

## HOUSE BILL No. 2463

By Committee on Appropriations

3-26

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AN ACT concerning special education; relating to reimbursement of certain costs thereof; amending K.S.A. 72-962, 72-978 and 72-979 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 72-962 is hereby amended to read as follows: 72-962. As used in this act:

- (a) "School district" means any public school district.
- (b) "Board" means the board of education of any school district.
- (c) "State board" means the state board of education.
- (d) "Department" means the state department of education.
- (e) "State institution" means any institution under the jurisdiction of a state agency.
- (f) "State agency" means the secretary of social and rehabilitation services, the secretary of corrections, and the commissioner of juvenile justice.
- (g) "Exceptional children" means persons who are children with disabilities or gifted children and are school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto.
- (h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.
- (i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:
  - (1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
  - (2) instruction in physical education.
- (j) "Special teacher" means a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or (2) qualified to assist in the pro-

1 vision of special education or related services to exceptional children as  
2 determined pursuant to standards established by the state board.

3 (k) "State plan" means the state plan for special education and related  
4 services authorized by this act.

5 (l) "Agency" means boards and the state agencies.

6 (m) "Parent" means a natural parent, an adoptive parent, a person  
7 acting as parent, a legal guardian, or an education advocate.

8 (n) "Person acting as parent" means a person such as a grandparent  
9 or a stepparent with whom a child lives or a person other than a parent  
10 who is legally responsible for the welfare of a child.

11 (o) "Education advocate" means a person appointed by the state  
12 board in accordance with the provisions of K.S.A. 38-1513a, and amend-  
13 ments thereto. A person appointed as an education advocate for a child  
14 shall not be: (1) An employee of the agency which is required by law to  
15 provide special education or related services for the child; (2) an employee  
16 of the state board, the department, or any agency which is directly in-  
17 volved in providing educational services for the child; or (3) any person  
18 having a professional or personal interest which would conflict with the  
19 interests of the child.

20 (p) "Free appropriate public education" means special education and  
21 related services that: (1) Are provided at public expense, under public  
22 supervision and direction, and without charge; (2) meet the standards of  
23 the state board; (3) include an appropriate preschool, elementary, or sec-  
24 ondary school education; and (4) are provided in conformity with an in-  
25 dividualized education program.

26 (q) "Federal law" means the individuals with disabilities education  
27 act, as amended.

28 (r) "Individualized education program" or "IEP" means a written  
29 statement for each exceptional child that is developed, reviewed, and  
30 revised in accordance with the provisions of K.S.A. 72-987, and amend-  
31 ments thereto.

32 (s) "Related services" means transportation, and such developmental,  
33 corrective, and other supportive services, including speech-language pa-  
34 thology and audiology services, psychological services, physical and oc-  
35 cupational therapy, recreation, including therapeutic recreation, social  
36 work services, counseling services, including rehabilitation counseling,  
37 orientation and mobility services, and medical services, except that such  
38 medical services shall be for diagnostic and evaluation purposes only, as  
39 may be required to assist an exceptional child to benefit from special  
40 education, and includes the early identification and assessment of disa-  
41 bling conditions in children.

42 (t) "Supplementary aids and services" means aids, services, and other  
43 supports that are provided in regular education classes or other education-

1 related settings to enable children with disabilities to be educated with  
2 nondisabled children to the maximum extent appropriate.

3 (u) "Individualized education program team" or "IEP team" means  
4 a group of individuals composed of: (1) The parents of a child; (2) at least  
5 one regular education teacher of the child, if the child is, or may be,  
6 participating in the regular education environment; (3) at least one special  
7 education teacher or, where appropriate, at least one special education  
8 provider of the child; (4) a representative of the agency directly involved  
9 in providing educational services for the child who: (A) Is qualified to  
10 provide, or supervise the provision of, specially designed instruction to  
11 meet the unique needs of exceptional children; (B) is knowledgeable  
12 about the general curriculum; and (C) is knowledgeable about the avail-  
13 ability of resources of the agency; (5) an individual who can interpret the  
14 instructional implications of evaluation results; (6) at the discretion of the  
15 parent or the agency, other individuals who have knowledge or special  
16 expertise regarding the child, including related services personnel as ap-  
17 propriate; and (7) whenever appropriate, the child.

18 (v) "Evaluation" means a multisourced and multidisciplinary exami-  
19 nation, conducted in accordance with the provisions of K.S.A. 72-986,  
20 and amendments thereto, to determine whether a child is an exceptional  
21 child.

22 (w) "Independent educational evaluation" means an examination  
23 which is obtained by the parent of an exceptional child and performed  
24 by an individual or group of individuals who meet state and local standards  
25 to conduct such an examination.

26 (x) "Elementary school" means any nonprofit institutional day or res-  
27 idential school that offers instruction in any or all of the grades kinder-  
28 garten through nine.

29 (y) "Secondary school" means any nonprofit institutional day or res-  
30 idential school that offers instruction in any or all of the grades nine  
31 through 12.

32 (z) "Children with disabilities" means children with mental retarda-  
33 tion, hearing impairments including deafness, speech or language im-  
34 pairments, visual impairments including blindness, emotional distur-  
35 bance, orthopedic impairments, autism, traumatic brain injury, other  
36 health impairments, or specific learning disabilities and who, by reason  
37 thereof, need special education and related services.

38 (aa) "Substantial change in placement" means the movement of an  
39 exceptional child, for more than 25% of the child's school day, from a  
40 less restrictive environment to a more restrictive environment or from a  
41 more restrictive environment to a less restrictive environment.

42 (bb) "Material change in services" means an increase or decrease of  
43 25% or more of the duration or frequency of a special education service,

1 a related service or a supplementary aid or a service specified on the IEP  
2 of an exceptional child.

3 (cc) “*State school*” means the (1) *Kansas state school for the blind*;  
4 and (2) *Kansas state school for the deaf*.

5 Sec. 2. K.S.A. 72-978 is hereby amended to read as follows: 72-978.

6 (a) (1) In each school year, in accordance with appropriations for special  
7 education and related services provided under this act, each school district  
8 and *state school* which has provided special education and related services  
9 in compliance with the provisions of this act shall be entitled to receive:

10 (A) Reimbursement for actual travel allowances paid to special teachers  
11 at not to exceed the rate specified under K.S.A. 75-3203, and amend-  
12 ments thereto, for each mile actually traveled during the school year in  
13 connection with duties in providing special education or related services  
14 for exceptional children; such reimbursement shall be computed by the  
15 state board by ascertaining the actual travel allowances paid to special  
16 teachers by the school district or *state school* for the school year and shall  
17 be in an amount equal to 80% of such actual travel allowances;

18 (B) reimbursement in an amount equal to 80% of the actual travel  
19 expenses incurred for providing transportation for exceptional children to  
20 special education or related services; such reimbursement shall not be  
21 paid if such child has been counted in determining the transportation  
22 weighting of ~~the~~ a *school* district under the provisions of the school district  
23 finance and quality performance act;

24 (C) reimbursement in an amount equal to 80% of the actual expenses  
25 incurred for the maintenance of an exceptional child at some place other  
26 than the residence of such child for the purpose of providing special  
27 education or related services; such reimbursement shall not exceed \$600  
28 per exceptional child per school year; and

29 (D) except for those school districts entitled to receive reimburse-  
30 ment under subsection (b) or (c), after subtracting the amounts of re-  
31 imbursement under paragraphs (A), (B) and (C) of this subsection (a)  
32 from the total amount appropriated for special education and related  
33 services under this act, an amount which bears the same proportion to  
34 the remaining amount appropriated as the number of full-time equivalent  
35 special teachers who are qualified to provide special education or related  
36 services to exceptional children and are employed by the school district  
37 or *state school* for approved special education or related services bears to  
38 the total number of such qualified full-time equivalent special teachers  
39 employed by all school districts and *state schools* for approved special  
40 education or related services.

41 (2) Each special teacher who is qualified to assist in the provision of  
42 special education or related services to exceptional children shall be  
43 counted as  $\frac{2}{3}$  full-time equivalent special teacher who is qualified to pro-

1 vide special education or related services to exceptional children.

2 (b) Each school district which has paid amounts for the provision of  
3 special education and related services under an interlocal agreement shall  
4 be entitled to receive reimbursement under subsection (a)(1)(D). The  
5 amount of such reimbursement for the district shall be the amount which  
6 bears the same relation to the aggregate amount available for reimburse-  
7 ment for the provision of special education and related services under the  
8 interlocal agreement, as the amount paid by such district in the current  
9 school year for provision of such special education and related services  
10 bears to the aggregate of all amounts paid by all school districts in the  
11 current school year who have entered into such interlocal agreement for  
12 provision of such special education and related services.

13 (c) Each contracting school district which has paid amounts for the  
14 provision of special education and related services as a member of a co-  
15 operative shall be entitled to receive reimbursement under subsection  
16 (a)(1)(D). The amount of such reimbursement for the district shall be the  
17 amount which bears the same relation to the aggregate amount available  
18 for reimbursement for the provision of special education and related serv-  
19 ices by the cooperative, as the amount paid by such district in the current  
20 school year for provision of such special education and related services  
21 bears to the aggregate of all amounts paid by all contracting school dis-  
22 tricts in the current school year by such cooperative for provision of such  
23 special education and related services.

24 (d) No time spent by a special teacher in connection with duties  
25 performed under a contract entered into by the Atchison juvenile cor-  
26 rectional facility, the Beloit juvenile correctional facility, the Larned ju-  
27 venile correctional facility, or the Topeka juvenile correctional facility and  
28 a school district for the provision of special education services by such  
29 state institution shall be counted in making computations under this  
30 section.

31 Sec. 3. K.S.A. 72-979 is hereby amended to read as follows: 72-979.

32 (a) Payments under this act shall be made in the manner and at such  
33 times during each school year as are determined by the state board. All  
34 amounts received by a district under this section shall be deposited in the  
35 general fund of the district and transferred to its special education fund.  
36 *All amounts received by a state school under this section shall be credited*  
37 *to the operating expenditures account of the state school.* If any district  
38 *or state school* is paid more than it is entitled to receive under any dis-  
39 tribution made under this act, the state board shall notify the district *or*  
40 *state school* of the amount of such overpayment, and such district *or state*  
41 *school* shall remit the same to the state board. The state board shall remit  
42 any moneys so received to the state treasurer in accordance with the  
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount  
2 in the state treasury to the credit of the state general fund. If any such  
3 district *or state school* fails so to remit, the state board shall deduct the  
4 excess amounts so paid from future payments becoming due to such dis-  
5 trict *or state school*. If any district *or state school* is paid less than the  
6 amount to which it is entitled under any distribution made under this act,  
7 the state board shall pay the additional amount due at any time within  
8 the school year in which the underpayment was made or within 60 days  
9 after the end of such school year.

10 (b) The state board shall prescribe all forms necessary for reporting  
11 under this act.

12 (c) ~~Every board~~ *Each school district and state school* shall make such  
13 periodic and special reports of information to the state board as it may  
14 request in order to carry out its responsibilities under this act.

15 Sec. 4. K.S.A. 72-962, 72-978 and 72-979 are hereby repealed.

16 Sec. 5. This act shall take effect and be in force from and after its  
17 publication in the statute book.

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