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**MEMORANDUM**

To: Chairman Aurand  
Members of the House Committee on Education

From: Jason B. Long, Senior Assistant Revisor

Date: February 13, 2018

Subject: HB 2613 – Provision of Braille materials and other assistive services.

House Bill No. 2613 (HB 2613) amends K.S.A. 2017 Supp. 72-3462 regarding the provision of special education services to students who attend a private school in the school district. HB 2613 proposes to make three amendments to the statute.

First, current state law provides that a school district may provide special education services to a student attending a private school in the school district regardless of the student's residency. However, the federal Individuals with Disabilities Education Act (IDEA) now requires school districts to provide such services when they are included in the student's IEP regardless of the school the student attends. HB 2613 amends the statute to update this provision from "may" to "shall" so as to conform with federal law requirements.

Second, under current law a school district determines the site where special education services are to be provided after consulting with the student's parent and the private school. The site could be the private school where the student attends, or one of the public schools operated by the school district. HB 2613 provides that the provision of certain special education services, namely assistive technology, sign language interpreting services, and Braille materials, are to be provided at the private school where the student attends. Further, at the consultation on the provision of special education services the school district is to provide the parent with documentation on the average and actual cost to the school district to provide the same special education services to students attending a school operated by the district.

Third, under current law a school district is not required to spend more than the average cost of the special education services in providing such services to a student attending a private school. HB 2613 amends this provision such that if the average cost cannot be determined, then

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the school district is not required to spend more than the actual cost of providing the same services to students attending a school operated by the school district.

If enacted, HB 2613 would become effective on July 1, 2018.