

M I N U T E S

SPECIAL COMMITTEE ON EDUCATION

July 28 and 29, 1975

The Chairman, Representative Sellers presided. All members of the Committee were present except Senator Tillotson (absence excused).

Staff persons in attendance included Ben Barrett from the Legislative Research Department, Avis Badke from the Revisor of Statutes' Office and Dale Dennis, Director of the Division of School Finance and Statistics - State Department of Education.

July 28

Conferees

Representative Richard C. "Pete" Loux
Don Lamb, Director of Special Education - Kansas City (USD 500)
Gary Bishop, Director of Special Education Services - Dodge
City (USD 443)
Don Herbel, Director of Special Education - Lawrence (USD 497)
Ferman Marsh, Superintendent of Shawnee Heights (USD 450)
Bob Wootton, Assistant Executive Director for Public Affairs -
K-NEA
W.I. Green, Director of Special Education - Topeka (USD 501)

Morning Session

Minutes

It was agreed that the minutes of the June 26-27 meeting should show that Representative Luzzati's absence was excused. Upon adoption of a motion by Senator Bell, seconded by Representative Bower, the minutes of the June 26-27 meeting were approved as amended.

Proposal No. 10 - Special Education

The staff presented several information sheets showing: the estimated revenue for special education in the USD's, USD levies for special education for selected years, reasons for USD appeals to the State Board of Tax Appeals for increased budget authority, FY 1975 reimbursement from state categorical aid to USD's for special education, material identifying the location of special education coops during the 1974-75 school year, and comparative revenue generating ability of school districts in the 1974-75 school year. (These items are included in the Committee notebooks under Proposal No. 10 - Special Education.)

The Chairman commented concerning the study proposal, indicating that the central question is not whether special education should be provided to all the students in the state or whether the special education mandate is desirable. Rather, the purpose of the study is to determine if the current financing mechanism for special education is properly structured and whether the program administration procedures are organized in a most desirable manner.

The Chairman turned the gavel over to the Vice-Chairman, Senator Bell, who presided during the discussion of Proposal No. 10.

Representative Loux. Representative Loux indicated that Kansas has been able to avoid litigation in the special education area partly because of the initiative it has exercised in developing forward-looking legislation. He stated that court decisions have set out several principles that should be kept in mind including:

1. If free public education is provided to some children, then public education must be provided to all children appropriate to their needs;
2. education and training are synonymous terms;
3. constitutional rights must be afforded students despite the greater expense involved; and
4. if sufficient funds are not available to finance all of the facilities that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a public supported education consistent with his needs and ability to benefit therefrom.

Representative Loux said that the following principles should be observed:

1. Continue the mandate and insure that all children receive appropriate schooling;

2. begin a procedure to insure appropriate education and individualized plans for students;
3. establish some kind of penalty which can be assessed upon school districts to insure compliance with the mandate;
4. require a USD to transfer from its general fund to the special education fund the same amount per pupil as it spends on "normal" children. (Special education students are included, in part, in the general structure of the school finance formula);
5. consult with special education teachers for their suggested solutions; and
6. require the first priority to be the provision of services to children who are now receiving no services and second priority to the severely handicapped children who are not being appropriately served.

Representative Loux stated that the State should not completely fund special education. This should be a joint effort between local, state and federal governments. The state and federal governments should shoulder the major share of the burden beyond the cost of the normal children and the USD should bear the cost to the extent of the costs incurred in regular instruction. (Representative Loux's statement is included as Attachment I.)

In response to a question, Representative Loux indicated that he thought it might be desirable to eliminate the 1.5 mill levy authority of school districts for special education purposes. Possibly the funding of special education services might be power-equalized.

Don Lamb* Mr. Lamb stated that the State has a responsibility to educate all of its children. He noted that the 1.5 mill levy authority has a different effect in the various school districts. Some districts are able to cover much of their special education costs by using the levy authority, while other districts cannot. In Kansas City, and in many other districts, a good portion of the expenses for special education comes from transfers from the general fund to the special education fund. In Kansas City, a large portion of the coop expenses are transferred from the general fund.

He indicated that more knowledge is needed concerning cost analyses of children in special education. The new state plan

* Mr. Lamb stated that his written comments would be submitted to the Committee.

for special education will require districts to present three-year plans, including the current budget. The State Department of Education also will approve all contracts involving establishment of special education cooperatives.

School districts need a way to finance all programs for exceptional children. There needs to be a commitment to make sure that adequate teacher training activities occur so that the special education teacher needs of the state can be met.

According to Mr. Lamb, it would be desirable to look to the future, placing some emphasis on pre-school intervention and education programs. He stated that money can be saved through early intervention activities.

Mr. Lamb explained that he was not familiar with the area vocational school funding procedures, however, he believes that every school district involved in special education should be responsible for providing the same amount for special education children as for children in regular instruction. If a formula were used, such as that suggested by Representative Sellers, segregation of the special education students might be promoted in order to simplify the administration of the special education program. These programs should be designed so that student needs are met in the least restrictive manner. Tying funding to the support of the FTE student would tend to promote the isolation of the student for program purposes. Auditing activities under such plan would be complex.

In speaking for the Advisory Council for Special Education, Mr. Lamb stated that a district should be responsible for budgeting the same amount for special education as for regular students, that local money should follow a child wherever he is provided special education services, and that programs should be designed to meet needs in the least restrictive manner.

The Committee discussed certain methods that might be used for funding special education services and maintaining program accountability requirements at the same time.

Afternoon Session

Gary Bishop. Mr. Bishop stated that his remarks had been prepared and would be provided to the Committee (see Attachment II). He voiced support for the special education mandate and commented on funding trends in special education. He stated that in 1971-72, before the School District Equalization Act, Dodge City had received approximately 72% of its special education program support from state aid. The amount in 1972-73 was approximately 68%. In the first year of the School District Equalization Act (1973-74), the special education support from state moneys fell to 24%. (This statement does not take into account the general state aid that flows to a school district under the school

district equalization act for students, regardless of whether or not they are enrolled in special education programs.)

Mr. Bishop said it is difficult to project with any degree of accuracy the special education needs of a district for more than one year in advance. The needs change dramatically from one year to the next. Mr. Bishop believes special education funding should remain separate and apart from funding for other programs of the school district. Budgeting for special education services two years in advance would be difficult and subject to inaccuracies. In fact, budgeting one year in advance is subject to substantial error.

In response to a question, Mr. Bishop stated that approximately 11 of 17 school districts in the Dodge City coop levy the full 1.5 mills. Mr. Bishop stated that there is a flat rate charged to participating school districts for membership in the coop. This year the amount is \$15,000. In response to a question, Mr. Bishop stated that the school boards in the Dodge City coop, in the past, have been very cooperative and responsive concerning the provision of special education services. However, they are becoming more reluctant to fully fund the coop as there is a desire to use school district general fund moneys for purposes other than special education.

According to Mr. Bishop there are some students in the Dodge City region who presently are not receiving any special education programming. The belt-tightening being experienced by the cooperating districts is partially a reaction to the feeling that special education is squeezing out other programs of the school district.

Mr. Bishop stated that the present state program for support of special education is desirable, but that state aid for teacher units should be increased to approximately \$4,500 or \$5,000 annually. Mr. Bishop stated that the special education transportation aid portion of the formula is working quite satisfactorily.

Don Herbel. Mr. Herbel focused on the following concerns:

1. There might not be enough adequately trained special education teaching personnel to meet the needs of Kansas in the near future;
2. local budget approval by the State Board of Education, as proposed in Representative Sellers' memo needs clarification so as not to imply additional state control,
3. collection of FTE data and actual computation of FTE students in a district's special education program is a monumental task since there is a tremendous rate of student turnover in these program areas. In addition to student turnover, many

students receive direct special services for only a small part of the educational day.

4. If budgeting requests are to be made as much as one or two years in advance, state special education aid would need to be based on one- or two-year old FTE data which would affect the amount of state special education aid received by local districts.
5. When a formula is proposed and applied to different program structures, the 150% or 1.5 index would sufficiently cover some programs and underfund others. (Mr. Herbel suggested that a single index applied to all special education programming would be inappropriate. Indexes based on various types of exceptionality would be more agreeable if such a formula were to be used.)
6. The unavailability of general state aid payments to school districts for preschool children has the effect of requiring a greater effort on the part of the individual school district to provide any preschool services than otherwise would be the case.

(Mr. Herbel's statement is included as Attachment III.)

Ferman Marsh. Mr. Marsh pointed out that the state is making a greater commitment to special education now than it has in the past. Under the School District Equalization Act, state aid is based, in part, on the budget per pupil selected by the school board and also on the number of pupils that the district has to educate. An amount of aid is received within each district for special education pupils just the same as for so-called "normal" children. Mr. Marsh is concerned about the earmarking of moneys for special education purposes. The question rises as to where the responsibility for a special education student starts and ends with the schools. He said that most districts are meeting the 1974 mandate for the developmentally disabled child reasonably well, but the 1979 mandate is something of a different matter. In some respects the latter mandate is a bit unclear.

Mr. Marsh was supportive of the idea of weighting students in accord with the handicap. He commented that the traditional school year is not a suitable time frame for many special education programs. Twelve month programs are desirable for many handicapped children.

Bob Wootton. Mr. Wootton supports statements made earlier in the day regarding the philosophy of the special education law.

He said the law should be changed to require a district to levy the maximum (1.5 mills) of its special education levy authority before it transfers money from the general fund to the special education fund. In making this point, Mr. Wootton referred to a computer printout prepared in the Fall of 1974 which indicated the levies for school districts for special education purposes and the levy equivalent of the transfer budgeted from the general fund of the district to the special education fund.

W.I. Green. Mr. Green stated that USD 501 presently has enough staff to serve the district's needs for special education purposes. In fact, the staff for the emotionally mentally retarded can be reduced somewhat when supplementary services are added.

Mr. Green said that the Topeka special education program serves approximately 200 inpatients at Topeka State Hospital; the Topeka school district pays a fair share of the costs for its students who are in a day school situation at Topeka State Hospital. (Mr. Green stated that he would prepare remarks and submit them to the Committee.)

Observations. Mr. Jim Marshall, Director of Special Education - State Department of Education, commented on a special education consortium relative to training of staff for special education purposes. The Regents' institutions have added some staff so that increased emphasis is being placed on preparing special education teachers. More teachers are being trained, and more are staying in Kansas. Mr. Marshall stated that in FY 1976 it is expected that there will be approximately 2,600 special teachers employed and in FY 1977, about 3,000. However, the teacher training institutions in the state are not yet able to adequately meet the needs for special education teachers. The major area of need at the present time is for services for the learning-disabled.

Mr. Marshall stated that it is not terribly difficult for districts to generate the FTE data on students and personnel.

In accord with comments by Representative Bower, there was some discussion of the merits of power-equalizing of special education.

Other Matters

Avis Badke presented to the Committee a proposed bill draft which amends K.S.A. 72-1111 concerning compulsory attendance requirements. The purpose of the amendment is to conform this provision with the compulsory attendance provisions of the special education law. The bill states that any child who is determined to be exceptional under the special education law is exempt from the provisions of K.S.A. 72-1111 and subject to the provisions of the special education law.

A similar bill had been recommended to the 1975 Legislature. That bill also would have deleted substantial material from the statute in accord with the Attorney General's opinion which stated that such deleted provisions, relating to educational programs for persons who object on religious grounds to formal schooling beyond certain grades, were void. The Governor did not agree with this interpretation and, therefore, vetoed the bill. Since the veto was based on the Governor's objection to striking the material regarding the educational requirements for religious groups who object to the public school educational program, this proposed bill is directed only to the basic compulsory attendance requirements of K.S.A. 72-1111 and not to that issue.

The Committee reviewed the bill draft and unanimously agreed to include it among the Committee's recommendations to the 1976 Legislature.

Proposal No. 66 - Out-District Tuition
In Certain Private Institutions

The staff reviewed a memorandum dated July 28 (filed in the Committee notebooks) concerning recent legislative studies and legislative activities regarding the subject of this proposal. In essence, the proponents of the proposal encourage the development of some procedure for reimbursing the school districts for the costs of additional students they receive when such students are placed temporarily in private licensed institutions for children such as Methodist Youthville.

July 29, 1975

Conferees

Jack Jonas, Executive Secretary, United Cerebral Palsy of
Kansas
Joyce Beery, Director of Special Education Cooperative -
Colby (USD 315)
Dr. Lloyd Schurr, Superintendent, Salina (USD 305)

Morning Session

Proposal No. 10 - Special Education

Jack Jonas. Mr. Jonas stated that he would be supportive of a cost-sharing approach involving federal, state and local governments in funding special education activities. The reason Mr. Jonas supports cost-sharing is that if the state were to support 100% of special education activities, this would tempt local school administrators to place children who do not belong there in special education and to keep them in special education

unnecessarily long. Mr. Jonas stated that the main purpose of providing special education should be to prepare children for a delivery system at the upper end of the scale. Normally, this involves preparing a child for some type of employment. It is important for policymakers and school systems to keep in mind where the child will be upon completion of the special education activities.

Mr. Jonas stated that the special education operation should include the delivery system as a component. Most definitely, cost-sharing should be a principle under which the funding for special education operates, because of the effect it would have in keeping the community directly involved in the special education preparation and delivery system.

Mr. Jonas stated that the Department of Social and Rehabilitation Services is actively involved in a viable de-institutionalization program. Some concern still exists about the provision of appropriate liaison between SRS and the community. Mr. Jonas stated that cost-sharing in the institutional setting might also be desirable.

It was noted that even the profoundly handicapped are covered under the provisions of the special education law. Special programs should be developed in the institutional settings to care for these children.

Mr. Jonas stated that future federal funding in the area of special education might be forthcoming. This would be helpful in relieving some of the burden of financing special education activities. Mr. Jonas believes that the state plan for special education should be relatively strong, and it should be possible at the state level to monitor and provide guidance in the development of school district programs.

It was stated that educational services beyond the ordinary school age might be needed for some of the especially severely handicapped persons. Probably, however, the school district should be able to move youth out of their programs by the age of 21. Prior to reaching that age, provisions should be made for continued services to the individual.

Joyce Beery. Mrs. Beery explained that the new cooperative in Northwest Kansas is centered at Colby, and it includes 12 counties with enrollments of approximately 13,000 children. Some 11,000 square miles of territory are included within the purview of that cooperative's operation. It is estimated that 10% to 15% of the children in the region need special education services.

Mrs. Beery stated that she supports the "least restrictive environment" concept in the delivery of special services. When a student is left in the classroom, he should not be neglected, but should be provided those necessary support services that enable him to have an adequate educational opportunity.

According to Mrs. Beery, general education teachers need to have more training in learning styles and in developing a more personalized approach to the provision of services to exceptional children. In-service training and continuing education programs are needed.

Mrs. Beery stated that programs for the multiply handicapped are very expensive. This puts a considerable strain on parents and the school district. In providing services, local school districts should have substantial responsibility for financial effort because of the importance of local involvement in caring for these children. Mrs. Beery stated she would support a procedure for budgeting for special education purposes in advance. However, she noted that preparation of a preliminary budget as early as January or February of a year is most difficult.

Mrs. Beery stated that the various federal programs have somewhat different guidelines and it is difficult sometimes to coordinate and avoid overlapping jurisdictions. State-level coordination might be improved in this regard.

In response to a question, Mrs. Beery stated that finding qualified staff for special education services is difficult. Also, common data on state educational costs are not easily obtained. A full-time equivalency for students who are users of special education services is a complex determination. Such figures are not presently available.

It was noted that the special education teachers, in some areas, receive added compensation for their services as compared with regular teachers employed by a school district. In the Northwest Kansas coop, it is expected that the practice of paying differential salaries will be discouraged.

Mrs. Beery stated the amount of approximately \$3,800 per teacher under the state categorical aid program is reasonably fair. However, the transportation reimbursement is not adequate to sufficiently relieve the financial strain involved in providing for the transportation of teachers and students for special education purposes.

The districts participating in the Northwest Kansas coop pay a membership fee for basic services and administrative costs, and set amounts per pupil for certain items. Additional costs are based upon the needs of the individual school districts. Separate contracts are provided for each district in the coop.

Identification of the staff of the coop with the staff of the USDs is expected to be somewhat difficult. This is because the coop employs the teachers, even though the teachers may be assigned at various locations in school districts involved in the coop. In the first year of the coop, the salary schedules of the individual school districts serve as a basis for the salary levels of the teachers employed by the coop.

Dr. Lloyd Schurr. Dr. Schurr stated that the Salina special education coop consists of 12 districts and that the combined enrollment in these districts totals about 19,000. The board of control of the coop consists of the superintendents of the cooperating districts. The superintendents must go to the individual boards of education for agreements and approvals of cooperative activities. The payment to the cooperative is based on enrollments of the participating districts. Only two districts of the 12 are not able to generate enough money using the 1.5 mill special education levy to provide for their participation in the coop. However, these are the two largest districts—Abilene and Salina. Salina has approximately 52% of the coop enrollment and Abilene, 10%-15%.

According to Dr. Schurr, the coop is funded at about 30% from the special education categorical aid program. The Salina salary schedule applies to the coop teachers.

Dr. Schurr stated that the present method of funding special education tends to be inadequate and inequitable. The 1.5 mills means something far different in various types of school districts. State categorical aid tends to be subject to similar inequities as of the 1.5 mill levy. That is, school districts with substantial wealth get the same aid per teaching unit as districts with low wealth. Some type of power-equalization approach would be preferable.

Dr. Schurr reported that Salina receives approximately 60% of its budget from state aid; however, he stated that the special education coop receives about 30% funding from the state categorical aid program. It was noted that the students who are enrolled in the coop are counted in the school district for general fund budget and state aid purpose. Dr. Schurr stated that Salina levies the full 1.5 mills for special education and also transfers money from the general fund of the district for special education purposes. He said FTE students are difficult to compute in special education, but he does not believe the job is impossible. The incidence of the various types of exceptionality probably does not vary a great deal from one district to another. However, some districts will have an extraordinary burden at certain points of time. Perhaps the legislature should provide some kind of special legislation to deal with such circumstances.

Other Matters

Mr. Marshall was requested to appear before the Committee at its next meeting for the purpose of expressing recommendations and comments of the State Department of Education relative to the funding of special education. Also conferees will be scheduled at the next meeting representing special education teachers. Representative Luzzati will contact the staff to provide the names of one or two persons from the Wichita school district who would be interested in appearing on this topic.

Representative Yonally suggested components of a possible revision of the state approach to the funding of special

education. The principles of Representative Yonnally's proposal include:

1. Repeal the USD's 1.5 mill special education levy authority,
2. eliminate state categorical aid - at least that portion which provides funds on a teacher unit basis (the proposal does not cover the matter of transportation reimbursement as provided under the current special education categorical aid formula),
3. require the State Department of Education to approve all special education budgets,
4. establish a ratio of students to teachers (approved by the State Board of Education) for the various types of special education handicaps,
5. on the basis of the number and type of special education employees of a district, compute the hypothetical number of special education students who are to be served,
6. require the USD to transfer from its general fund to its special education fund the amount of the budget per pupil of the district times the number of full-time equivalent students as computed under item (5), times another factor which would be arrived at on the basis of political determination (this factor might be 100%, 150%, etc.), and
7. compute the difference between the state approved budget for special education and the required local contribution, the difference being a district's entitlement to special education state aid.

It is expected that the Committee will consider this funding proposal in more detail at the next meeting.

Proposal No. 12 - Privacy
of Records

The Committee reviewed two bill drafts it had instructed the staff to prepare concerning Proposal No. 12 - Privacy of Student Records. One bill proposed to amend K.S.A. 45-201 concerning access to open public records. The staff was directed to make some modifications in this draft for review by the Committee at the next meeting. The second bill pertained to a state policy with respect to whether school districts should adopt certain criteria and guidelines concerning the accessibility of students and their parents to educational records. No action was taken

by the Committee on the bills; they will be considered further at the next meeting.

The meeting was adjourned.

Prepared by Ben F. Barrett

Approved by Committee on:

8/21/75
(date)

Rep Loux
July 28, 1975

WHEN THE SPECIAL EDUCATION MANDATE WAS PASSED IN 1969 EDUCATION ASKED FOR AND THE LEGISLATURE GRANTED A 5 YEAR DELAY, IN ORDER TO GIVE TIME FOR TEACHERS TO BE TRAINED AND PROGRAMS TO BE PHASED IN. THEN WE HAD THOUSANDS OF CHILDREN WHO WERE REFUSED ADMITTANCE TO SCHOOL. THEN OUR TOP PRIORITY WAS SECURING ADMITTANCE FOR ALL CHILDREN AND LESS EMPHASIS WAS PLACED ON THE APPROPRIATENESS OF EDUCATION.

TODAY 1975, 6 YEARS LATER, MOST BUT NOT ALL CHILDREN ARE IN SCHOOL OR TRAINING, WHEN WE NEED TO TURN OUR ATTENTION TO APPROPRIATE EDUCATION FOR ALL CHILDREN WE STILL HAVE SOME EDUCATORS AND OTHERS TRYING TO EXTEND THE DATE OF THE MANDATE--SAYING WE CANNOT AFFORD TO EDUCATE ALL CHILDREN--GIVE US MORE TIME, ETC.

BECAUSE KANSAS HAD PASSED A SPECIAL EDUCATION LAW EVEN THOUGH THE EFFECTIVE DATE WAS IN THE FUTURE--KANSAS WAS SPARED LITIGATION MANY OTHER STATES HAD ENDURED.

THESE DECISIONS SET OUT SEVERAL PRINCIPLES WHICH WE NEED TO REMIND OURSELVES OF OCCASSIONALLY:

(1) IF FREE PUBLIC EDUCATION IS PROVIDED TO SOME CHILDREN THEN FREE PUBLIC EDUCATION MUST BE PROVIDED TO ALL CHILDREN APPROPRIATE TO THEIR NEEDS.

(2) EDUCATION AND TRAINING ARE SYNONYMOUS TERMS.

(3) CONSTITUTIONAL RIGHTS MUST BE AFFORDED CITIZENS DESPITE THE GREATER EXPENSE INVOLVED.

(4) IF SUFFICIENT FUNDS ARE NOT AVAILABLE TO FINANCE ALL OF THE SERVICES AND PROGRAMS THAT ARE NEEDED AND DESIRABLE IN THE SYSTEM THEN AVAILABLE FUNDS MUST BE EXPENDED EQUITABLY IN SUCH A MANNER THAT NO CHILD IS ENTIRELY EXCLUDED FROM A PUBLIC SUPPORTED EDUCATION CONSISTENT WITH THEIR NEEDS AND ABILITY TO BENEFIT THERE FROM. THE INADEQUANCIES OF THE SCHOOL SYSTEM WHETHER OCCASSIONED BY INSUFFICIENT FUNDING OR ADMINISTRATIVE INEFFICIENCY, CERTAINLY CANNOT BE PERMITTED TO BEAR MORE HEAVILY ON THE HANDICAPPED CHILD THAN ON A NORMAL

CHILD,

WHAT SHOULD WE DO NOW

(1) CONTINUE THE MANDATE TO INSURE THAT ALL CHILDREN IN SCHOOL DO NOT RETREAT FROM OUR PROGRESSIVE LAW.

(2) START ON PROCEDURE TO INSURE "APPROPRIATE EDUCATION" & "INDIVIDUALIZED PLAN."

(3) PUT IN SOME KIND OF PENALTY TO INSURE COMPLIANCE.

(4) REQUIRE USD TO AT LEAST TRANSFER FROM THEIR GENERAL FUND TO THE SPECIAL EDUCATION FUND THE SAME BUDGET PER PUPIL AS THEY SPEND ON NORMAL CHILDREN---SPECIAL STUDENTS ARE INCLUDED IN FINANCE FORMULA.

(5) CONSULT WITH SPECIAL EDUCATION TEACHERS FOR THEIR SUGGESTED SOLUTIONS--NOT CONFINE YOUR CONFEREES TO ONLY ADMINISTRATION AND KNEA WHO HAVEN'T SHOWN THAT MUCH INTEREST IN HANDICAPPED.

(6) REQUIRE FIRST PRIORITY ON PROVIDING SERVICES TO CURRENTLY UNSERVED CHILDREN AND SECOND PRIORITY ON SEVERLY HANDICAPPED CHILDREN WHO ARE INAPPROPRIATELY SERVED.

FINALLY IT HAS BEEN SUGGESTED THAT THE STATE SHOULD COMPLETELY FUND SPECIAL EDUCATION--I DISAGREE. THIS SHOULD BE A JOINT EFFORT BETWEEN LOCAL, STATE AND FEDERAL--THE STATE AND FEDERAL GOVERNMENT SHOULD SHOULD THE MAJOR SHARE OF THE BURDEN BEYOND THE COST OF NORMAL CHILDREN AND THE LOCAL USD THE COST WHERE APPROPRIATELY THE SAME AS REGULAR INSTRUCTION. I WOULD PREDICT THAT IF THE STATE BORE 100% OF SPECIAL EDUCATION COST, EDUCATORS, ADMINISTRATORS, PARTICULARLY IN URBAN AREAS WOULD TRANSFER JUST ABOUT EVERYONE THEY COULD THINK OF TO SPECIAL EDUCATION SO THAT THEIR EDUCATIONAL COST WOULD BE BORNE BY THE STATE.

ATTACHMENT II

TESTIMONY PRESENTED TO INTERIM COMMITTEE ON SPECIAL EDUCATION

July 28, 1975

By: Gary Bishop, Director of Special Education
Southwest Kansas Area Special Education Project
Dodge City Unified School District No. 443

I would like to personally commend the members of the State Legislature for their efforts in establishing the special education mandate we now have in Kansas. It is a very important and relevant piece of legislation and has provided the main drive for the development of appropriate special education services to the exceptional children of our state. It would be safe to say that without the mandate we would not be serving near the number of exceptional we are now providing for.

However, as with any major change in education, there are problems in implementation. These problems center around two major areas:

- 1) Securing qualified special education staff to provide the educational service.
- 2) Securing adequate funding.

I believe we are here today to address ourselves to the issue of securing adequate funding.

During the 1971-72 School Year, State reimbursement for the local special education cooperative was at 72 percent of the total budget. The following year State reimbursement was at 68 percent. Before that time the Southwest Kansas Area Special Education Project had established itself as a special education cooperative and had adopted a policy of providing special education services to all exceptional children of the area. Because of the obvious need for special education services and the relatively low amount of local funds needed to finance the Project, program expansion and development was rapid. Then in the 1973-74 School Year, State support of special education fell to 24 percent at the local level because of changes in the method of school finance. Because of the resultant rise in cost to the member districts, special education program expansion slowed significantly and local plans for additional programming were discarded. This situation caused a great deal of concern on the part of some local special education administrators and prompted them to write letters expressing their concern to responsive legislative members.

In regard to how these problems would be affected by Proposal #10, I am afraid I have more questions than projections but I will try to hazard a few observations.

Testimony by Gary Bishop presented to
Interim Committee on Special Education
July 28, 1975
Page Two

In reference to item Number III on Proposal #10, it would be impossible to anticipate with the accuracy desired exactly what kind and how many special education programs are going to be required at the local level any more than one year in advance. This is due to the very large number of variables that affect the number of exceptional children in any one location and what their educational requirements are from year to year. Special education programs have always been developed at the local level on a "seen need" basis and those needs change frequently in rural areas.

I am not sure of the intent of item Number IV but I would like to express my opinion that all special education funds must remain separate from other funds at the local level. The local districts feel very financially strained and would feel obligated to expend any unattached funds in areas they felt were in greater need. State support of special education must also be "earmarked" or it may be placed in the district's general operating budget for the same reason.

In regard to item Number V, the preparation of a budget two years in advance would not be difficult, however it's accuracy would be doubtful as factors such as inflation, change in local policy, and change in staff would have unknown effects on it. I would estimate that the projected budgets would be rather "fat" to allow for these variables.

"Shorthandle" cost would also be inaccurate as the shortage of qualified special education staff causes many to hire staff whenever they are available and this is often during the school term.

Computing the number of FTE students in special education would be an administrative nightmare as students spend anywhere from 15 minutes a day to a full day in direct special education programs. The other factor that seems to appear is that it would be advantageous to the local district to have as few students enrolled for as short a period of time as possible in special education programs. The result would be to encourage local districts not to identify exceptional children.

Submitted July 28, 1975

Comments regarding Special Education, State Responsibility

FROM: Donald W. Herbel, Director Special Services USD #497 Lawrence

TO: Interim Special Committee on Special Education

I would like to express my appreciation and congratulations to the members of this committee and all others involved in the recent enactment of the Kansas Special Education for Exceptional Children Act of 1974. Such legislative action has and will in the future have the greatest impact on the education of exceptional children of any other single event in the relatively short history of Kansas special educational programming. I would like to suggest to this committee that all is not done and that additional legislative concern is necessary to provide local boards of education with the resources necessary to carry out the tremendous charge of this recently enacted mandate.

Like most special education administrators I am more concerned with the level of state support for special education than with the formula on which such state aid is distributed. However, I realize that the distribution formula in itself can have effects on local educational programming and am therefore most interested in the actions and recommendations of this committee. It was from this vantage point that I studied the the proposed funding formula as presented by Representative Sellers. Being totally unknowledgeable of the budgetary system of the Area Vocational Technical Schools, after which the proposed formula is patterned, most of my comments will be in the form of questions or concern that may result from my lack of understanding of the AVTS finance formula.

1. I see the need for long range fiscal planning both on the part of local education agencies and state legislatures and view the proposed two year advance budgeting as favorable as long as sufficient flexibility is provided. Factors such as unavailability of special teachers can disrupt the most well laid plans.

2. Local budget approval by the State Board of Education as proposed in this formula needs clarification so as not to imply additional state control.
3. The collection of FTE data and actual computation of FTE students in a district's special education program seems to be a momentous task as a tremendous rate of student turnover occurs in many program areas. In addition to the turnover rate, many students are receiving direct special educational service for only a small portion of their educational day.
4. Obviously if budgeting requests are to be made as much as 1-2 years in advance, state special education aid will have to be based on 1-2 year old FTE data which would effect the amount of state special education aid received by a local district.
5. When such a formula as is proposed is applied to different program structures the 150% or 1.5 index as it turns out to be seems to over fund some programs and under fund others. It seems that one index applied to all special education programming is inappropriate. Studies by Rossmiller identified cost indexes for special education ranging from 1.14 to 3.64 for various areas of exceptionality. Cost data that I have collected from a sample of Kansas school districts as a part of a doctoral dissertation identified a variance in cost indexes not only among areas of exceptionality but also variances among program structures i.e. special class-itinerant etc.
6. The unavailability of general foundation payments to local districts for preschool children causes local districts to provide a share even greater than 150% for special educational programming for preschool children.

As I mentioned earlier, these concerns are based on a total lack of knowledge of the AVTS budgetary system and after further study on my part may cease to exist. I am at this time open to consider any funding formula that would increase the level of state support for special education. My main concern, like all special education administrators,

is to deliver appropriate special educational services to all students who need them.

I want the committee to be aware of my appreciation at having been afforded this opportunity for input.

MONIES TRANSFERRED FROM GENERAL FUND TO SPECIAL EDUCATION

	1973 Levy	Amount Transferred from General Fund to Spec. Ed.	1974 Levy	Amount Transferred
Salina--305	1.50	\$ 154,000	1.50	\$ 210,000
Wichita--259	1.30	1,324,000	1.50	1,376,000
Kansas City--500	1.04	907,982	1.03	907,982
Shawnee Mission--512	0.24	1,185,984	0.29	1,336,860
Clay Center--379	0.00	46,970	0.82	46,000
Norton--211	1.37	4,500	1.50	26,555
WaKeeney--208	0.99	0.00	1.32	2,000
Hays--489	1.49	2,500	1.49	92,292
McLouth--342	1.50	0.00	1.50	20,000
Topeka--501	1.37	750,000	1.38	1,194,060

MONIES TRANSFERRED FROM GENERAL FUND TO VOCATIONAL EDUCATION

Salina--305	2.00	0.00	2.00	0.00
Wichita--259	1.92	464,800	2.00	416,000
Kansas City--500	1.39	0.00	1.38	0.00
Shawnee Mission--512	0.65	2,848	1.06	0.00
Clay Center--379	2.00	0.00	1.13	0.00
Norton--211	1.78	26,000	2.00	9,534
WaKeeney--208	1.98	2,000	1.83	3,000
Hays--489	0.65	0.00	0.00	0.00
McLouth--342	2.00	0.00	2.00	7,664

TOTAL FUNDS TRANSFERRED FROM ALL GENERAL FUNDS
TO ALL SPECIAL EDUCATION FUNDS

	1973	1974
Special Education	\$7,343,200.40	\$9,456,597.32
Vocational Education	2,182,894.07	2,273,181.98