

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 8, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Anthony Hensley- excused

Senator Bob Marshall- excused

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes

Martha Dorsey, Kansas Legislative Research Department

Sharon Wenger, Kansas Legislative Research Department

Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Diane Gjerstad, Wichita USD #259

Tim Rooney, Manager, Budget and Finance, Shawnee Mission USD #512

Sue Denny, Exe. Director of Student Services, Blue Valley USD #229

Gary George, Asst. Superintendent, Olathe USD #233

Trudy Aron, Executive Director, AIA Kansas

Dale Dennis, Deputy Commissioner, Kansas Department of Education

Others attending:

See attached list.

Continued Hearing on **SB 358 - State aid for special education; catastrophic state aid.**; and **SB 359 - Special education; catastrophic state aid**

Diane Gjerstad, Wichita USD #259 (Attachment 1), presented testimony in support of **SB 359** as it raises the threshold to two times the prior year's aid for special education teachers. She pointed out that the more catastrophic claims for aid there are, the less categorical aid there is to distribute to the districts for all special education teachers and paras.

Tim Rooney, Manager, Budget and Finance, Shawnee Mission USD #512 (Attachment 2), testified in opposition to **SB 358** and **SB 359**. He began testimony by stating the district was in full contact with the Kansas Department of Education before filing their claim, and they had notified KSDE of their intention to file a claim after discussing it with KSDE auditors. He presented evidence released in the December 2007 Legislative Post Audit which he feels indicates the special education reimbursement formula is flawed. He contended **SB 358** and **SB 359** virtually eliminate catastrophic aid funding.

Sue Denny, Executive Director of Student Services, Blue Valley USD #229 (Attachment 3), spoke in opposition to both **SB 358** and **SB 359**. She stated the Blue Valley district is concerned with the singular focus on catastrophic funding. They are of the opinion that the entire special education funding formula is flawed. They are also concerned with the retroactive provisions in the bills and the impact on current budgets. She also addressed the KASEA and their support of this legislation. She pointed out that Region 1, which includes Johnson County, KCK and Lawrence, voted unanimously to oppose the KASEA proposed formula largely due to the isolated focus on catastrophic and the failure of the KASEA proposal to address the larger formula and the inequities inherent to that formula.

Gary George, Asst. Superintendent, Olathe USD #233 (Attachment 4), presented testimony in opposition to **SB 359** as well as comments on **SB 358**. He stated they believe the entire formula for special education aid should be reviewed, revised and properly funded. He also referred to the December 2007 report from the Legislative Post Audit which reported excess costs reimbursed to one school district at 207% while another received 45% of excess costs. He believes this flaw remains in the current formula and these proposed bills do not address this.

There were no other conferees to appear before the committee.

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 8, 2010, in Room 152-S of the Capitol.

The hearings on **SB 358** and **SB 359** were closed.

Hearing on SB 383 - Schools, buildings; construction plans, approval by state board of education

Theresa Kiernan, Office of the Revisor of Statutes, appeared before the committee and provided a brief explanation of **SB 383**. She stated the intent of the bill is to transfer the responsibilities for reviewing school construction plans from the State Board of Education to the State Fire Marshall. However, if this were to be accomplished, she felt additional work was needed on the bill; specifically, insert "State Fire Marshall" Section 1(d)(2) and not merely strike lines 34 through 36 from the bill. Senator Vratil asked for confirmation as to whether the Governor's office had removed funding for an architect's position from the State Board of Education budget and that was the reason for this bill. Ms. Kiernan verified that was what she was told.

Trudy Aron, Executive Director, AIA Kansas (Attachment 5), appeared before the committee as a proponent of **SB 383**. However, AIA believes the following changes should be made to the bill:

- Cities of the first class should provide building code review of school buildings within their jurisdiction (these cities already provide the building permit and inspection services and many provide their own code review as well).
- The Kansas State Fire Marshall should provide building code review for all other school buildings which will necessitate them hiring the appropriate staff.

Following discussion, the hearing on **SB 383** was closed.

The next meeting is scheduled for February 9, 2010.

The meeting was adjourned at 02:30 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 8, 2010

| NAME | REPRESENTING |
|-----------------------|-----------------------------------|
| Sue Denney | Blue Valley USD 226 |
| Tim Rooney | Shawnee Mission #512 |
| Deb Halton | " " " |
| Gary George | Olathe School District |
| Missy Taylor | KFE |
| Jennifer Barnhart | Three Lakes Co 20 |
| Kathy Mickelson | Three Lakes Ed Coop. |
| Mike Bilderback | Sp. Services Coop - Wamego |
| Kim Daniels | Turner Resident (Parent w/ pages) |
| Doug Bowman | CCEDS |
| Bill Brody | SFF |
| David Couch | Russell County USD 407 |
| Linda Aldridge | Keystone # 608 |
| Jerry Collins | DCEC # 616 |
| Matt Peterson | DCEC # 616 |
| Gervold RCarter | KDOE |
| ERIK SARTORIUS | City of Overland Park |
| TEER & FORK & IH | KNEA |
| Charles Jean-Baptiste | INDEPENDENT |

Mary Ann Krumholz
Judy Cron

Independent
Am Inst of Architects



Senate Education Committee

Senator Schodorf, Chair

S. B. 359 – Special Education Catastrophic Aid

*Submitted by Diane Gjerstad
Wichita Public Schools*

February 3, 2010

Madame Chair, members of the Committee:

Wichita Public Schools has benefited from catastrophic aid which was added to the school finance formula in 1994 for those rare yet extraordinarily expensive students. These families sometimes move to districts who will best serve their disabled child and communities which provide services including medical and dental. We believe it is appropriate state policy to have a safety net for districts who serve the most expensive students.

The post audit reviewing issues related to catastrophic aid shows as recently as 2006 Wichita claimed 25 students and the statewide total was 130. As the audit explains a few districts increased their claims dramatically – the result being all districts lost “categorical aid” for all special education teachers and paras. As Laurel Murdie, LPA, explained yesterday “the pie stays the same”. When catastrophic aid climbs, categorical aid for the special education teacher decreases.

Wichita Public Schools supports the proposed changes to catastrophic aid to return the formula back to its intent. We prefer S.B. 359 which puts the threshold at two times prior year’s aid for special education teachers. LPA estimates (page 16 of the audit) this proposal would lower claims to 40 claims statewide with a cost of \$650,000 (compared to 758 claims costing \$12m in 2009).

Catastrophic aid should be unique to those students with extraordinarily high costs. We support the changes found in S.B. 359.

*Senate Education
2-8-10
Attachment 1*

Senate Education Committee

Testimony in Opposition to Senate Bill 358 and Senate Bill 359

February 3, 2010

Chairman Schodorf and Members of the Committee,

My name is Tim Rooney and I am the Manager of Budget and Finance for the Shawnee Mission School District 512. I appear today on behalf of the Shawnee Mission School District #512 in opposition to Senate Bills 358 and 359.

I'd like to focus my comments on three major points:

1. Discuss how the current special education formula, as a whole, does a poor job of allocating state resource to reimburse excess costs.
2. Explain why Shawnee Mission went from no catastrophic claims in fiscal year 2008 to a claim for 334 students with a total reimbursement of \$3.8 million in 2009.
3. Lastly, explain why this bill should not be passed in its current form and make suggestions for improvement.

The special education appropriation is based on funding 92% of the excess costs of school districts throughout the state. KSDE estimates the aggregate excess costs and the appropriation of funds is based on that estimate. The distribution is done in three steps. First, special education transportation is reimbursed at 80%. Second, catastrophic aid claims are taken from the appropriation. Lastly, the remaining funds are allocated to school districts based on the number of special education teachers and paraprofessionals employed by each district.

The Legislative Post Audit (LPA) report released in December 2007 indicated that the special education formula resulted in a range of reimbursements from 45% to 207%. Shawnee Mission had a reimbursement of 65%. A reimbursement above 100% means that a district was reimbursed more than their excess costs. On page 9 of their report, LPA indicates that 24 districts or cooperatives out of 69, over one-third of the districts and cooperatives, had reimbursements in excess of 105%. This alone is evidence that the special education reimbursement formula is flawed.

The report also indicated that larger districts, or cooperatives with larger districts, tended to have lower reimbursements. They also indicated that districts or cooperatives with higher costs tended to be reimbursed at a low level. Some have tried to dismiss this argument by indicating that the higher costs are due to higher salaries in these districts or unnecessarily expensive programs. It is true that large, urban districts typically have higher teacher salaries and an argument can be made that districts near urban areas have

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students with more severe disabilities. A more poignant question is why the state special education formula would include these higher costs in the 92% appropriation and then distribute the funding to districts with lower costs.

Using information provided by KSDE to the Special Education Task Force, Shawnee Mission would have received an additional \$6 million if districts were merely reimbursed at 92% of excess costs. Similar results would apply to other underfunded districts.

Next, I'd like to talk about the Shawnee Mission claim. The district did not submit a catastrophic aid claim in school year 2008. After the FY2008 reporting window closed, we discovered that catastrophic aid claims could be submitted on a gross cost basis. Previously we assumed that claims must be made net of any reimbursement the district received. After confirming the gross-cost rule with Mr. Dennis, we started developing a process to track special education costs by student. As indicated before, our final claim included 334 students for a total reimbursement of \$3.8 million. This gross-cost versus net-cost issue is now commonly referred to as double dipping. It is interesting that some districts are critical of the KSDE gross-cost rule, calling it double dipping, when many of the districts are receiving a reimbursement well in excess of their costs.

When the KSDE auditors arrived, we spent a considerable amount of time explaining the process we used. The normal approach used by districts was to identify a group of students and then attempt to document the costs. Our approach was to allocate direct costs to all students and then identify those with costs in excess of \$25,000. This approach brought up issues that the auditors had not dealt with previously. The major issue was how to allocate the cost of a provider that travels around the district serving many students. In some cases, the provider spent less than 50% of the time directly serving the students in his/her caseload. The remainder of the time was spent completing evaluations, writing IEP's, instructional planning, supervising paraprofessionals and travel between schools and job locations. Although it was not in the catastrophic aid guidelines, the district and the auditors agreed not to count costs for providers that had direct service time less than 50% even though the provider spent 100% of the time on the student caseload. This lowered the reimbursement to about \$3.1 million

In closing, Shawnee Mission believes it is unfair to remove one provision of the special education funding formula without considering the other parts. The catastrophic aid provision has allowed Shawnee Mission to reduce its special education underfunding from \$6 million to \$3 million. If no changes are made to catastrophic aid, other districts may be able to reduce their underfunding as well. Unlike the categorical aid component of the formula, catastrophic aid claims are based on the actual cost. Over time, more catastrophic aid claims may result in a more uniform distribution of state funds.

You should also be aware that these bills virtually eliminate catastrophic aid funding. When a district receives a student that requires costly services, it is unlikely the district will receive much support from this new catastrophic aid funding proposal.

Lastly, formula changes typically include hold harmless provisions. If you are inclined to make changes to the catastrophic aid funding, we encourage you to protect existing funding, at least for districts like ours that are funded well below the state target level. We also encourage you to take additional steps to solve the overall special education funding issue. If you send this back to the Special Education Task Force, we believe a stated goal should be to develop an allocation plan that:

1. more closely matches the reimbursement with the actual excess cost and
2. prohibits a reimbursement that exceeds the excess cost.

Options

1. Make no changes.
 - a) Larger districts will represent the largest share of new catastrophic claims. As stated earlier, many, if not all, of these districts are funded under the 92% target. If allowed to file claims, the funding gap will narrow.
 - b) On the other hand, there will be additional losses to other districts. Considering the significant funding difficulties all districts face today, this is not a good time to cut funding from a district.
2. Pass either of the current bills
 - a) Stop the growth of catastrophic aid. In fact it could virtually eliminate it.
 - b) Take money away from districts currently claiming catastrophic aid. This is not the time to take money away from our districts either.
 - c) Will broaden the funding gap between districts. The money currently being used for catastrophic aid will, in part, be added to the districts that are already funded more than 105%.
3. Pass a modified bill with the following changes
 - a) Allow districts who filed claims in FY09 to report catastrophic aid claims using the current method. Funding under this grandfather clause could be capped at the amount claimed in FY09. This would allow districts like ours to keep the current revenue stream and not worsen our percentage of excess costs reimbursed.
 - b) Direct the Special Education Task Force to review the overall special education funding mechanism with the following goals:
 - a. More closely match the reimbursement to the actual excess cost
 - b. Prohibit reimbursements that exceed excess cost
 - c) In one or two years, implement a new formula based on the task force recommendations if it met the established criteria. At that time, the grandfather provisions can be removed.

Chart 1

Reference

| | | |
|-------------|--|-----------------|
| a | Statewide Projection of Special Education Costs | \$ 659.7 |
| Reductions: | | |
| b | Less Per Pupil Cost of Regular Education | \$ (172.0) |
| c | Less Federal Aid Received | \$ (100.0) |
| d | Less Medicaid Reimbursements | \$ (35.0) |
| e | Less SRS Contributions | \$ (1.5) |
| f | Statewide Excess Cost | \$ 351.2 |
| g | State Appropriation for Special Education (92%) | \$ 323.1 |

Source: LPA School District Performance Audit Report 07PA30 - December 2007

Chart 2

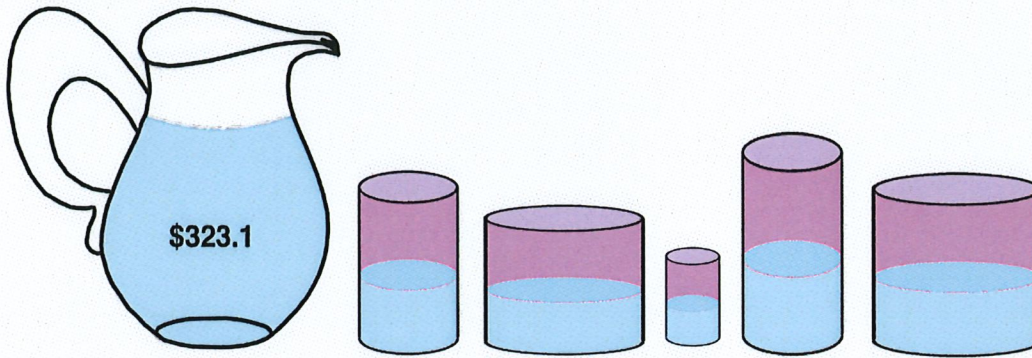
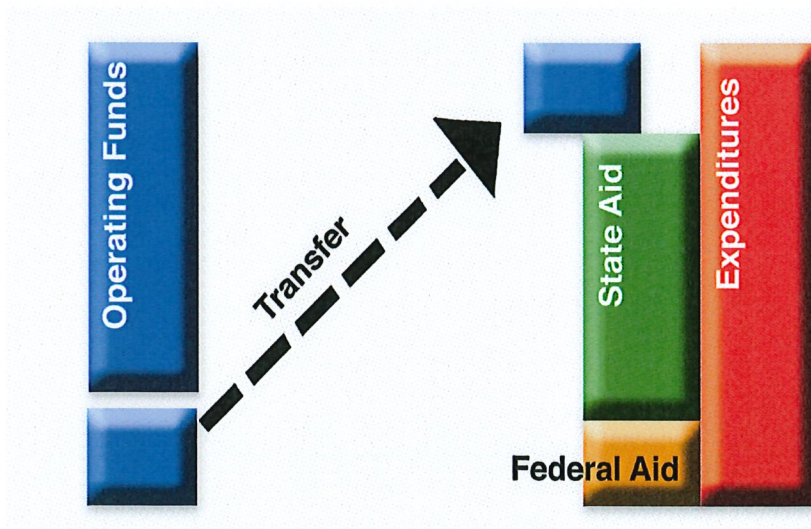


Chart 3

Special Ed





Senate Education Testimony

Sue Denny, Executive Director of Student Services

Blue Valley School District USD 229

February 3, 2010

Chairman Schodorf and other Honorable Senators:

Thank you for allowing me to speak about the impact of Senate Bills 358 and 359.

Blue Valley continues to have grave concerns about this legislation. Our primary concern is its isolated focus on catastrophic funding. The *entire* special education funding formula is inequitable. These inequities are actually highlighted in a Legislative Post Audit Report dated December 2007.

During the 2005-2006 school year, as cited in the LPA report, one district received 207 percent of its excess costs while another district received 45 percent of its excess costs with varying percentages to other districts along that continuum. This inequity persists today. If the threshold for catastrophic aid is raised, these dollars will be funneled to categorical aid and be distributed under a formula that is inequitable. This formula continues to provide excess funds to districts that don't necessarily have the increasing numbers of students needing the high-cost assistance, thus perpetuating and exacerbating those inequities.

A specific feature of this legislation is particularly troubling. The retroactive nature of the Senate bills allow for an impact in the *current* budget year. This truly challenges our district. Blue Valley has been hit with over six million dollars in mid-year cuts already. The retroactive language in this bill would send us scrambling for nearly two million dollars more. The cuts required will be deep and will impact our students.

On September 18, 2009 Region 1 of KASEA including Johnson County, KCK and Lawrence voted unanimously (31 votes) to oppose the newly proposed KASEA formula. Opposition to the KASEA proposal was largely due to the insolated focus on catastrophic aid and the failure of the KASEA proposal to address the larger formula and the inequities inherent to that formula.

- Region 1 membership believes that the catastrophic aid formula has serious shortcomings and needs to be modified but it is only one variable in a flawed special education funding system. The total distribution of special education funding in Kansas is not equitable.
- Region 1 membership cannot support a modification to catastrophic aid without a serious attempt to remedy other major inequities in special education funding. Region 1 proposes that the discussion of the catastrophic aid formula continue in context of overall special education funding.

What fundamental changes have led us to this point? During the course of the past few years an increasing number of students with severe disabilities have created an increased need for high-cost programming. The majority of the increase has been due to a significant up-tick in the incidence of autism but there are other factors that have played a role. Medical advances have allowed babies who would not have otherwise survived to thrive and to enter school. While we celebrate these

advances, we now often see young students arrive with the need for significant learning supports; therapies, specialized transportation and in some cases even the support of a full time nurse. The migration of families to urban areas where medical services and private therapies are more available to children on the autism spectrum is widely reported by health professionals and parents. That migration has had an impact on special education growth patterns and has impacted our district.

Please let me tell you about just three of the nearly 130 students in Blue Valley who qualified for catastrophic aid and who will no longer meet the criteria under this proposed legislation...because, in fact under the proposed legislation only eight of our students would qualify and these students are not among the eight. I have changed their names, but I have not altered their needs.

Sara has a diagnosis of Sanfilippo Syndrome, a degenerative disorder that affects her cognitive and physical development and results in a loss of developmental milestones. Sara requires instruction with an alternate curriculum. Based on her disabilities and risk for flight, she requires attendant care throughout her day to maintain safety, health and behavior.

Sara is impulsive and will run away if not watched carefully. A gait belt prevents this and is also used to assist her back into a standing position when she drops to the ground. Sara sometimes is aggressive; she makes demands by repeatedly saying a word or by grabbing an item that she wants. Sara needs assistance completing daily living skills such as feeding and toileting. Sara needs hand over hand assistance to wash and dry her hands and her face after eating, and to take off and put on her clothes. She is able to feed herself finger foods, but requires assistance to not overstuff her mouth creating a choking hazard.

Sara requires speech-language services. Through occupational therapy she participates in daily motor activities to maintain her current skills. Adaptive physical education consults with the physical education teacher on modifications and special group activities. Assistive technology staff provides consultative services. Sara requires the support of one adult at all times and many adults throughout the day. She rides a special education bus to school.

Last year the total cost of Sara's special education exceeded \$35,000. However, under the proposed legislation Sara will not qualify for catastrophic aid.

Evan has diagnoses of Cerebral Palsy, Beckwith-Weidman Syndrome, cortical visual impairment, optical atrophy, and seizure disorder. Due to his physical communication and cognitive needs, an alternate curriculum is required. Attendant care is required to meet his physical, self-care, safety and medical needs. He also requires speech-language services, occupational therapy, nursing care, vision services, and physical therapy. Evan is dependent on adults for all his physical and personal care needs. He continues to have low tone in his neck and trunk, but is able to lift his head briefly. A kneeler and tilt table stander are used daily. Evan is accessing a switch with his head by tilting to the side. Evan receives one tube feeding and two water boluses at school. Adaptive P.E., Occupational, Physical, and Vision therapists consult with the teachers regarding programming, and work one-on-one with Evan to improve his skills.

Last year the total cost of Evan's special education exceeded \$35,000. However, under the proposed legislation Evan will not qualify for catastrophic aid.

Michelle is an 18-year old girl diagnosed with Cerebral Palsy, Intellectual Disability, Autism, Seizure Disorder, and ADHD. She requires a highly structured environment. Michelle needs supervision at all times as she may wander off and put non-edible objects in her mouth. She requires one-to-one assistance for communication, vocational tasks, and school mobility. Any time she eats, her food must be cut into bite-sized pieces and she may need prompts to prevent choking.

Michelle is non-verbal and uses gestures, body language, picture communication symbols, and voice output AAC to communicate. She is able to walk independently with assist needed for directionality. She has a shuffling gait pattern with center of gravity forward. Physical therapy provides an exercise program for strengthening trunk and legs. Michelle participates in direct speech-language service focused on communication, and social interactions in the school and community. She receives occupational therapy services focusing on self-help and computer skills. Michelle has the support of numerous adults throughout the day.

Last year the total cost of Michelle's special education exceeded \$35,000. However, under the proposed legislation Michelle will not qualify for catastrophic aid.

Legislation that reduces catastrophic aid without addressing the inequities of the entire special education funding formula will be damaging to the districts that are serving so many of these students with multiple and severe disabilities. The services are mandated federally and are morally and ethically the right thing to do for our children, but to continue these services without the benefit of catastrophic aid will require the transfer of significant general fund dollars to special education at a time when all school funding is mightily challenged.

So what is the solution?

- **A legislative remedy should address not only catastrophic funding, but should consider the cumulative damaging effect on districts that due to excess cost inequities have been underfunded for many years and should address the total funding formula.**
- **Implementation of varied appropriation methods for large and small districts similar to other weighting measures should be considered.**
- **The current funding formula is unpredictable, loaded with fiscal minutia and inequitable. Adopt a system that distributes Special Education funds in a predictable, understandable and equitable manner.**
- **Catastrophic claims were filed in a way that is consistent with the current law. Historically, the legislature has not typically removed dollars from select districts to give to other districts. We acknowledge a formula change is needed but a phased-in or grandfathered approach to change would mitigate the most serious fiscal damage to any particular district or group of districts.**



Olathe School District
Dr. Gary George, Assistant Superintendent
Testimony Regarding Senate Bills 358 and 359
February 3, 2010

I am present today to express our opposition to Senate Bill 359 and make some comments about Senate Bill 358. These bills would raise the threshold for catastrophic aid, stipulate that only net expenses can be claimed, and the new provisions would go into effect upon publication in the Kansas register.

As you are aware, in 1994 the Kansas Legislature adopted a catastrophic aid provision for special education. This provision requires that the district pay the first \$25T in expenses and the state reimburses districts for 75 percent of the expenses beyond \$25T. However, even with categorical special education aid and catastrophic aid, we still have to make significant transfers to the special education fund each year. This year the transfer is projected to be \$9.8M.

Our overall special education percentages are in line with what you would expect of a larger district. As of December 1, 2008, we had 3,131 disabled students and 832 gifted students; total 3,963 special education students. Our disabled percentage is approximately 11.6 percent of our total enrollment (27,000). Our gifted enrollment pushes our IEP population to 14.6 percent of our student enrollment. We are a growing district and our special education student population has grown proportionally. We have included data for our 2008-09 students for which we have sought catastrophic aid. In 2008-09, the average (mean) cost of the students for which we applied for assistance was \$55,544.

Why does our community have these high numbers of students requiring these costly services? The answer lies in the following:

- With an enrollment of over 27,000 students, a large number of special education students would be expected.
- Our community and the surrounding metropolitan area provide an excellent job market.
- Parents with special education students have access to major medical centers including KU Medical Center and Children's Mercy Hospital.

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Attachment 4

- The Olathe School District has an excellent reputation of providing quality programs for special education students and some parents have sought our district and others because of the services we offer. A letter from one of our parents is included for your reference on this point.

The 2010 Commission proposed a change in the calculation of catastrophic aid. Hearings were held this past summer before the Legislative Education Planning Committee. We now have Senate Bill 358 and Senate Bill 359.

Catastrophic Aid is one component of special education aid for school districts. Other components are transportation and categorical aid. The district receives approximately 80 percent of its transportation costs for special education students. Categorical aid is the reimbursement amount per teacher unit. We receive \$23,000 - \$28,000 for each teacher. The amount varies each year. We receive .4 of the teacher reimbursement for each paraprofessional. These three components make up the vast majority of special education aid from the state. Catastrophic aid is a reimbursement for expenses the district has already incurred for students who have profound needs. These claims are carefully audited by the Kansas Department of Education. Inaccurate or claims insufficiently documented can and are denied.

Catastrophic aid has become an issue in the Legislature due to several recent developments.

- The number of students qualifying has increased this year (758 students across the state), and the amount of reimbursement has significantly increased; \$12,023,698 this year.
- The rapid increase occurred at a time when all district budgets were reduced in regular and special education aid.
- Due to the significant increase in catastrophic aid, districts received less money in categorical aid than they were expecting.

The data below provides the number of students in each category in the Olathe School District in our most recent catastrophic aid claim.

- Autism: 44 students
- Mental Retardation: 24

- Multiple Disabilities: 13 students
- Developmentally Disabled: 12 students
- Hearing Impairment: 10 students
- Other Health Issues: 7 students

Based on the number of students, autism is our largest single driver of catastrophic claims. Students in the above categories need extensive services throughout the school day.

Further analysis of the data indicates that the Blue Valley, Shawnee Mission and Olathe School Districts have 20.43 percent of the autistic children in the state. However, the combined enrollment of these three districts is only 15.85 percent of the state's enrollment. These three districts also have 17.39 percent of the deaf/blind students in the state. These three districts appear to have more exceptional students with a greater severity in these two areas. In addition, these three districts have a disabled population that on a percentage basis is less than the state of Kansas. The percentage is 10.82 percent for the three districts while the state's, as a whole, is 13.89 percent. This clearly indicates that these three districts are not over identifying students as needing an IEP.

We have concerns with Senate Bills 358 and 359 for the following reasons:

We believe the entire formula for special education aid should be reviewed. Legislative Post Audit outlined the tremendous variations in categorical aid in a December 2007 report. That report pointed out that one district received 207 percent of excess costs while another received only 45 percent of excess costs. Legislative Post Audit outlined some proposals to narrow this wide reimbursement variation. A committee looked at this but did not propose any changes so this glaring flaw remains in the current formula and Senate Bills 358 and 359 do nothing to address it. We firmly believe that changing only the catastrophic portion of the special education formula without addressing the wide variations in "excess costs" is the wrong approach. The entire formula should be reviewed, revised and properly funded.

We appreciate the rational basis of a \$36,000 threshold contained in Senate Bill 358. Senate Bill 359 appears to lack such a basis and we oppose the provision.

Both bills will result in many fewer claims for catastrophic aid even though there are clearly catastrophic cases in districts across the state.

Senate Bill 359 simply drives money within the formula to the categorical area; an area that Legislative Post Audit indicated has huge variations. Further, Legislative Post Audit's recommendations to narrow these differences have not been addressed. Senate Bill 358 does set up a special fund for catastrophic aid, which is a positive step.

If Senate Bill 359 passes, we believe it will be another \$1.8M - \$2M reduction for our district. This would be in addition to all the other budget reductions we have experienced over the past year.

If these bills pass, we will lose the revenue but will still have the students to educate and parents who still expect the same level of service.

Both bills, as currently written, appear to penalize us for the current year. We have already spent staff time tracking expenses. In most cases, legislative funding decisions apply to future years not the current year.

We recommend the following:

1. Review, revise and fund a new formula that meets the needs of all Kansas districts and students.
2. Place more money in the formula when possible.
3. Avoid addressing only the catastrophic issue. This is a systems issue and the entire system of special education funding should be reviewed as a whole.
4. While we wait for a new formula, consider grandfathering districts at their 2008-09 catastrophic claim amounts if they can justify the reported expenses.

Thank you.

To Whom It May Concern:

My son has a traumatic brain injury as a result of a car accident. Prior to moving to Olathe, we lived in Colby, Kansas, a small town of about 5,000 people in Northwest Kansas. While we enjoyed the closeness of a small community, we knew things were lacking in his educational program and medical care.

We had just completed almost a year of driving 750 miles every month just for medical appointments, which was wearing on my family. My son had attended Colby schools for 7 years and everyone in the community knew him. The decision to move was not an easy one. He was educated in a private room within a resource room, with the same para all day long. While they educated in complete isolation, they also fostered "learned dependency". After countless interviews with school personnel asking questions about the kinds of educational programs offer for my son, we knew we wanted to find a district that knew the difference between community based instruction and work study programs, the difference between a lifeskills program and a resource room, that offered 18-21 year old programming choices other than another classroom. Olathe school district knows these differences! My son needed these differences. We also needed the staff that was knowledgeable of how to work with a traumatic brain injury child and could provide the necessary skills to afford him independence in his future. We found all of this and more here in Olathe. With this knowledge, we decided to move to Olathe.

Also, being in Olathe, so close to top-notch medical facilities, has allowed us to finally get my son's medical conditions controlled. Taking multiple days off of work and out of school is not an issue for us anymore. We are able to see doctors on a more regular basis and the continuum of care has been a huge benefit for his medical conditions.

Another benefit to being here in Olathe is we have been able to tap into the community resources such as day services, group homes and supported home care have never before been available to us within the community that we lived in. My son has recently graduated from Olathe Schools and he will be continuing his life in a day service program right here in Olathe! It is managed by the community developmental organization here in Johnson County. Prior to our move, we would have never been able to dream of this possibility. These resources were just not available to us. We are happy to say that educationally, medically and community-based- we are in a much better place!

Respectfully submitted,

Machele Fisher-Haskin



AIA Kansas
A Chapter of the American
Institute of Architects

February 8, 2010

TO: Senate Education Committee
FROM: Trudy Aron, Executive Director
RE: Support of SB 383; with amendments

President
J. Michael Vieux, AIA
Leavenworth
President Elect
Nadia Zhiri, AIA
Lawrence
Secretary
Gary Nevius, AIA
Overland Park
Treasurer
Hans Nettelblad, AIA
Overland Park

Christie Carl, AIA
Abilene
Randle L. Clark, AIA
McPherson
Tim de Noble, AIA
Manhattan
Keith Diaz-Moore, AIA
Lawrence
Dale R. Duncan, AIA
Olathe
Gwenda S. Gigous, AIA
Topeka
David S. Heit, AIA
Topeka
Joshua Herrman, AIA
Wichita
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Wichita
Alan Johnson, AIA
Overland Park
David Livingood, AIA
Lawrence
Craig Lofton, AIA
Lindsborg
Katherine Nichols, Assoc. AIA
Lawrence
Donald Norton, P.E.
Wichita
Charles Smith, AIA
Topeka
Daniel (Terry) Tevis, AIA
Lenexa
Jason VanHecke, AIA
Wichita

Good Afternoon, Chair Schodorf and Members of the Committee. I am Trudy Aron, Executive Director, of the American Institute of Architects in Kansas.

AIA Kansas is a statewide association of architects and intern architects. Most of our 700 members work in over 120 private practice architectural firms designing a variety of project types for both public and private clients. Our members are designing tomorrow's buildings today, aiming to meet the "triple bottom line": buildings that are affordable, protect the health of the building occupants, and respect our environment.

SB 383 removes the Kansas State Department of Education from providing building code review for all K-12 school buildings. If the bill were passed in its current form, there would be no agency providing school building code reviews. While it may seem logical that the Kansas State Fire Marshal's office would perform these services, they currently provide **code footprint review only**.

These are the changes we believe should be made to SB 383:

- Cities of the first class should provide building code review of school buildings within their jurisdiction (these cities already provide the building permit and inspection services and many provide their own code review as well)
- The Kansas State Fire Marshal should provide building code review for all other school buildings (this will necessitate them hiring the appropriate staff.)

AIA Kansas and the Kansas State Fire Marshal Office have a long history of working together on school life safety and other issues. We believe moving K-12 school code review to the KSFM or the cities of the first class will provide an expedited and coordinated process that will be of benefit to our school districts and our State.

Thank you for allowing me to testify on SB 383 and we urge you to pass it with the amendments above. If you have questions, I'll be happy to answer them.

Executive Director
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