

**House Appropriations Committee**

**March 31, 2011**

**Testimony from Katherine Kersenbrock-Ostmeyer**

**Director Special Education and Coordinator of the tiny k (Part C) program for the Northwest Kansas Educational Service Center**

**Proponent of HB111 (SB111)**

Thank you for allowing me to express my concerns pertaining to the Special Education maximums and minimums in state aid scheduled to take effect in the 2012-2013 school year. Specifically, I support HB 111 as it **removes** the 150% cap on "excess cost" paired with the added state aid for agencies that are below 75% of "excess cost."

If the current law takes effect many programs will suffer several unintended consequences.

First, The cost calculations are based on state funding for special education teacher equivalents at the local education agency and then factored with an overall student count. The student numbers calculated are for all students in the local education program and not just for students receiving special education services. This approach immediately places rural areas at a disadvantage.

At the Northwest Kansas Educational Service Center we work with many very small schools and unlike a larger school that may be able to hire one teacher to serve a group of students with a particular disability---We often times need a teacher to serve only one to three students. Specifically, in our Deaf Education program we have 3 children requiring sign language interpreters and specialized instruction. These students range in age from early elementary to high school and live on average 73 miles apart. We do our best to utilize just one teacher of the Deaf to serve all three students, but we must provide the "one on one" interpreter services at each location. Historically our area has identified and served an unusually large number of students with hearing disabilities. In larger school populations' services could be more easily addressed with shared resources. But in our region a mostly one on one approach is not a choice but a matter of providing what's needed.

Another example of our rural needs---is that our region has 19 students with Autism geographically spread to 9 different school districts. Some districts have 2 or 3 students with autism while other may have just one identified student. In a large school a specialist may serve many students with similar needs such as Autism---but in our region the one (1) Autism specialist must travel an average of 70 miles from one program to the next. In many instances we find that our rural special education population is spread out over the area. Urban systems have opportunity to advantage economies of scale in service deliver. In contrast rural areas more often experience the opposite effect or diseconomies of scale in that opportunities to reduce staff by grouping service to one area is simply not an option.

Second, For the Local Education Agencies that serves Infants and Toddlers or flow through teacher entitlements for Infant and Toddler services---the law to take effect in 2012, only

Appropriations Committee

Date March 31, 2011

Attachment 5

calculates the teacher costs but not the children that are served. The calculation does not factor numbers for children under age 3, but does factor tiny-k teacher costs. This calculation will discourage schools from working with the tiny k networks due to the calculation putting them at risk of having higher teacher costs with no student factor reductions. This inflated teacher cost calculation is simple inaccurate to what is actually occurring.

Third, when tentative calculation of the maximums and minimums were calculated across school districts using 2009-2010 figures, one district projected to experience a significant fund increase is a district that would be allowed to count a large number of virtual students. This district would receive special education dollars based on a population historically made up of non-special education students.

Fourth, the calculations in the law will also put those of us with private schools at a numbers disadvantage. Special Education teacher calculations are again not factored with a full student count.

Fifth, when calculations are made under the provisions of capping those at the 150% of excess cost and bumping up those that are at 75% of excess cost—the money to be paid out exceeds what is saved. Overall the special education teacher reimbursement rate will reduce approximately \$50 per full time teacher. These issues were in part the reason why the original catastrophic aid bill was introduced in the first place.

And, finally, should a school end up on the receiving end of money generated due to the 75% of excess cost factor, the school would most likely the following year lose the new money because the gained would raise the next years cost calculations. Plus the issues associated with maintaining local effort could be jeopardized due to a need to maintain spending from the prior year.

Thank you for this opportunity to share my concerns and thank you for all your work during this difficult economy.

Appropriations Committee

Date March 31, 2011

Attachment S-2