

HOUSE BILL No. 2790

By Committee on Education

2-7

9 AN ACT concerning school districts; relating to special education and
10 the distribution of moneys therefor; amending K.S.A. 2007 Supp. 72-
11 978 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 72-978 is hereby amended to read as
15 follows: 72-978. (a) *Subject to the provisions of subsection (f)*, each year,
16 the state board of education shall determine the amount of state aid for
17 the provision of special education and related services each school district
18 shall receive for the ensuing school year. The amount of such state aid
19 shall be computed by the state board as provided in this section. The state
20 board shall:

21 (1) Determine the total amount of general fund and local option
22 budgets of all school districts;

23 (2) subtract from the amount determined in paragraph (1) the total
24 amount attributable to assignment of transportation weighting, program
25 weighting, special education weighting and at-risk pupil weighting to en-
26 rollment of all school districts;

27 (3) divide the remainder obtained in paragraph (2) by the total num-
28 ber of full-time equivalent pupils enrolled in all school districts on Sep-
29 tember 20;

30 (4) determine the total full-time equivalent enrollment of exceptional
31 children receiving special education and related services provided by all
32 school districts;

33 (5) multiply the amount of the quotient obtained in paragraph (3) by
34 the full-time equivalent enrollment determined in paragraph (4);

35 (6) determine the amount of federal funds received by all school dis-
36 tricts for the provision of special education and related services;

37 (7) determine the amount of revenue received by all school districts
38 rendered under contracts with the state institutions for the provisions of
39 special education and related services by the state institution;

40 (8) add the amounts determined under paragraphs (6) and (7) to the
41 amount of the product obtained under paragraph (5);

42 (9) determine the total amount of expenditures of all school districts
43 for the provision of special education and related services;

1 (10) subtract the amount of the sum obtained under paragraph (8)
2 from the amount determined under paragraph (9); and

3 (11) multiply the remainder obtained under paragraph (10) by 92%.
4 The computed amount is the amount of state aid for the provision of
5 special education and related services aid a school district is entitled to
6 receive for the ensuing school year.

7 (b) Each school district shall be entitled to receive:

8 (1) Reimbursement for actual travel allowances paid to special teach-
9 ers at not to exceed the rate specified under K.S.A. 75-3203, and amend-
10 ments thereto, for each mile actually traveled during the school year in
11 connection with duties in providing special education or related services
12 for exceptional children; such reimbursement shall be computed by the
13 state board by ascertaining the actual travel allowances paid to special
14 teachers by the school district for the school year and shall be in an
15 amount equal to 80% of such actual travel allowances;

16 (2) reimbursement in an amount equal to 80% of the actual travel
17 expenses incurred for providing transportation for exceptional children to
18 special education or related services; such reimbursement shall not be
19 paid if such child has been counted in determining the transportation
20 weighting of the district under the provisions of the school district finance
21 and quality performance act;

22 (3) reimbursement in an amount equal to 80% of the actual expenses
23 incurred for the maintenance of an exceptional child at some place other
24 than the residence of such child for the purpose of providing special
25 education or related services; such reimbursement shall not exceed \$600
26 per exceptional child per school year; and

27 (4) except for those school districts entitled to receive reimbursement
28 under subsection (c) or (d), after subtracting the amounts of reimburse-
29 ment under paragraphs (1), (2) and (3) of this subsection (a) from the
30 total amount appropriated for special education and related services un-
31 der this act, an amount which bears the same proportion to the remaining
32 amount appropriated as the number of full-time equivalent special teach-
33 ers who are qualified to provide special education or related services to
34 exceptional children and are employed by the school district for approved
35 special education or related services bears to the total number of such
36 qualified full-time equivalent special teachers employed by all school dis-
37 tricts for approved special education or related services.

38 Each special teacher who is qualified to assist in the provision of special
39 education or related services to exceptional children shall be counted as
40 $\frac{2}{3}$ full-time equivalent special teacher who is qualified to provide special
41 education or related services to exceptional children.

42 (c) Each school district which has paid amounts for the provision of
43 special education and related services under an interlocal agreement shall

1 be entitled to receive reimbursement under subsection (b)(4). The
2 amount of such reimbursement for the district shall be the amount which
3 bears the same relation to the aggregate amount available for reimburse-
4 ment for the provision of special education and related services under the
5 interlocal agreement, as the amount paid by such district in the current
6 school year for provision of such special education and related services
7 bears to the aggregate of all amounts paid by all school districts in the
8 current school year who have entered into such interlocal agreement for
9 provision of such special education and related services.

10 (d) Each contracting school district which has paid amounts for the
11 provision of special education and related services as a member of a co-
12 operative shall be entitled to receive reimbursement under subsection
13 (b)(4). The amount of such reimbursement for the district shall be the
14 amount which bears the same relation to the aggregate amount available
15 for reimbursement for the provision of special education and related serv-
16 ices by the cooperative, as the amount paid by such district in the current
17 school year for provision of such special education and related services
18 bears to the aggregate of all amounts paid by all contracting school dis-
19 tricts in the current school year by such cooperative for provision of such
20 special education and related services.

21 (e) No time spent by a special teacher in connection with duties per-
22 formed under a contract entered into by the Kansas juvenile correctional
23 complex, the Atchison juvenile correctional facility, the Beloit juvenile
24 correctional facility, the Larned juvenile correctional facility, or the To-
25 peka juvenile correctional facility and a school district for the provision
26 of special education services by such state institution shall be counted in
27 making computations under this section.

28 (f) (1) *In school year 2008-2009 and each school year thereafter, the*
29 *amount of state aid for special education and related services paid to any*
30 *school district shall not be less than the amount paid to such district in*
31 *school year 2007-2008.*

32 (2) *In school year 2008-2009 and each school year thereafter, any*
33 *amount appropriated for state aid for special education and related serv-*
34 *ices which exceeds the amount appropriated in the preceding school year,*
35 *shall be distributed first to those school districts which received less than*
36 *92% of the amount of the district's actual cost of providing special edu-*
37 *cation and related services during the previous school year. Such moneys*
38 *shall be distributed in the manner provided by subsection (a). Any amount*
39 *remaining after making the distribution required by this paragraph shall*
40 *be distributed to all school districts in the manner provided by subsection*
41 *(a).*

42 (3) *Except as provided by paragraph (1), no district shall be paid an*
43 *amount under subsection (a) which exceeds 92% of the district's actual*

- 1 *costs of providing special education and related services.*
- 2 Sec. 2. K.S.A. 2007 Supp. 72-978 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.