

## HOUSE BILL No. 2024

By Legislative Educational Planning Committee

12-30

9 AN ACT concerning school districts; relating to special education;  
10 amending K.S.A. 72-979 and K.S.A. 2004 Supp. 72-978 and repealing  
11 the existing sections.  
12

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

14 Section 1. K.S.A. 2004 Supp. 72-978 is hereby amended to read as  
15 follows: 72-978. ~~(a) (1) In each school year, in accordance with appropri-~~  
16 ~~ations for special education and related services provided under this act,~~  
17 ~~each school district which has provided special education and related~~  
18 ~~services in compliance with the provisions of this act~~

19 *(a) Each year, the state board of education shall determine the amount*  
20 *of state aid for the provision of special education and related services each*  
21 *school district shall receive for the ensuing school year. The amount of*  
22 *such state aid shall be computed by the state board as provided in this*  
23 *section. The state board shall:*

24 *(1) Determine the total amount of general fund and local option bud-*  
25 *gets of all school districts;*

26 *(2) subtract from the amount determined in paragraph (1) the total*  
27 *amount attributable to assignment of transportation weighting, program*  
28 *weighting, special education weighting and at-risk pupil weighting to en-*  
29 *rollment of all school districts;*

30 *(3) divide the remainder obtained in paragraph (2) by the total num-*  
31 *ber of pupils enrolled in all school districts on September 20;*

32 *(4) determine the total full-time equivalent enrollment of exceptional*  
33 *children in special education services provided by all school districts;*

34 *(5) multiply the amount of the quotient obtained in paragraph (3) by*  
35 *the full-time equivalent enrollment determined in paragraph (4);*

36 *(6) determine the amount of federal funds received by all school dis-*  
37 *tricts for the provision of special education services;*

38 *(7) determine the amount of revenue received by all school districts*  
39 *rendered under contracts with the state institutions for the provisions of*  
40 *special education services by the state institution;*

41 *(8) add the amounts determined under paragraphs (6) and (7) to the*  
42 *amount of the product obtained under paragraph (5);*

43 *(9) determine the total amount of expenditures of all school districts*

1 *for the provision of special education services;*  
2 *(10) subtract the amount of the sum obtained under paragraph (8)*  
3 *from the amount determined under paragraph (9); and*  
4 *(11) multiply the remainder obtained under paragraph (10) by 88%.*  
5 *The computed amount is the amount of state aid for the provision of*  
6 *special education aid a school district is entitled to receive for the ensuing*  
7 *school year.*  
8 *(b) Each school district shall be entitled to receive:*  
9 ~~(A)~~ (1) Reimbursement for actual travel allowances paid to special  
10 teachers at not to exceed the rate specified under K.S.A. 75-3203, and  
11 amendments thereto, for each mile actually traveled during the school  
12 year in connection with duties in providing special education or related  
13 services for exceptional children; such reimbursement shall be computed  
14 by the state board by ascertaining the actual travel allowances paid to  
15 special teachers by the school district for the school year and shall be in  
16 an amount equal to 80% of such actual travel allowances;  
17 ~~(B)~~ (2) reimbursement in an amount equal to 80% of the actual travel  
18 expenses incurred for providing transportation for exceptional children to  
19 special education or related services; such reimbursement shall not be  
20 paid if such child has been counted in determining the transportation  
21 weighting of the district under the provisions of the school district finance  
22 and quality performance act;  
23 ~~(C)~~ (3) reimbursement in an amount equal to 80% of the actual ex-  
24 penses incurred for the maintenance of an exceptional child at some place  
25 other than the residence of such child for the purpose of providing special  
26 education or related services; such reimbursement shall not exceed \$600  
27 per exceptional child per school year; and  
28 ~~(D)~~ (4) except for those school districts entitled to receive reimburse-  
29 ment under subsection ~~(b)~~ or (c) or (d), after subtracting the amounts of  
30 reimbursement under paragraphs ~~(A)~~, ~~(B)~~ and ~~(C)~~ (1), (2) or (3) of this  
31 subsection ~~(a)~~ from the total amount appropriated for special education  
32 and related services under this act, an amount which bears the same  
33 proportion to the remaining amount appropriated as the number of full-  
34 time equivalent special teachers who are qualified to provide special ed-  
35 ucation or related services to exceptional children and are employed by  
36 the school district for approved special education or related services bears  
37 to the total number of such qualified full-time equivalent special teachers  
38 employed by all school districts for approved special education or related  
39 services.  
40 ~~(2)~~ Each special teacher who is qualified to assist in the provision of  
41 special education or related services to exceptional children shall be  
42 counted as  $\frac{2}{3}$  full-time equivalent special teacher who is qualified to pro-  
43 vide special education or related services to exceptional children.

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

12     ~~(c)~~ (d) Each contracting school district which has paid amounts for  
13 the provision of special education and related services as a member of a  
14 cooperative shall be entitled to receive reimbursement under subsection  
15 ~~(a)(1)(D)~~ ~~(b)(4)~~. The amount of such reimbursement for the district shall  
16 be the amount which bears the same relation to the aggregate amount  
17 available for reimbursement for the provision of special education and  
18 related services by the cooperative, as the amount paid by such district  
19 in the current school year for provision of such special education and  
20 related services bears to the aggregate of all amounts paid by all contract-  
21 ing school districts in the current school year by such cooperative for  
22 provision of such special education and related services.

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

30     Sec. 2. K.S.A. 72-979 is hereby amended to read as follows: 72-979.

31     (a) Payments ~~under this act~~ of state aid for the provision of special edu-  
32 cation and related services shall be made in the manner and at such times  
33 during each school year as are determined by the state board. All amounts  
34 received by a district under this section shall be deposited in the general  
35 fund of the district and transferred to its special education fund. If any  
36 district is paid more than it is entitled to receive under any distribution  
37 made under this act, the state board shall notify the district of the amount  
38 of such overpayment, and such district shall remit the same to the state  
39 board. The state board shall remit any moneys so received to the state  
40 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
41 amendments thereto. Upon receipt of each such remittance, the state  
42 treasurer shall deposit the entire amount in the state treasury to the credit  
43 of the state general fund. If any such district fails so to remit, the state

1 board shall deduct the excess amounts so paid from future payments  
2 becoming due to such district. If any district is paid less than the amount  
3 to which it is entitled under any distribution made under this act, the  
4 state board shall pay the additional amount due at any time within the  
5 school year in which the underpayment was made or within 60 days after  
6 the end of such school year. *If the amount of appropriations for state aid*  
7 *for the provision of special education and related services is insufficient*  
8 *to pay in full the amount of state aid each school district is entitled to*  
9 *receive for the school year, the state board shall prorate the amount ap-*  
10 *propriated among all school districts.*

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

13 (c) Every board shall make such periodic and special reports of in-  
14 formation to the state board as it may request in order to carry out its  
15 responsibilities under this act.

16 Sec. 3. K.S.A. 72-979 and K.S.A. 2004 Supp. 72-978 are hereby  
17 repealed.

18 Sec. 4. This act shall take effect and be in force from and after its  
19 publication in the statute book.