

*[As Amended by Senate Committee of the Whole]*

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Session of 2008

## SENATE BILL No. 620

By Committee on Ways and Means

2-13

12 AN ACT concerning school districts; relating to funding for special ed-  
13 ucation ~~and the distribution thereof; amending K.S.A. 2007 Supp.~~  
14 ~~72-978 and repealing the existing section.~~

15

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

17 **New** Section 1. (a) Words and phrases used in this section, shall have  
18 the meanings ascribed thereto in K.S.A. 72-962, and amendments  
19 thereto.

20 (b) Subject to the limitations of appropriations therefor, ~~each school~~  
21 ~~year~~ **[in school year 2007-2008 and each school year thereafter,]** the  
22 board of education of each school district which provides special educa-  
23 tion and related services to pupils who ~~are eligible for~~ **receive** medicaid  
24 shall be entitled to medicaid replacement state aid. The amount of such  
25 state aid shall be computed by the state board as provided in this section.  
26 The state board shall:

27 (1) Determine the total full-time equivalent enrollment of excep-  
28 tional children receiving special education and related services who ~~are~~  
29 ~~eligible for~~ **also are receiving** medicaid in all school districts;

30 (2) determine the total amount of money appropriated for medicaid  
31 replacement state aid for all school districts;

32 (3) divide the amount determined under paragraph (2) by the amount  
33 determined under paragraph (1); and

34 (4) multiply the quotient determined under paragraph (3) by the total  
35 full-time equivalent enrollment of exceptional children receiving special  
36 education and related services who ~~are eligible for~~ **also are receiving**  
37 medicaid in each school district. The product is the amount of medicaid  
38 replacement state aid the district is entitled to receive.

39 (c) All amounts received by a school district under this section shall  
40 be deposited in the general fund of the district and shall be transferred  
41 to the special education fund of the district.

42 (d) The board of education of any district desiring to receive state aid  
43 pursuant to this section shall submit any documentation or information

1 to the state board as it may request. *[The state board may establish*  
2 *deadlines for the submission of such documentation and*  
3 *information.*

4 *[(e) The state board shall make the distribution of moneys un-*  
5 *der this section prior to determining the amount of state aid to be*  
6 *distributed under K.S.A. 72-978, and amendments thereto.]*

7 ~~☞ [(f)]~~ The state board shall prescribe all forms necessary for re-  
8 porting under this act.

9 ~~Sec. 2.—K.S.A. 2007 Supp. 72-978 is hereby amended to read as~~  
10 ~~follows: 72-978. (a) Subject to the provisions of subsection (f), each~~  
11 ~~year, the state board of education shall determine the amount of~~  
12 ~~state aid for the provision of special education and related services~~  
13 ~~each school district shall receive for the ensuing school year. The~~  
14 ~~amount of such state aid shall be computed by the state board as~~  
15 ~~provided in this section. The state board shall:~~

16 ~~—(1) Determine the total amount of general fund and local option~~  
17 ~~budgets of all school districts;~~

18 ~~—(2) subtract from the amount determined in paragraph (1) the~~  
19 ~~total amount attributable to assignment of transportation weight-~~  
20 ~~ing, program weighting, special education weighting and at-risk pu-~~  
21 ~~pil weighting to enrollment of all school districts;~~

22 ~~—(3) divide the remainder obtained in paragraph (2) by the total~~  
23 ~~number of full-time equivalent pupils enrolled in all school districts~~  
24 ~~on September 20;~~

25 ~~—(4) determine the total full-time equivalent enrollment of excep-~~  
26 ~~tional children receiving special education and related services pro-~~  
27 ~~vided by all school districts;~~

28 ~~—(5) multiply the amount of the quotient obtained in paragraph~~  
29 ~~(3) by the full-time equivalent enrollment determined in paragraph~~  
30 ~~(4);~~

31 ~~—(6) determine the amount of federal funds received by all school~~  
32 ~~districts for the provision of special education and related services;~~

33 ~~—(7) determine the amount of revenue received by all school dis-~~  
34 ~~tricts rendered under contracts with the state institutions for the~~  
35 ~~provisions of special education and related services by the state~~  
36 ~~institution;~~

37 ~~—(8) add the amounts determined under paragraphs (6) and (7)~~  
38 ~~to the amount of the product obtained under paragraph (5);~~

39 ~~—(9) determine the total amount of expenditures of all school dis-~~  
40 ~~tricts for the provision of special education and related services;~~

41 ~~—(10) subtract the amount of the sum obtained under paragraph~~  
42 ~~(8) from the amount determined under paragraph (9); and~~

43 ~~—(11) multiply the remainder obtained under paragraph (10) by~~

1 ~~92%.~~

2 ~~—The computed amount is the amount of state aid for the provision~~  
3 ~~of special education and related services aid a school district is en-~~  
4 ~~titled to receive for the ensuing school year.~~

5 ~~—(b) Each school district shall be entitled to receive:~~

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

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

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

27 ~~—(4) except for those school districts entitled to receive reim-~~  
28 ~~bursment under subsection (c) or (d), after subtracting the~~  
29 ~~amounts of reimbursement under paragraphs (1), (2) and (3) of this~~  
30 ~~subsection (a) from the total amount appropriated for special edu-~~  
31 ~~cation and related services under this act, an amount which bears~~  
32 ~~the same proportion to the remaining amount appropriated as the~~  
33 ~~number of full-time equivalent special teachers who are qualified~~  
34 ~~to provide special education or related services to exceptional chil-~~  
35 ~~dren and are employed by the school district for approved special~~  
36 ~~education or related services bears to the total number of such qual-~~  
37 ~~ified full-time equivalent special teachers employed by all school~~  
38 ~~districts for approved special education or related services.~~

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

1 ~~—(c) Each school district which has paid amounts for the provi-~~  
2 ~~sion of special education and related services under an interlocal~~  
3 ~~agreement shall be entitled to receive reimbursement under sub-~~  
4 ~~section (b)(4). The amount of such reimbursement for the district~~  
5 ~~shall be the amount which bears the same relation to the aggregate~~  
6 ~~amount available for reimbursement for the provision of special~~  
7 ~~education and related services under the interlocal agreement, as~~  
8 ~~the amount paid by such district in the current school year for pro-~~  
9 ~~vision of such special education and related services bears to the~~  
10 ~~aggregate of all amounts paid by all school districts in the current~~  
11 ~~school year who have entered into such interlocal agreement for~~  
12 ~~provision of such special education and related services.~~

13 ~~—(d) Each contracting school district which has paid amounts for~~  
14 ~~the provision of special education and related services as a member~~  
15 ~~of a cooperative shall be entitled to receive reimbursement under~~  
16 ~~subsection (b)(4). The amount of such reimbursement for the dis-~~  
17 ~~trict shall be the amount which bears the same relation to the ag-~~  
18 ~~gregate amount available for reimbursement for the provision of~~  
19 ~~special education and related services by the cooperative, as the~~  
20 ~~amount paid by such district in the current school year for provision~~  
21 ~~of such special education and related services bears to the aggregate~~  
22 ~~of all amounts paid by all contracting school districts in the current~~  
23 ~~school year by such cooperative for provision of such special edu-~~  
24 ~~cation and related services.~~

25 ~~—(e) No time spent by a special teacher in connection with duties~~  
26 ~~performed under a contract entered into by the Kansas juvenile~~  
27 ~~correctional complex, the Atchison juvenile correctional facility,~~  
28 ~~the Beloit juvenile correctional facility, the Larned juvenile correc-~~  
29 ~~tional facility, or the Topeka juvenile correctional facility and a~~  
30 ~~school district for the provision of special education services by~~  
31 ~~such state institution shall be counted in making computations un-~~  
32 ~~der this section.~~

33 ~~—(f) (1) In school year 2008-2009 and each school year thereafter, the~~  
34 ~~amount of state aid for special education and related services paid to any~~  
35 ~~school district shall not be less than the amount paid to such district in~~  
36 ~~school year 2007-2008.~~

37 ~~—(2) In school year 2008-2009 and each school year thereafter, any~~  
38 ~~amount appropriated for state aid for special education and related ser-~~  
39 ~~vices which exceeds the amount appropriated in the preceding school year,~~  
40 ~~shall be distributed first to those school districts which received less than~~  
41 ~~92% of the amount of the district's excess cost of providing special edu-~~  
42 ~~cation and related services during the previous school year. Such moneys~~  
43 ~~shall be distributed in the manner provided by subsection (a). Any amount~~

- 1 ~~remaining after making the distribution required by this paragraph shall~~  
2 ~~be distributed to all school districts in the manner provided by subsection~~  
3 ~~(a).~~
- 4 ~~—(3) Except as provided by paragraph (1), no district shall be paid an~~  
5 ~~amount under subsection (a) which exceeds 92% of the district's excess~~  
6 ~~costs of providing special education and related services.~~
- 7 ~~—Sec. 3. K.S.A. 2007 Supp. 72-978 is hereby repealed.~~
- 8 **[New Sec. 2. (a) There is hereby established the special edu-**  
9 **cation funding task force. The task force shall be composed of 11**  
10 **members, as follows:**
- 11 **[(1) One member appointed by the speaker of the house of**  
12 **representatives;**
- 13 **[(2) one member appointed by the president of the senate;**
- 14 **[(3) one member appointed by the minority leader of the house**  
15 **of representatives;**
- 16 **[(4) one member appointed by the minority leader of the senate;**
- 17 **[(5) six members appointed by the board of directors of the**  
18 **united school administrators. Of such members, two members shall**  
19 **be from school districts having an enrollment of at least 12,000**  
20 **pupils; two shall be from school districts having an enrollment of**  
21 **less than 12,000 but more than 1,636 pupils; and two shall be from**  
22 **school districts having an enrollment of 1,636 pupils or less. Mem-**  
23 **bers appointed pursuant to this paragraph shall include a person**  
24 **who is a member of the Kansas association of school business offi-**  
25 **cers; a person who is a member of the Kansas association of special**  
26 **education directors; and one person who is a member of the Kansas**  
27 **association of school administrators; and**
- 28 **[(6) the commissioner of education, or the designee thereof. The**  
29 **commissioner of education shall serve ex officio and shall be a non-**  
30 **voting member of the task force.**
- 31 **[(b) (1) If approved by the legislative coordinating council,**  
32 **members of the task force attending regular or special meetings or**  
33 **subcommittee meetings authorized by the task force, shall be paid**  
34 **amounts for expenses, mileage and subsistence as provided in sub-**  
35 **section (e) of K.S.A. 75-3223, and amendments thereto.**
- 36 **[(2) The members of the task force shall select a chairperson**  
37 **and vice-chairperson from the membership of the task force.**
- 38 **[(3) The task force may meet at any time and at any place within**  
39 **the state on the call of the chairperson. A quorum of the task force**  
40 **shall be six voting members. All actions of the task force shall be by**  
41 **motion adopted by a majority of those voting members present when**  
42 **there is a quorum.**
- 43 **[(4) In accordance with K.S.A. 46-1204, and amendments**

1 *thereto, the legislative coordinating council may provide for such*  
2 *professional services as may be requested by the task force.*  
3 *[(5) The staff of the office of the revisor of statutes, the legis-*  
4 *lative research department and the division of legislative adminis-*  
5 *trative services shall provide such assistance as may be requested*  
6 *by the task force. Upon request of the task force, the state board of*  
7 *education shall provide consultants and assistance when requested*  
8 *by the task force. In addition and upon the request of the task force,*  
9 *the state board of education and school districts shall provide any*  
10 *information and supporting documentation related thereto.*  
11 *[(c) The special education funding task force shall:*  
12 *[(1) Study and make recommendations for changes in the ex-*  
13 *isting formula for funding special education;*  
14 *[(2) conduct hearings and receive and consider suggestions*  
15 *from teachers, parents, the department of education, the state board*  
16 *of education, other governmental officers and agencies and the gen-*  
17 *eral public concerning funding for special education; and*  
18 *[(3) make and submit reports to the legislature on the work of*  
19 *the task force concerning recommendations of the task force. Such*  
20 *reports also shall include recommendations for legislative changes*  
21 *and shall be submitted to the legislature on or before January 14*  
22 *of each year.*  
23 *[(d) The task force shall cease to exist on June 30, 2010.]*  
24 *Sec. ~~2~~ 4 [3.] This act shall take effect and be in force from and*  
25 *after its publication in the ~~statute book~~ [Kansas register].*