 2013 and has won support from at least 50 senators. But it has twice failed to meet a 60-vote filibuster threshold. Another vote on the bill is expected early next month.

AP's investigation, published last month, was based on records obtained by Protect Our Defenders last year through the Freedom of Information Act. The amount of documents was small compared with the number of cases.

The group filed the requests with the military services shortly after Winnefeld warned the Senate Armed Services Committee about the perils of Gillibrand's bill. He told the committee in July 2013 that there were 93 sexual assault cases that military commanders insisted on taking after local district attorneys refused. The bulk of the cases involved soldiers.

"I worry that if we turn this over to somebody else, whether it is a civilian DA or a nonentity in the military, that they are going to make the same kind of decisions that those civilian prosecutors made," Winnefeld said. "I worry that we are going to have fewer prosecutions if

we take it outside the chain of command."

Among the records Protect Our Defenders received were summaries of the outcomes of many of the cases Winnefeld referred to in his testimony. The summaries, which were prepared by the military services at the Joint Staff's request, presented an often unflattering image of local law enforcement. The documents buttressed the Pentagon's position that Gillibrand's bill would result in fewer sexual assault prosecutions.

In a number of the summaries, the steps taken by civilian authorities were described incorrectly or omitted, according to AP's investigation. Other case descriptions were too imprecise to be verified. Also, there's nothing in the records supporting Winnefeld's testimony that commanders intervened directly and insisted that the cases be prosecuted.

The Pentagon report contested several of those conclusions. However, it cited "underlying case files" that weren't part of the records provided to Protect Our Defenders even though the group asked for "any and all documents and data" related to the cases.

Pahon said the Defense Department "has no reason to believe that the (military) services withheld information that was responsive" to the records requests submitted by Protect Our Defenders.

Education Department replaces career college chain monitor

WASHINGTON (AP) — The Education Department has appointed a new lawyer to oversee the turnaround of schools once owned by Corinthian Colleges Inc., following an Associated Press review that found trouble at the schools and questioned the previous monitor's independence.

Corinthian Colleges was one of the largest chains of for-profit colleges when it collapsed in 2015 amid allegations of fraud. The episode raised questions about whether the government should set higher standards for colleges accepting

federal aid.

The agency said Friday that Clark Kent Ervin, an attorney at Squire Patton Boggs LLP, will oversee the business practices of Zenith Education Group, an offshoot of a student-loan debt collection firm that took over Corinthian's operations. His new role makes Ervin the government's eyes and ears within Zenith, which receives tens of millions of dollars in federal student grant and loan dollars.

Ervin is a former inspector general of the Homeland Security and State Departments who was ousted from his Homeland

Security job in late 2004 after delivering reports highly critical of the agency under the Bush administration.

Unlike the lawyers he will replace as monitor, Ervin does not appear to have a background representing for-profit colleges. But Squire Patton Boggs helped defend Corinthian in at least one case brought by students alleging that the school committed fraud.

Some education advocates expressed skepticism of selecting a lawyer from the firm on the grounds that the firm's past work to defend Corinthian's schools posed a conflict of interest.

"Is it possible for Zenith to find an independent monitor that did not work for Corinthian?" said David Halperin, a Washington attorney and writer who helped identify misconduct at Corinthian.

The Education Department said it chose him from among seven candidates put forth by Zenith.

In March, the Education Department announced it would replace the previous monitor, Hogan Marren Babbo & Rose Ltd. The announcement came

after the AP found trouble at Zenith — including its flagship Everest College brand — which the monitor apparently did not. The AP reported that Zenith still recruited students through large-scale telemarketing, had not made major changes to its curriculum and retained senior Corinthian executives in key posts. Zenith also continued to recruit students using some of the same ads that Corinthian ran during the same daytime TV talk shows.

The AP also raised concerns about Zenith's relationship with Hogan Marren. Under the terms of Zenith's initial arrangement with the firm, its lawyers had an attorney-client privileged relationship with Zenith and were not obligated to provide the government with access to their work product.

In announcing the hire of Ervin, the Education Department explicitly ruled these things out.

Ervin could not be immediately reached by phone or email. The Education Department did not immediately respond to requests for comment about the past legal work but said in its announcement of Ervin's selection that he would have "full independence" in his monitoring work.

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