

MINUTES OF THE SELECT COMMITTEE ON SCHOOL FINANCE

The meeting was called to order by Chairman Kathe Decker at 9:00 on January 25, 2006 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research  
Theresa Kiernan, Revisor of Statutes Office  
Art Griggs, Revisor of Statutes Office  
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Kathie Sparks, Legislative Research  
Jim Edwards, KASB  
Diane Gjerstad, Wichita Public Schools  
Mark Desetti, KNEA  
Ginger Lewman, KGTC  
Christina Kolm, Parent

Kathie Sparks appeared before the Committee with an overview of the Cost Study Analysis contained in the Legislative Post Audit Report.

Some of her findings were that 49% of all special ed children spent less than 2 hours a day out of a regular classroom. Only 34% spend at least a half-day out of a regular classroom.

Changes recommended by the Post Audit in calculating special ed. excess cost were: 1. Reduce regular education cost deduction from 100% to 34%; and 2. change the calculation for regular education cost from an average operating cost per pupil to average instructional cost per students.

The effect of these changes would be a requirement of an additional \$78.9 million in state aid for the state financial aid excluding increased expenditures for local option budgets.

Jim Edwards presented the views of the KASB on funding of special ed. (Attachment 1).

Diane Gjerstad spoke to the Committee in support of the findings of the Post Audit Report. (Attachment 2). She said that the "special ed" student also falls under the "at risk" category as well as "bi-lingual"

Kathie Sparks pointed out that those labeled "special ed" cannot access the state's "at risk" funds.

Mark Desetti appeared before the Committee regarding the Post Audit Report. (Attachment 3).

Speaking in support of the full funding of special ed was, Ginger Lewman. (Attachment 4).

Christina Kolm testified next in support of the gifted program. (Attachment 5).

The meeting was adjourned at 10:25 a.m. The next meeting is scheduled for Thursday , January 26, 2006.



Testimony on **Special Ed Funding**  
before the  
**House Select Committee on School Finance**

by

**Jim Edwards, Governmental Relations Specialist**  
Kansas Association of School Boards

**January 25, 2006**

Chairwoman Decker and Members of the Committee:

Thank you for allowing me the opportunity to appear before you today to express KASB's thoughts on how the Legislative Post Audit Committee addresses the issue of special education funding.

An element of KASB's policy with regard to special education funding as a part of our overall school finance policy states:

- ***Fully fund Bilingual and Special Education. The state should fund 100 percent of the additional cost of these programs. Concerns about over-identification should be addressed by auditing, not under-funding.***

In the past, the Legislature has expressed a concern that if they were to fund special education at a level of 100% of excess costs, that there would be over-identification by Kansas school districts. One finding of the Legislative Post Audit Costs Study that stated "*the type of Special Education funding system used by Kansas isn't likely to encourage over-identification of Special Education students*" should alleviate that fear.

Also, there are many districts that must shift funds from their general fund budget to cover the excess costs of providing services to special needs students. We don't believe that this is fair to the special needs students as they may not have all of the funding necessary to cover the excess costs and likewise, we don't feel that it is fair to the general school population where dollars are taken but not replaced.

I appreciate the opportunity to present our views on this issue and would be happy to answer questions that you might have.

**Select Comm. on School Finance**  
**Date** 1-25-06  
**Attachment #** 1



**House Select Committee on School Finance  
Representative Decker, Chair**

**Special Education Funding**

January 25, 2006

Diane Gjerstad  
Wichita Public School

Madame Chair and members of the Select Committee:

Special Education funding (or the lack thereof) has long been a drain on the regular education budget. For every dollar of this under-funded mandate, a dollar must be transferred from regular education. The results are well-documented by Post Audit. A portion of the financial issues difficulties large urban districts face stems from lack of adequate Special Education funding.

Wichita agrees with Post Audit's observation "that the current calculation of "excess" cost overstates how much districts realistically could reduce regular education costs when students receive Special Education services." As Post Audit further notes, "the current formula subtracts out the average operating costs per students for regular education from the Special Education costs. The step assumes there's a 1:1 reduction in districts' regular education costs for each FTE Special Education students."

The majority of special ed students spend most of the day in the regular classroom. For example, the 4<sup>th</sup> grader who leaves for speech therapy for 20 minutes 3 days a week, the cost of 4<sup>th</sup> grade teacher and classroom has not been reduced.

For the current year Wichita estimates transfers of **\$30m** are required to support Special Education.

Special Education expenditures are well documented since teachers, paras and support staffs are required to log time spent with each student. Research shows poverty leads to a higher prevalence of special needs students, as a result of lack of pre-natal care, general health care, and nutrition.

We support Post Audit's findings to adjust the "excess" cost calculation to more realistically reflect the whether or not regular education costs are reduced or not.

Madame Chair, we encourage the committee to adopt the Audit's findings adjusting the "excess" cost calculation.

Wichita Special Education program	Total budget	<u>\$86m</u>
8850 Special Education students	Revenues: State aid	\$32.5
753 certified Special Education teachers	Transportation	\$10
520 para educators.	Federal ad	<u>\$12</u>
	General fund subsidy	\$31.5m

Select Comm. on School Finance  
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 Attachment # 2



**Mark Desetti, Testimony  
House Select Committee  
School Finance  
January 25, 2006**

**Special Education**

Madame Chair, members of the committee, thank you for the opportunity to appear before you today to share our thoughts on **special education** funding issues raised in the LPA cost study.

This would be a whole lot easier if the federal government would fulfill their promises. Unfortunately, they won't and they leave the states holding the bag.

The Individuals with Disabilities Education Act, what we commonly call special education, is a wonderful idea. Only in the United States do we provide a free appropriate public education to every child regardless of ability or disability. Back in the mid 1970s when the special education law was first passed, Congress assured the states that the funding would be forthcoming. Thirty years later the states are still waiting.

But regardless of the federal government's failure to appropriately fund special education, our schools strive every day to meet the needs of all children.

Each study of school finance has indicated a problem with the underfunding of special education. KNEA has joined the other education organizations to urge the legislature to fully fund special education excess costs. We have taken the same battle to Congress through the NEA.

We believe the Legislative Post Audit has done an excellent job of reviewing special education costs in Kansas and that they have correctly identified some problems with the way excess costs are calculated. In a system that strives to put each and every child in the general education classroom to the greatest extent possible, backing out the funding provided for general education purposes ignores the reality of the costs to the general education program. We cannot look at special education students as if they are separate from the general education population.

The LPA recommendation on the calculation of excess costs is a step forward. Whether it gets to the issue of fully funding excess costs is another question. The overall recommendation is still based on meeting the statutory limit on excess costs. This is a calculable, known cost as was pointed out in the Court case. The legislature should continue to discuss fully funding special education excess costs.

Thank you for your time; I would be happy to answer any questions.

25 January 2006

To: The Honorable Kathe Decker and other Members of the House Education Committee  
From: The Kansas Association for the Gifted, Talented and Creative (KGTC)  
Re: **Special Education funding as outlined in the Legislative Post Audit Report**

*Everyone who has and will present here today has illustrated many essential points regarding the various needs of children with disabilities as it relates to full funding. Special Education was originally created to help students, parents and teachers remove obstacles in the path of children's full potential development. Today, I'd like to talk with the committee about other another type of exceptional child, the academically gifted child, whose academic path, albeit different, also includes very real obstacles that ALSO block their paths to developing full potential. Special Education in Kansas, which includes supports for over 15,800 gifted learners as children with an exceptionality, needs full funding in order to allow each exceptional child to experience a brighter future.*

### **Great things are happening!**

Kansas is doing a terrific job in comparison to many other states with our initial efforts to meet the needs of gifted children:

- Kansas recognizes, by definition, that gifted is an exceptionality and has included gifted as part of the state's special education system. Only Kansas, New Mexico, Tennessee (partially), and West Virginia, have IDEA law for most or almost all of the Special Education categories (child find, IEP, least restrictive environment, mediation rights, due process, etc.)
- Consequently, parents and children in Kansas enjoy the protection of their right to an appropriate education under special education.
- Only 6 states give full funding to gifted education, while at least 18 offer partial funding partial funding 18. This is important, because while the Federal government does recognize gifted children as an exceptionality, they offer \$0 to help States meet these children's specific needs.
- KSDE and the Kansas Association for the Gifted, Talented and Creative (KGTC) collaborated in 2001 to create the Effective Practices Manual for Gifted Education in Kansas to guide teachers and schools in better meeting gifted learners' academic and affective needs. This is still the standard by which many gifted programs operate.

### **Obstacles are continually at hand**

While Kansas is certainly a national leader in meeting the needs of gifted children, there are still many obstacles:

- **Lack of knowledge regarding the unique characteristics, needs, and potential abilities of gifted children.** Not only do educational stakeholders need to know this information, but the general public needs to hear common myths and realities regarding this exceptional population.
- **Zero Federal Dollars go to gifted children.** While the Federal government does recognize "gifted" as an exceptionality, states are expected to bear the burden of educating these children alone.
- **Diversity issues hinder the identification of many bright students who are from various backgrounds, including Poverty.** Currently, our population has the following diversity spread:
  - African American 3%
  - Native American 1%
  - Asian 4%
  - Latino 3%
  - Caucasian 89%
- **Caseloads for teachers of gifted children are extremely high, with itinerant services frequently the norm.** Many gifted children receive gifted services 1 day a week, because their teacher may have up to 100+ children to serve in several different schools across the area. In the more rural areas of Kansas, teachers often travel hundreds of miles a week simply to see children for 1 hour during that week. This is NOT appropriate service time for children who:
  - Feel more deeply
  - Learn much faster
  - Know much more

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**Attachment #** 401

- Develop faster intellectually than they do emotionally and physically.
- Are “out of sync” with their age peers.
- Are an at-risk population
- Are found in all sub-populations
- **For a Comparison of Availability of Services in Kansas, see chart at bottom of testimony (fig 1).**

## Why/How: A gifted child’s full potential

**Question:** Why is it important for gifted children to receive an appropriate education?

**Answer:** They deserve the opportunity to fully develop their academic and intellectual skills:

- **Science, Technology, Engineering, and Mathematics (STEM)**
  - With the new national security and defense issues facing the nation today, a strong education for Americans in the STEM industries is more crucial than ever. **Students in the STEM fields provide the workforce for vital Department of Defense jobs and NASA scientists, as well as supplying the great thinkers in private industry working on new technologies in medicine, computers, and science.**
  - However, U.S. students have not been prepared to compete with international students for seats in our most prestigious universities that produce the future scientists, mathematicians, and engineers. In order to ensure the pipeline of talent that the U.S. requires in the decades to come, there must be a renewed commitment to develop and encourage advanced math and science talent in K-12 classrooms with challenging curriculum taught by teachers who understand the educational needs of advanced learners and who have backgrounds in the fields they teach.
- **Kansas needs bright, innovative leaders and pacesetters to stop and even reverse the “brain drain” that is currently exhausting the intellectual resources of this state.** Kansas has real economic challenges that could be alleviated in part by attracting ground-breaking business and industry to the State.

**Question:** Who are the students with the greatest potential to contribute to these vital STEM industries?

**Answer:** Gifted children in Kansas schools!

- **K-12 students in the United States are falling behind their peers internationally** in measures of math and science performance:
  - According to recent "Organization for Economic Co-operation and Development" studies, the U.S. ranked 28th in math internationally<sup>1</sup>
  - The U.S. lags behind other countries in both math and science according to the recent TIMSS study. The gaps are especially prevalent in the more advanced math and science fields.<sup>2</sup>
- **Students who have not been exposed to rigorous, challenging math and science curriculum at the elementary and secondary levels are less likely to pursue these fields** and are often not qualified to attend the nation's top universities to pursue careers in STEM fields.
- **U.S. students are not filling the seats in our nation's post-secondary science and math programs.**
  - Although U.S. colleges gave 125,000 social science degrees in 1999, schools only gave 19,000 degrees in physical sciences.<sup>5</sup>
  - Only 39% of students earning doctorates in engineering in 2001 were U.S. citizens. This compares to 44% in computer science, 47% in mathematics, and 52% in physics and astronomy. However, 86% of the students earning advanced degrees in psychology and 84% in education were U.S. citizens.<sup>6</sup>
- **There is, and will continue to be, a shortfall in the American workforce without a strategy to develop well-prepared, advanced students to meet our needs.**
  - Currently, the U.S. relies on H-1B visas to help fill the demand for qualified employees in the math and science fields. 65,000 H-1B visas are allotted each year. In fiscal year 2005 the visa limit was reached on the first day the visas were available. An additional 20,000 visas were allocated on May 12, 2005, to meet the demand.<sup>7</sup> However, according to the "high-tech industry," the H-1B visa workforce, "barely puts a dent in the IT labor shortage."<sup>8</sup>

- Even with H-1B visas, many jobs are left unfilled. Tightened U.S. security and additional regulations under the Patriot Act have restricted many sensitive jobs in the Department of Defense, NSA, and top research organizations to U.S. citizens.<sup>9</sup>

**Question: What do our gifted children need to be the future leaders and innovators of Kansas and the nation?**

**Answer:** Kansas gifted children deserve access to a continuum of challenging, educational opportunities with appropriately-trained stakeholders to continue to progress at an academic, educational and intellectual rate that is suitable to their abilities. **Gifted children deserve:**

- **Access to appropriately challenging opportunities, especially in small Rural schools** where by sheer location, the opportunities are frequently few and far between. Gifted children need to have access to the latest technology that allows them to experience equitable educational possibilities in order to remain competitive with other children across not only Kansas, *but across the world.*
- **Educational programs commensurate to their abilities and interests.** Programs for children such as special academies for math and science, fine/performing arts, humanities, virtual high schools, and both summer and year-round Governor's schools are not available to all gifted children in Kansas.
- **Access to challenging curriculum in every subject, in every classroom, in every school.** If we truly expect ALL Kansas children to take advantage of the educational opportunities they're offered, we need to consistently provide challenging curriculum for every student, including the gifted, even if it means allowing or even encouraging some students to accelerate their learning. We must be sure that absolutely NO child is left behind.
- **Well-trained teachers in the classroom** who understand their unique characteristics and needs. The majority of time these 15,800 Kansas children spend in school is in the general education classroom, yet Kansas does not require even one hour of credit in gifted-specific training for licensure.
- **Counselors who understand their unique affective characteristics and needs.** Issues such as poverty, underachievement, gender issues, multicultural issues, and
- **Administrators and other educational stakeholders including Legislators to be adequately trained in the characteristics and needs of gifted children.** Curriculum and instruction decisions are frequently planned and implemented by people who are not specially trained in this area.

Clearly, our country needs qualified U.S. employees to fill crucial national security, innovative science, and leading technology jobs. Kansas needs qualified citizens to solve our local economic struggles by pioneering original plans to stop the continuing "brain drain."

Supporting gifted students with appropriate services in every school district would bring promising results in increased college attendance in math and science, resulting in a direct pipeline of talent for the future. The same programming would also develop creativity and innovation, skills necessary to address local and future global issues.

As MIT President Emeritus Charles Vest said, "The U.S. can succeed in the 21st century only through its mind power and technological innovation." Please seriously consider fully funding all of special education, because truly we can not afford to ignore the special and unique needs of every child with an exceptionality.

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**Fig 1. Comparison of Availability of Services In Kansas:  
FY '04  
(Statistics from Dale Dennis, KSDE)**

FY '04	Gifted	Disabilities	SPED (including gifted)	Comments
Identified Students	15,803	64,598	80,401	Gifted students comprise about 20% of total SPED population
Teachers (FTE)	432.52	6425	6857.52	Only about 6% of SPED teachers are hired to serve gifted students.
Paras	142.65	8887.26	9029.91	Paras to serve gifted students comprise about 1.5% of total number of paras for SPED.
State Aid	\$ 9.5 Million	\$ 241.5 Million	\$ 251 Million	State aid dollars spent on gifted is <4%. Additionally, there are federal dollars available for the disabled population cannot be spent for gifted students.
Average Caseloads	36.53	10.05	11.72	Caseloads for teachers of the gifted are over 3.5 times that of teachers of students with disabilities. Teachers of the gifted often have more than one building to serve.
Paras Assigned per FTE	.32	1.38	1.32	For gifted, about one in three teachers are assigned a para. Teachers of students with disabilities are afforded more than one para each.
Students per para	110.78	7.269	8.9	Gifted students rarely have the opportunity to interact with a para: a ratio of 111:1; for students with disabilities the ratio is 7:1.

Additional STEM resources on the next 2 pages:

<sup>1</sup>Floyd Norris, NY Times, 12-7-04, pg A 17, PISA (Programme for International Student Assessment)

<sup>2</sup>Figure 1-8, National Board of Science, Science and Engineering Indicators 2004, [www.nsf.gov/sbe/srs/seind04/figures.htm#c1](http://www.nsf.gov/sbe/srs/seind04/figures.htm#c1)

<sup>3</sup>National Center for Education Statistics, Out-of-Field Teaching in Middle and High School Grades, Indicator 28  
[http://nces.ed.gov/programs/coe/2003/pdf/28\\_2003.pdf](http://nces.ed.gov/programs/coe/2003/pdf/28_2003.pdf)

<sup>4</sup>National Center for Education Statistics, Out-of-Field Teaching in Middle and High School Grades, Indicator 28  
[http://nces.ed.gov/programs/coe/2003/pdf/28\\_2003.pdf](http://nces.ed.gov/programs/coe/2003/pdf/28_2003.pdf)

<sup>5</sup>Testimony of Dr. Raymond L. Orbach, Director of the Office of Science in the U.S. Department of Energy,  
[www.er.doe.gov/Sub/speeches/Congressional\\_Testim/July-25-2002-Testimony1.htm](http://www.er.doe.gov/Sub/speeches/Congressional_Testim/July-25-2002-Testimony1.htm)

<sup>6</sup>National Science Foundation, National Institutes of Health, U.S. Department of Education et. al, Doctorate Recipients from United State Universities: Summary Report 2001

<sup>7</sup>See U.S. Citizenship and Immigration Services at <http://uscis.gov>.

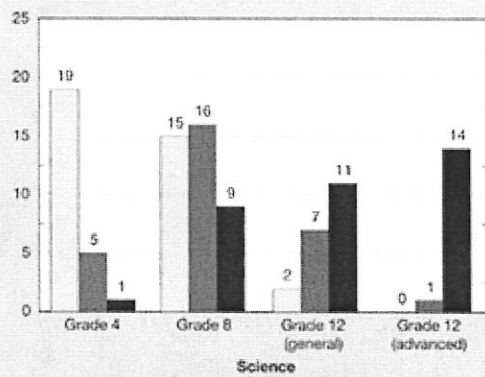
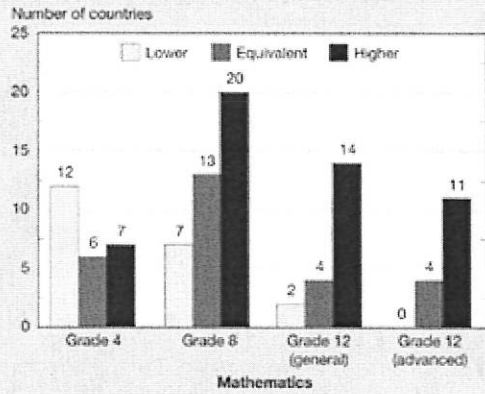
<sup>8</sup>Heller, Martha, CIO: "More H-1B Visas; Fewer Problems?" [www.cio.com/archive/080100\\_soundoff.html](http://www.cio.com/archive/080100_soundoff.html)

<sup>9</sup>U.S. law regulates foreign nationals' access to certain dangerous substances ([www.niaid.nih.gov/ncn/sop/foreignworkers.htm](http://www.niaid.nih.gov/ncn/sop/foreignworkers.htm)) as well as limits sharing of certain types of research (deemed export) with non-U.S. citizens. See U.S. Department of Commerce website at [www.bxa.doc.gov/DeemedExports/DeemedExportsFAQs.html](http://www.bxa.doc.gov/DeemedExports/DeemedExportsFAQs.html)

<sup>10</sup>Charles Vest, then-president of MIT, in remarks at MIT's 30th annual celebration of the life and legacy of Martin Luther King, Jr., February 5, 2004, at <http://web.mit.edu/president/communications/mlk04.html>



Figure 1-8  
**Countries whose TIMSS average scores in mathematics and sciences are lower, equivalent to, or higher than U.S. average score, grades 4, 8, and 12: 1995**



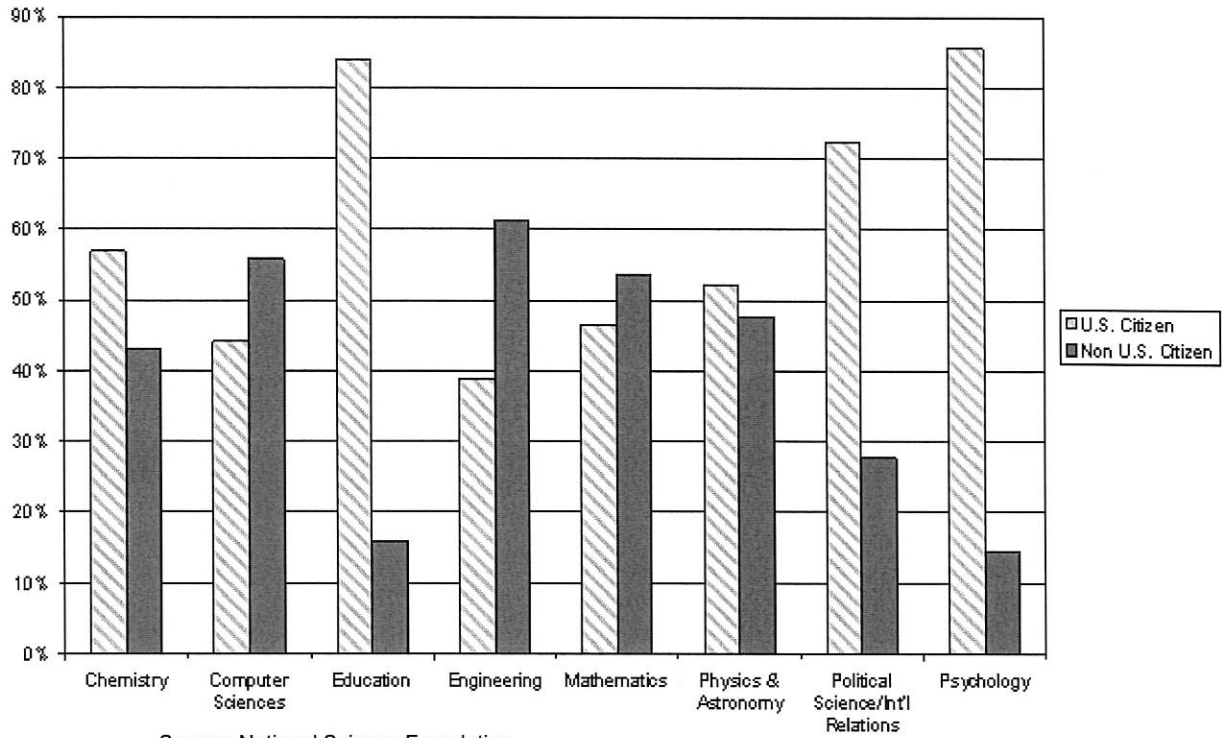
TIMSS Third International Mathematics and Science Study

NOTE: In the United States, the advanced mathematics assessment was administered to students who had taken or were taking precalculus, calculus, or Advanced Placement (AP) calculus; the advanced science assessment was administered to students who had taken or were taking physics or AP physics.

SOURCE: U.S. Department of Education, National Center for Education Statistics, TIMSS, 1995.

Science & Engineering Indicators - 2004

### Comparison of U.S. to Non-U.S. Doctorate Degrees 2001



Source: National Science Foundation,  
National Institutes of Health,  
U.S. Department of Education et. al,  
Doctorate Recipients from U.S. Universities: Summary Report 2001

## Testimony from a Parent of Children Enrolled in Special Education for Gifted

My name is Christina Kolm. I am a part-time college teacher at Johnson County Community College. I am also licensed to teach in Kansas public schools and I substitute occasionally. But most importantly, I am the parent of two children enrolled in Kansas schools. My children attend elementary school in the Olathe School District. Both have exceptionality that have qualified them for the gifted program in our school. One is a fourth grader, the other is in sixth grade.

As parents, my husband and I have been so grateful for the gifted program. Our children are well adjusted. They like school. They have friends. Their teachers like them and they do well. But, we are convinced that our kids would not be nearly as happy and well adjusted if they did not have lessons with their gifted teacher three hours per week.

When our school first told us that they would like to test our older child I knew next to nothing about gifted education. The teacher and administrators told us that they suspected that our son's needs could not be fully met in the classroom. My husband and I agreed to the testing. Our son qualified and shortly thereafter began in the gifted program. This began our education, as parents, into the purpose, and role, of gifted education. I would like to share a bit of what I have learned.

I have learned that it is not just IQ alone that determines qualification for gifted education. Still, the students who qualify usually do have IQs well above average. Studies show that there are a host of typical characteristics of kids with high IQs. One characteristic is that they are often highly observant and sensitive. Another is that their minds move very fast. They learn extremely fast. When I am substitute teaching I can see that most kids fall somewhere on a continuum of fairly slow to fairly quick learners. Yet I can see, too, that there is the occasional child who learns lightning fast and whose mind is miles ahead of everyone else and who becomes, then, almost instantly bored with the repetitions, practice and review that the teacher must do for the class. I can see that it is an agony for this kind of child to sit through repetitions, practice and review. An astonishing thing I have come to learn is that this kind of child is actually at risk. Day after day and week after week in a classroom these kids find ways to adapt. They must comply with the class requirement to not move so they resort to things like counting their teeth with their tongue or fidgeting or they start to dislike school and begin to underachieve. Anything to survive. They can actually become demoralized. They feel different. It's not necessarily a good or happy thing to be different. Sometimes their teachers don't like them because they don't need what the teacher has worked hard to prepare for the class. Sometimes peers don't either. It is not necessarily a blessing to be above average in intelligence. It is not easier and things do not go smoothly for intellectually gifted students. They have specific challenges.

Well, the school system's answer to this is WONDERFUL. It is known that intellectually gifted children do best when they are grouped both with peers of all kinds and also are regularly grouped with intellectual peers, so the school system provides this with a pull-out program. In addition these children need teachers who are knowledgeable about their needs and who can provide

challenge that is appropriate. So the school system provides teacher specially trained in this area.

For many children the gifted classroom might be the only place where they receive any strokes for the way in which they are different. My children feel a sense of belonging and enjoyable challenge in their gifted pull-out classroom and they feel a sense of membership in a wider community in their regular classroom. The gifted program allows them to have a place where they don't feel like a freak and where they do receive appropriate intellectual challenge. The assignments, the formal and informal conversations, the projects, the kind of humor and the challenges that they find in their gifted classroom all help provide a safe haven. For my children the gifted classroom is a base that affirms them and from which they go outward and are able to participate with and contribute to their wider school community. The gifted program has solidified my children's happiness at school. If it were not for this, my children might be turned off to school, demoralized and underachieving.

In summary, I would like to make three points. First, I repeat that gifted children are at risk. We usually don't think of them that way, but if they do not receive the needed challenges and encouragement they are at risk for underachievement, or worse. It is not as if intellectual giftedness is a kind of elite advantage or like everything automatically goes smoothly for the gifted. This is not at all the case.

Second, our society needs to nurture these children. It is part of preparing our country for the competition we will face in the global economy. If we give these kids the appropriate education we are nurturing what are probably some of the most effective leaders and problem-solvers of tomorrow. Neglect their special needs and we most likely lose their talents forever.

Third, I want to thank the state for providing such excellent gifted programming and ask that gifted education in Kansas be fully funded.

Thank you for allowing me to testify.

Christina M. Kolm  
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My favorite books on this topic:

*Guiding the Gifted Child: A Practical Source for Parents and Teachers* by Webb, Meckstroth and Tolan  
*Talented Teenagers: The Roots of Success and Failure* by Csikszentmihalyi, Rathunde and Whalen