

Approved: 3-15-94  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Duane Goossen at 3:30 p.m. on March 9, 1994 in Room 519-S of the Capitol.

All members were present except: Representative Kline (excused)  
James Lowther (excused)  
Patricia Pettey (excused)

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Lois Thompson, Committee Secretary

Conferees appearing before the committee: Dr. Robert C. Harder, Dept. of Health & Environment  
Deb Voth, State Early Childhood Coordinating Council  
Nancy Linville, Early Intervention Provider, Garden City  
Doug Greer, President, KDEC  
Dr. Kent Hurn, Seaman, representing United School Administrators  
Craig Grant, KNEA  
Josie Torrez, Families Together  
Kathy Johnson, Chair, Early Childhood Coordinator, service provider and parent of disabled child  
Gary Bishop, Kansas Assoc. of Spec. Ed. Admin.  
Dr. Joseph S. Benson, Special Ed. Coop, Beloit  
Bob Wittman, USD 501

Others attending: See attached list

Representative Reardon moved and Representative Morrison seconded motion to pass favorably **SB 574**. Motion carried.

Hearings opened on **HB 3029** relating to Special Education finance.

The chair announced due to the complexity of this bill and the desire of the conferees to express concerns on various parts of this bill, proponents and opponents would not be designated.

Robert C. Harder, Secretary, Department of Health and Environment, requested **HB 3029** be amended to include the 0-2 age student FTE in the pupil count and thus give recognition to this age group when calculating special education funding for the school districts. This amendment does not change the formula, but adds the 0-2 age group into the pupil count. (Attachment 1)

Deb Voth, speaking in behalf of the Kansas Interagency Coordinating Council on Early Childhood Developmental Services, urged the committee (1) to revise the formula for categorical aid to include a count of all children 0-21 years who qualify for Part H and special education services and (2) provide adequate resources for special education services so that local education agencies can continue to support the costs for Infant/Toddler Services. (Attachment 2)

Craig Grant, representing Kansas NEA stated support for the bill because it provides for more flexibility and less record keeping to justify funding. They strongly agree with the "catastrophic case" plan in the report.

CONTINUATION SHEET

MINUTES OF HOUSE EDUCATION COMMITTEE meeting March 9, 1994, at 3:30 p.m. in Room 519-S of the Statehouse.

The KNEA believes no plan will work well with the current 74% level of funding. In stating their support for the bill, KNEA hopes the legislature can come up with adequate funding to make it work. (Attachment 3)

Dr. Kent Hurn, superintendent USD #345, Seaman representing United School Administrators of Kansas, who served on the task force to develop a new funding formula for special education, commented on issues considered by the task force. (Attachment 4) .

Gary Bishop, representing the Kansas Association of Special Education Administrators, stated they found some of the provisions of **HB 3029** attractive, but are concerned that the formula does not appear to provide equal levels of access to special education for all the state's children. Local program differences and lack of equal access to services for all children cause them to request that this bill be set aside for more intensive development. (Attachment 5)

Dr. Joseph S. Benson, Beloit Special Education Cooperative, commenting on HB 3029 made four recommendations: (1) Take time, such as a summer study, to try to work out "bugs" in the proposal, (2) Provide for 100% of the excess costs of special education, (3) Take a count rather than use an arbitrary figure, and (4) Earmark the funds, if rendered under the new formula, so that districts will be required to place it in their special education funds for payment of special education costs. (Attachment 6)

Lorraine Bockorny of Rainbows United, Southwestern Kansas, expressed concern for **HB 3029**. Her concerns were for special education funding for Part H programs, fears it will jeopardize Federal funding, and is unclear on the use of the formula for Part B funding. She suggests the formula be changed to fund early childhood special education, birth to five, at 7% of the census birth to five. (Attachment 7)

Doug Green, Kansas Division for Early Childhood, stated concerns for **HB 3029**. He urged further study to examine the impact of **HB 3029** on services to Kansas children. (Attachment 8)

Josie Torrez, testifying in behalf of Families Together, suggested the bill be amended to cover birth instead of age 3. She expressed concern for school districts who have between 13.4% and 16% of the special education population. "We don't want other children in general education classes receiving less than their share due to running out of special education money." (Attachment 9)

Kathy Johnson, Chair of the Advisory Committee to the Kansas Early Childhood Interagency Coordinating Council, and parent of a child with a disability, express concern about the potential loss in funding for birth through two year old children under the new Funding Formula for Special Education. (Attachment 10)

Bob Wittman, Director of Special Education Ancillary Services for USD #501, stated he believes the current state distribution formula for special education funds better serves the disabled student population in his district and therefore opposes **HB 3029**. (Attachment 11)

Printed testimony was received from Jim Wheeler, Director of the NE Kansas Education Service Center at Lecompton and Oskaloosa. He stated **HB 3029** causes concern for all rural Kansas districts and special education cooperatives. (Attachment 12).

Testimony in opposition to **HB 3029** from Mark Tallman representing the Kansas Association of School Boards was continued to Thursday, March 10.

Meeting adjourned at 5:10 p.m.

The next meeting of the House Education Committee will be Thursday, March 10, 1994, at 3:30 p.m. in Room 519-S.

# GUEST LIST

Committee: Education

Date: 3-9-94

NAME: (Please print)	Address:	Company/Organization:
Deb Voth	2615 Weldosky Wichita, KS 67220-2474	Early Childhood State Coordinating Council
DOUG GREER	2410 NORTH A, P.O. BOX 130 WELLINGTON, KS 67152	KOEC
Dan Bishop	624 W 24th Topeka 66611	KA Special Ed Administrator
Kent Hulen	901 NW Lyndon Rd Topeka 66603	US Admin.
Bill Neyens/Jander	305 Summit Drive Abilene	USA #435
ROB WINTER	Box 326 Riley 66531	USA 378
Gerald Hudson	TOPEKA	USA of KS
Mark Tallman	Topeka	KASB
Jane Rhys	Topeka	KPCAD
Ken Baker	"	4th Enrollment USD's
Robert Harber	LSOB	KDHE
Cassie Layner	LSOB	KDHE
Friedrich G. J. Miller	15812 214th St.	St. Bd. of Ed.
Lina K. Quakey	4211 Girard Topeka 66	Council for Exceptional Children
Laral Derringer	Topeka	KSBE
John J. Hill	Topeka	Days for Networking
Rene Gaudin	Topeka	Governor's Office
Barbara Cole	Topeka	KNEA
Melva Olsen	Derby	USD 260
Carole Harris	Great Bend	A.S.D. 428
Joh Davis	Great Bend	USD 428
Mene Neely	<del>Butte</del> Topeka	KNEA
Craig Grant	Topeka	KNEA
Jim Yonally	Oswald Park	USD #512
Nurse Cipe	Topeka	K.C.K. Pub Schore

## GUEST LIST

**Committee: Education**

Date: 3-9-94

[illegible]

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony presented to

House Committee on Education

by

The Kansas Department of Health and Environment

House Bill 3029

House Bill 3029 changes the process for awarding State categorical aid to local school districts for special education services. Under the present system, aid is allocated according to staff FTE. HB3029, if enacted, would distribute State Aid for special education services on a formula basis that utilizes pupil FTE as a major factor in the formula. KDHE requests that serious consideration be given to including the 0 - 2 aged exceptional children in the 0.5 FTE pupil count as is done for the 3 - 5 year olds. Present statutes do not include children below 3 years of age in the pupil FTE. Present or future school districts that provide special education services to children birth through 2 years of age would not receive special education funds for the FTE represented by these students as the bill is currently written.

KDHE, as the lead agency for the Kansas Infant-Toddler Program (Part H of IDEA), has responsibility for the design and implementation of a system of early intervention services for children 0-2 with disabilities. As the lead agency, KDHE receives a Federal Part H of IDEA Grant (\$1,663,102 in SFY94) and a State General Fund appropriation (\$496,000 in SFY94) to effect the design and implementation of this program. Under the current eligibility criteria for the 0 - 2 population, there are approximately 1000 infants and toddlers (approximately 1% of 0-2 population) receiving services at this time. Other states report between 1 and 2 percent of the 0-2 population meet similar eligibility criteria and are receiving services. In Kansas 2% of the 0 - 2 population is approximately 2300. Early intervention enhances the child's development when the rate of human learning is most rapid and utilizes the readiness stages of early learning.

The Part H program concept is to achieve an array of early intervention services through collaboration and cooperation with other agencies and organizations. At the State Level the Department of Social and Rehabilitation Services and the State Board of Education are also major sources of funding. Services provided at the local level also come from many sources. Local education agencies, local health departments, local DD councils, local mental health centers, private service providers and agencies, and many other local resources all

HOUSE Education  
March 9, 1994  
Attachment 1

Testimony - HB 3029

contribute to this system of services. The Part H program is much larger than just the small amount of funding that flows directly through KDHE. Special education categorical aid contributes approximately \$ 2 million dollars to this early intervention service system.

Federal Part H regulations also require a state Interagency Coordinating Council (ICC) to advise and assist KDHE with the coordination of the many sources of services and funding in order to achieve a system of comprehensive care. The ICC is composed of state agency heads, legislators, service providers, parents of children with disabilities and others. As anticipated in the federal legislation, the lead agency for Part H is dependent upon services and funding provided by peer State agencies and many local agencies reporting to local governing boards.

As the State Lead Agency, KDHE is required by regulation to be responsible for the maintenance of fiscal effort, not just for funds flowing through KDHE, but for the entire Kansas Infant - Toddler, Part H service system. KDHE, as lead agency, also has responsibility as payor of last resort. These responsibilities are rather awesome because their achievement is not totally under KDHE control.

There is concern that the contracting of funding for special education may negatively impact on the service availability for the infant and toddler with disabilities. We request HB3029 be amended to include the 0-2 age student FTE in the pupil count and thus give recognition to this age group when calculating special education funding for the school districts. This amendment does not change the formula but adds the 0 - 2 age group into the pupil count.

Testimony presented by: Robert C Harder  
Secretary  
March 9, 1994

## HOUSE BILL No. 3029

By Committee on Appropriations

2-15

8 AN ACT concerning special education services for exceptional chil-  
9 dren; relating to the financing thereof; amending K.S.A. 72-978,  
10 72-979 and 72-6413 and repealing the existing sections.  
11

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

13 Section 1. K.S.A. 72-6413 is hereby amended to read as follows:  
14 72-6413. The program weighting of each district shall be determined  
15 by the state board as follows:

16 (a) Compute full time equivalent enrollment in programs of bi-  
17 lingual education and multiply the computed *FTE* enrollment by  
18 0.2;

19 (b) compute full time equivalent enrollment in approved voca-  
20 tional education programs and multiply the computed *FTE* enroll-  
21 ment by 0.5;

22 (c) *compute full time equivalent enrollment in special education*  
23 *services by multiplying enrollment by .134 (the statewide prevalency*  
24 *rate of exceptional children) and multiply the computed FTE en-*  
25 *rollment by .83;*

26 (e) (d) add the products obtained under (a) and, (b) and (c). The  
27 sum is the program weighting of the district.

28 (d) ~~The provisions of this section shall take effect and be~~  
29 ~~in force from and after July 1, 1992.~~

30 New Sec. 2. (a) In each school year, to the extent that appro-  
31 priations are available, each school district which has provided special  
32 education services for an exceptional child who uniquely or so se-  
33 verely differs from other exceptional children in physical, mental,  
34 social, emotional or educational characteristics that the costs attrib-  
35 utable to the provision of special education services for the child  
36 are in excess of \$20,000 for the school year is eligible to receive a  
37 grant of state moneys in an amount equal to 75% of that portion of  
38 the costs, incurred by the district in the provision of special education  
39 services for the child, that is in excess of \$20,000.

40 (b) In order to be eligible for a grant of state moneys provided  
41 for by subsection (a), a school district shall submit to the state board  
42 of education an application for a grant and a description of the special  
43 education services provided and the child or children for whom

1-3

1-4

1 provided. The application and description shall be prepared in such  
2 form and manner as the state board shall require and shall be sub-  
3 mitted at a time to be determined and specified by the state board.  
4 Approval by the state board of applications for grants of state moneys  
5 is prerequisite to the award of grants.

6 (c) Each school district which is awarded a grant under this sec-  
7 tion shall make such periodic and special reports of statistical and  
8 financial information to the state board as it may request.

9 (d) All moneys received by a school district under authority of  
10 this section shall be deposited in the special education fund of the  
11 school district. Amounts received under this section and deposited  
12 in the special education fund shall be used exclusively to reimburse  
13 the school district, in part, for the excessive amount expended in  
14 providing special education services for uniquely or severely different  
15 exceptional children.

16 (e) The state board of education shall:

17 (1) Prescribe and adopt criteria for identification of uniquely or  
18 severely different exceptional children and for determination of ex-  
19 cessive costs attributable to the provision of special education services  
20 for such children;

21 (2) approve applications of school districts for grants;

22 (3) determine the amount of grants and be responsible for pay-  
23 ment of such grants to school districts; and

24 (4) prescribe all forms necessary for reporting under this section.

25 (f) If the amount of appropriations for the payment of grants  
26 under this section is insufficient to pay in full the amount each school  
27 district is determined to be eligible to receive for the school year,  
28 the state board shall prorate the amount appropriated among all  
29 school districts which are eligible to receive grants of state moneys  
30 in proportion to the amount each school district is determined to  
31 be eligible to receive.

32 New Sec. 3. (a) In each school year, each school district which  
33 has experienced a prevalence rate of exceptional children enrolled  
34 in the district that is in excess of 16% is eligible to increase the  
35 statewide prevalence rate of exceptional children specified in K.S.A.  
36 72-6413, and amendments thereto, by the number of percentage  
37 points equal to the difference between the prevalence rate of the  
38 district and 16%.

39 (b) In order to be eligible to increase the statewide prevalence  
40 rate of exceptional children as provided in subsection (a), a school  
41 district shall submit to the state board of education an application  
42 for approval of such increase. The application shall be prepared in  
43 such form and manner as the state board shall require and shall be

1 submitted at a time to be determined and specified by the state  
2 board. Approval by the state board of an application for an increase  
3 in the statewide prevalency rate is prerequisite to such increase.

4 (c) The state board of education, in consultation with the state  
5 advisory council for special education, shall:

6 (1) Prescribe and adopt criteria for determination of the preva-  
7 lency rate of exceptional children enrolled in school districts;

8 (2) approve applications of school districts for an increase in the  
9 statewide prevalency rate of exceptional children specified in K.S.A.  
10 72-6413, and amendments thereto;

11 (3) determine the amount of increase in the statewide prevalency  
12 rate approved for school districts; and

13 (4) prescribe all forms necessary for making applications under  
14 this section.

15 Sec. 4. K.S.A. 72-978 is hereby amended to read as follows: 72-  
16 978. (a) ~~(1)~~ In each school year, in accordance with appropriations  
17 for special education services provided under this act, each school  
18 district *and each state institution* which has provided special edu-  
19 cation services in compliance with the requirements of the state plan  
20 and the provisions of this act shall be entitled to receive:

21 (A) (1) Reimbursement for actual travel allowances paid to special  
22 teachers at not to exceed the rate specified under K.S.A. 75-3203,  
23 and amendments thereto, for each mile actually traveled during the  
24 school year in connection with duties in providing special education  
25 services for exceptional children; such reimbursement shall be com-  
26 puted by the state board by ascertaining the actual travel allowances  
27 paid to special teachers by the school district *or state institution* for  
28 the school year and shall be in an amount equal to 80% of such  
29 actual travel allowances;

30 (B) (2) reimbursement in an amount equal to 80% of the actual  
31 travel expenses incurred for providing transportation for exceptional  
32 children to special education services; such reimbursement shall not  
33 be paid *to a school district* if such child *has children have* been  
34 counted in determining the transportation weighting of the district  
35 under the provisions of the school district finance and quality per-  
36 formance act; *and*

37 (C) (3) reimbursement in an amount equal to 80% of the actual  
38 expenses incurred for the maintenance of an exceptional child at  
39 some place other than the residence of such child for the purpose  
40 of providing special education services; such reimbursement shall  
41 not exceed \$600 per exceptional child per school year; *and*.

42 ~~(D)~~ (b) (1) After ~~subtracting~~ the amounts of reimbursement un-  
43 der ~~(A)~~, ~~(B)~~ and ~~(C)~~ subsection (a) are subtracted from the total

1-5

1 amount appropriated for special education services under this act,  
2 *each state institution shall be entitled to receive* an amount which  
3 bears the same proportion to the remaining amount appropriated as  
4 the number of full-time equivalent special teachers employed by  
5 the school district for providing approved special education services  
6 for the state institution bears to the total number of full-time equiv-  
7 alent special teachers employed by all school districts for pro-  
8 viding approved special education services for all the state institu-  
9 tions.

10 (2) Each special teacher who is a paraprofessional performing  
11 duties for a state institution shall be counted as  $\frac{2}{3}$  full-time equiv-  
12 alent special teacher in making computations under this subsection.

13 (b) (1) (c) No special teacher in excess of the number of special  
14 teachers necessary to comply with the ratio of special teacher to  
15 exceptional children prescribed by the state board for the a school  
16 district or a state institution shall be counted in making computations  
17 under this section.

18 (2) (d) No time spent by a special teacher in connection with  
19 duties performed under a contract entered into by the youth center  
20 at Atchison, the youth center at Beloit or the youth center at Topeka  
21 and a school district for the provision of special education services  
22 by such state institution shall be counted in making computations  
23 under this section.

24 Sec. 5. K.S.A. 72-979 is hereby amended to read as follows: 72-  
25 979. (a) Payments under this act shall be made in a manner to be  
26 determined by the state board. In the event any district or state  
27 institution is paid more than it is entitled to receive under any  
28 distribution made under this act, the state board shall notify the  
29 district or state institution of the amount of such overpayment, and  
30 such district or state institution shall remit the same to the state  
31 board. The state board shall remit any moneys so received to the  
32 state treasurer, and the state treasurer shall deposit the same in the  
33 state treasury to the credit of the state general fund. If any such  
34 district or state institution fails so to remit, the state board shall  
35 deduct the excess amounts so paid from future payments becoming  
36 due to such district or state institution. In the event any district or  
37 state institution is paid less than the amount to which it is entitled  
38 under any distribution made under this act, the state board shall  
39 pay the additional amount due at any time within the school year  
40 in which the underpayment was made or within sixty (60) 60 days  
41 after the end of such school year.

42 (b) The state board shall prescribe all forms necessary for re-  
43 porting under this act. Funds shall be distributed to the respective

1 boards *school districts and state institutions* as soon as the state  
2 board deems practicable.

3 (c) Every *board school district and state institution* shall make  
4 such periodic and special reports of statistical and financial infor-  
5 mation to the state board as it may request.

6 Sec. 6. K.S.A. 72-978, 72-979 and 72-6413 are hereby repealed.

See attached amendment to K.S.A. 72-6407(b)

7 ~~Sec. 7.~~ This act shall take effect and be in force from and after

Change to Sec. 8.

8 its publication in the statute book.

1-7

8-1

72-6107. Definitions; pupil; enrollment; weightings. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least  $\frac{3}{4}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least  $\frac{3}{4}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel

Boys Ranch, shall be counted as two pupils. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and for whom a district maintains an approved at-risk pupil assistance plan.

(d) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year may be computed by adding one-half the number of pupils by which enrollment in the current school year has decreased from enrollment in the preceding school year to enrollment in the current school year, except that such computation shall not be applied to decreases in enrollment in the current school year that are in excess of 4% of enrollment in the preceding school year.

(e) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, school facilities weighting, if any, and transportation weighting to enrollment.

(f) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(g) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(h) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,900 enrollment on the basis of costs attributable to maintenance of

educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,900 and over enrollment.

(i) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(j) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

History: L. 1992, ch. 280, § 3; L. 1993, ch. 264, § 8; July 1.



TESTIMONY TO THE KANSAS HOUSE EDUCATION COMMITTEE  
Wednesday, March 9, 1994

Chairperson Goossen and members of the House Education Committee:

Thank you for this opportunity to present testimony concerning House Bill 3029 which addresses special education categorical aid funds. I am speaking to you today on behalf of the **Kansas Interagency Coordinating Council on Early Childhood Developmental Services (CCECDS)**. Dr. Nancy Peterson of the Department of Special Education - University of Kansas, who serves as Council Chair is unable to be here today. She has requested that I present this important testimony. I am Deborah Voth, also a member of the Kansas Interagency Coordinating Council.

The Coordinating Council was established in 1983 and authorized by federal and state legislation. One of its primary responsibilities is to assist and advise the State Lead Agencies in developing and implementing a statewide system of services for young children from birth through age five, (with disabilities or who are at-risk for developmental delays) and their families. Over the years, the Council has been instrumental in the development of preschool services for young children with disabilities in Kansas as well as Infant/Toddler Early Intervention Program. As you know, preschool services for young children with disabilities is now part of the special education mandate for children ages 3-21 in our state. House Bill 3029 addresses the special education funding for this population.

However, I am here today to inform you of the important role that special education categorical aid plays in the implementation of the **Kansas Part H Infant-Toddler Early Intervention Program**. This program serves children from birth to two years of age. The continuation of categorical aid to this program is crucial to the success of preventive services for young children and their families. At the present time, categorical aid is available for schools to support services for 3-21 year olds, but also to help support services to infants and toddlers. However, the current version of House Bill 3029 does not address the infant/toddler population.

I would like to take a moment to provide some background information about the Kansas Part H Infant-Toddler Program. Beginning in 1986, the federal government established (through Public Law 99-457) support and incentives for states to develop early intervention and prevention services for young children (birth through 2 years of age) who have or are at-risk for disabilities. After several years of planning and statewide coordination, Kansas began in 1992 full implementation of what is known as the Part H, Infant-Toddler Early Intervention Program. Full implementation means that Kansas is now identifying and serving all children and families in the state who qualify for Part H Infant-Toddler services.

The purpose of the Part H Program, as specified in federal law, is to develop and implement a statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention services for infants and toddlers (Sec. 1476, P.L. 99-457). With the passage of the federal Part H legislation, Congress presented clear mandates to reform how services are to be organized, delivered, and financed. The Part H legislation requires states to shift from a single funding source for this program to a funding plan that utilizes and coordinates all existing sources of funds within the state.

- ☞ Hence the Kansas Part H Infant Toddler Services are funded by a variety of federal, state, local, and private sources.

The funding formula contained within House Bill 3029 fails to count the many children, 0-2 years of age, who are currently receiving services in their home communities through the use of special education categorical aid funds. The current bill limits the use of categorical aid to the children between ages 3-21 years, thus omitting the Part H infant-toddler population.

Kansas Special Education Categorical Aid is one of the major funding sources for the Part H Infant-Toddler Program. Specifically...

- ☞ Out of 36 community networks developed to coordinate services for the Part H program, 28 of these networks rely on categorical aid to support personnel salaries and transportation costs.
- ☞ This means that approximately 78% of the local Infant-Toddler Programs in Kansas are receiving special education categorical aid at the present time.
- ☞ In monetary terms, categorical aid is providing just under \$3 million dollars currently to support services to this population of children (birth to age 2) with disabilities.
- ☞ These categorical aid funds support services for 805 of the total 1005 infants/toddlers served under the Kansas Part H Program.

Therefore, the continuation of services to young children, 0-2 years of age, and their families in Kansas is dependent upon the continued availability of special education categorical aid.

The loss of nearly 3 million categorical aid dollars for Part H may jeopardize the more than 1.6 million dollars that Kansas currently receives from the federal government for this program. This is true because...

- ☞ federal Part H funds are made available to the states as a means of supplementing and increasing the level of state and local monies to be expended for Infant-Toddler Services.
- ☞ to qualify for these federal funds, states must give assurances that federal money will not be used to supplant state and local funds.
- ☞ to meet the supplanting requirements, states must show that they are maintaining, not decreasing the level of state and local funds budgeted for these services.
- ☞ a decrease in or elimination of special education categorical aid will severely decrease the level of state and local funds for Part H in Kansas.

On behalf of the Kansas Interagency Coordinating Council for Early Childhood Developmental Services, professionals from many disciplines, agency representatives, community networks and families who are working to provide services for infant/toddlers in Kansas, **I urge your committee to consider the following actions:**

- ☞ Revise the formula for categorical aid to include a count of all children 0-21 years who qualify for Part H and special education services
- ☞ Provide adequate resources for special education services so that local education agencies can continue to support the costs for Infant/Toddler Services

In summary, the federal government through its development and support of the Part H legislation has given testimony to the importance of early intervention. Testimony repeatedly attests to the effectiveness of early services for enhancing the development of infants/toddlers with disabilities and for minimizing their potential for developmental delay. Further, the Part H Program was formulated to reduce educational costs by minimizing the need for special education and related services when these infants and toddlers reach school age.

With the initiation of this Infant-Toddler Program, Kansas stated its commitment to identifying and serving young children during those very early years when intervention has its greatest impact on child development. The Council and the many professionals and families it represents, remains committed to Part H in Kansas. We ask for your support with these necessary changes.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before  
House Education Committee  
Wednesday, March 9, 1994

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee in support of HB 3029.

Special education funding has been a problem since the state chose to reduce its commitment from the 95% level. Accusations of overidentification and overspending have come from many corners. Statements that we should embrace full inclusion as a way to save money have also been made.

The call for a task force to study special education funding was made by the School Finance Monitoring Committee last December. Our vice president, Mr. Gene Neely, served as a member of the task force. I was an observer and watched as the committee and subcommittee worked extremely hard to formulate the report from which HB 3029 was written. Our organization supports the report.

Our support should not be construed to mean we believe we have been overidentifying special needs students or spending too much on special education. We do not support full inclusion as a method of saving dollars. We support inclusion if that is in the best interest of the student.

Our support for this plan is support for more flexibility and less record keeping to justify funding. When an aide is working with an included special needs student, that aide should also be able to assist a regular education student without having to keep track of the minutes spent with each. We do believe that HB 3029 does improve the flexibility in our special education program. We also strongly agree with the "catastrophic case" plan included in the report. One extremely expensive case moving

into a district can ruin any budget, whether a large or a small district.

We should also state that we believe no plan will work well with the current 74% level of funding. For any new plan to succeed, we must have the state pick up significantly more of the share of excess costs. Please remember this when the Department of Education budget is presented to the House floor. No increase in funding will doom any new plan to failure.

Kansas NEA supports HB 3029 and hopes this committee and the legislature can come up with adequate funding to make it work. Thank you for listening to our concerns.



## HB 3029

Testimony presented before the House Committee on Education  
by Dr. Kent Hurn, superintendent USD #345, Seaman  
representing United School Administrators of Kansas  
February 22, 1994

Mister Chairman and Members of the Committee:

The proposed revision of the mechanism for funding the costs of providing services to special needs children in Kansas was developed by a task force of the School District Finance and Quality Performance Committee. I was privileged to represent school administrators on that task force. Chairman Goossen also served on that task force.

Keeping the needs of children at the forefront of our discussions was somewhat hampered by the charge to the task force. We were charged to develop a new funding formula for special education which would:

1. keep the growth in special education down,
2. slow the growth in the number of children identified as requiring special services, and
3. control the costs of providing services to special education children.

Other issues considered by the task force included the design of a formula based on student outcomes, the need to provide for the low-incidence, high cost student not covered when dealing with averages, and the need to maintain a separate special education fund while including special needs children as a part of an overall system of pupil weighting.

The current system for funding the transportation of special needs children which reimburses districts for 80% of the actual costs of special education transportation, was left intact by the task force. This formula has worked well for several years, and we concur with the task force recommendation to leave it as is.

HOUSE EDUCATION  
March 9, 1994  
Attachment 4

As has been explained to the committee by your staff, this new proposal is based on a prevalence rate across the state of 13.4%. This means that in any student population, 13.4% of the children will likely require special services. This total percentage includes the number of gifted students in a population. By examining actual costs of special education applied to this average percentage of students needing services, a weighting factor of .83 was determined. This "average" cost includes data gathered since power equalization became a part of Kansas school finance in 1978. In 1993, this "average" cost of regular education includes Local Option Budget expenditures, which many school districts do not have.

A concept which may become lost in the discussion is that this new proposal assumes full funding of the excess costs of special education. We urge the committee to not lose sight of this important issue.

Perhaps at this point I ought to spend a moment of two talking about the "excess cost" philosophy of funding special education. Under the current school finance formula, all Kansas children including special needs children are funded at the Base State Aid Per Pupil (BSAPP, now \$3600). This new proposal would add a factor of .83 to 13.4% of a district's Full Time Equivalent (FTE) students to cover the extra costs of providing special services. For example in a district of 1,000 FTE students, 134 of those students would be funded at  $1.83 \times \$3600$  or \$6588 per student.

**HB 3029** does provide for two exceptional circumstances:

1. If a district has more than 13.4% of its student population identified as needing special services, adjustments are made to the level of state participation.
2. If a district has children which require extraordinary, high cost services, the state will reimburse the district for 75% of costs exceeding \$20,000 for each such incident.

The "prevalence" approach to funding special education would appear to ease the need to label children in order to serve their needs. This mechanism should allow for a more inclusive delivery system in the school districts of Kansas. However, if the state does not

fully fund this new proposal, we will be no better off than we are now. Under any special education formula, resources not provided to serve special needs kids will be taken from resources needed to provide services to **all** children. It has been with this issue that our members and the school districts of Kansas have been their own worst enemies. As we have allowed the funding of special education excess costs to move downward from 100% to the present 73%, schools have survived. Children have been served. What choice have we had? Does our survival mean that **all** children have been served as well as they should have been? Absolutely not! School people, administrators and teachers, will always make whatever resources we have available work for the children for whom we have been given responsibility. We can not do otherwise. Children are the reason we are in the business. We will always "make it work", but will we be doing what we might do if our programs were adequately and properly funded? Someday one of these court cases will ask about adequacy as well as equity.

The position of United School Administrators of Kansas has always been to fund special education at 100% of excess costs. In addition to this important issue, USA will work hard this session to support an increase to the Base State Aid Per Pupil, and to encourage the full funding of the state in-service program. Our position on special education funding will not change with a new distribution scheme. If the provisions of **HB 3029** are not funded adequately, it will not work any better than the existing formula, and without adequate funding, we would prefer the legislature retain the current system of categorical aid.

House Education Committee  
HB 3029  
Kansas Association of Special Education Administrators  
Gary Bishop 3/9/94

The special education directors have concerns about the current special education funding formula. We feel it hinders cooperative efforts between special education with general education. We are also concerned that the current formula requires extraordinary record keeping and auditing efforts which inhibit creative local program approaches.

To that end we have been examining funding formula alternatives since the last legislative session. Our most recent effort was a state wide director's meeting with Dr. Tom Parrish of the Center for Special Education Finance in Palo Alto, California.

We learned from Dr. Parrish that most states have recently, or are in the process of reexamining their special education funding formulas. Most of the motivation for changing the formula appears to be the rising cost of special education. It appears that some are just trading one formula for another. I am sorry to report that no one has discovered the formula for reducing the cost of special education while maintaining appropriate programs.

What has been discovered, we already knew.

1. Special education laws are in place and will stay in place.
2. Special education costs more than regular education.
3. Special education students are requiring higher levels of service than in the past.
4. Reductions in state funding of special education shift the cost to the local level.
5. Reductions in the requirement to serve shift the cost from special education to regular education.
6. The increasing cost of special education without increased revenue is shifting dollars away from other programs.

House Education  
March 9, 1994  
Attachment 5

We have examined HB 3029 and find some of the provisions attractive.

1. The focus on student outcomes as opposed to focus on meeting process requirements.
2. Encouraging better collaboration between regular and special education.
3. Allowing districts to spend special ed. money on prevention.
4. Providing local funding assistance for extreme cost students.
5. Fixing the state share of special education cost at a set amount so that local districts can better plan local budgets.

We also have some concerns. We have surveyed our members and found that, as with any "averaging formula", those with below average numbers of special education students gain funding. Those with above average numbers of special education students lose funding. Those districts in the above average category at present are Kansas City, Topeka, Wichita, Lawrence, Pratt and a few others.

We asked the same question you have, "why are they above average?". We think the following are factors:

1. Regional service areas attract higher need students.
2. State Hospitals and Universities concentrate types of students
3. The local level of parent advocacy
4. The local % of students in parochial schools
5. The % of families in poverty and the intensity of that poverty
6. Transportation vs. "inclusion" costs

In addition to other issues, we are concerned that the formula does not appear to provide equal levels of access to special education for all the state's children.

We had hoped that we could come to you with some quick fix recommendations that would make the formula work. After our examination we find we can not do that.

The directors commend you and the task force for your efforts to address a challenging issue. We think HB 3029 may serve as the basis for some positive changes in special education and regular education. However the concerns about local program differences and equal access to services for all children causes us to request that the bill be set aside for more intensive development.

SPECIAL EDUCATION FINANCE FORMULA PROPOSAL COMMENTS

by

Joseph S. Benson, Ph.D.  
Director  
Beloit Special Education Cooperative  
116 West Main Street  
Beloit, Kansas 67420  
913-738-3261

March 9, 1994

HOUSE Education  
March 9, 1994  
Attachment 6

The special education funding formula under study which seeks to change the method in which the state pays its share of districts special education costs appears to have a number of assets. Especially appealing is the concept of 100% funding of the excess costs of special education. Historically, the Kansas legislature, back in the 1960s, specified that the state would provide for 100% of the excess costs of special education incurred by school districts. This fiscal year, districts are receiving approximately 73% funding of special education excess costs. Recently, the Kansas House of Representatives has passed a bill calling, in part, for funding at an 85% level for next school year. In dealing with the proposal now being addressed, special education directors were instructed to make computations in relation to receipt of 100% of the excess costs of special education. No matter what formula ultimately becomes utilized, districts need to have 100% of the excess costs of special education provided by the state. When it is not, the districts must transfer from their general funds to pay for special education. This, in effect, creates competition for funds and results in harm to the general education population since the districts are bound by state and federal statute to provide for special education programs.

While there is much which seems to be good in the proposal, there are some concerns which should be addressed prior to taking action on it. Beyond needing to ensure that the districts receive 100% of the excess costs from the state, a primary concern is one of equity. Under the proposal, a state wide average factor of 13.4% was used in establishing the number of special education students for each district. By doing so, this proposal would send money where special education students are not enrolled while failing to send funds to districts in which they are enrolled. Higher incidence districts would be encouraged to reduce their numbers while districts below the cut off would become disinclined to continue to identify students in need of services. It would be no more difficult to generate actual districts' percentages than it is to determine the districts enrollment figures. Utilizing an arbitrary number such as a state wide average has too many problems inherent in it for adequately funding the majority of districts.

Districts with special education populations below 13.4% would reap a windfall while districts with appropriately identified special education students would not receive sufficient support to provide for their population adequately. Districts with low incidence may tend to perceive their windfall as found money to offset general operating costs. The situation could become one in which districts utilize money intended for special education for other budgetary requirements. There appears to have been some concern that some districts are over identifying special education student, however, there is already a mechanism for determining this. The Kansas State Board of Education conducts periodic due process auditing of districts as well as collecting individual student information from districts twice each year. Districts with high incidences of special education students can be caused to verify their numbers if necessary.

In summary, there may be good cause to effect a new funding formula for special education costs. However, it seems that there are a few recommendations which should first be considered:

1. Take time, such as a summer study, to endeavor to work out problematic bugs in the proposal;
2. Provide for 100% of the excess costs of special education;
3. Take a count rather than use an arbitrary figure, the Kansas State Board of Education has the means to solicit this data in much the same way as district enrollments are gathered; and
4. Earmark the funds, if rendered under the new formula, so that districts will be required to place it in their special education funds for payment of special education costs.

TESTIMONY - HOUSE BILL NO. 3029

REPRESENTATIVE GOOSEN AND MEMBERS OF THE EDUCATION COMMITTEE, THANK YOU FOR ALLOWING MY TESTIMONY TO BE PRESENTED BY LORRAINE BOCKORNY OF RAINBOWS UNITED. SHE IS REPRESENTING THE VOICES OF OUR CHILDREN WITH THIS PERSPECTIVE FROM SOUTHWESTERN KANSAS.

SOUTHWESTERN KANSAS HAS A LONG HISTORY OF COMMITMENT IN SUPPORTING ITS INFANTS, TODDLERS, AND PRESCHOOLERS WITH DISABILITIES AND THEIR FAMILIES. IT IS IMPORTANT TO NOTE THAT OUR PROGRAMS EXISTED FAR AHEAD OF ANY MANDATES OR FULL IMPLEMENTATION REGULATIONS. THIS HISTORICAL COMMITMENT IS REPEATED IN MANY OTHER PROGRAMS ACROSS THE STATE.

THIS COMMITMENT INVOLVES OUR ENTIRE COMMUNITY - HEALTH SERVICES, EDUCATIONAL SERVICES, SOCIAL SERVICES, RELIGIOUS COMMUNITY SUPPORT, PRIVATE RESOURCES. THE LIST OF COMMITTED SERVICES IS LONG AND DIVERSE. THE COMMITMENT IS ONE OF "HEART", ONE OF TIME, AND OF COURSE, ONE OF MONEY. RUSSELL CHILD DEVELOPMENT CENTER HAS GROWN FROM A PROGRAM SERVING 14 CHILDREN WITH DISABILITIES IN THE LATE 1970'S TO A PROGRAM SERVING 12 COUNTIES IN SW KANSAS. WE HAVE 95 INFANTS, TODDLERS, AND FAMILIES IN OUR PART H PROGRAM. WE HAVE 98 PRESCHOOLERS IN OUR PART B PROGRAM. OTHER PROGRAMS INCLUDE WELL-CHILD SCREENING CLINICS. RESPITE AND IN-HOME SUPPORT, PARENTS AS TEACHERS, THE CHILD ADULT CARE FOOD PROGRAM, AND CHILDCARE RESOURCE AND REFERRAL. OUR COMMUNITIES HAVE COMBINED EVERY EXISTING RESOURCE TO BUILD THESE SERVICES.

House Education  
March 9, 1994  
Attachment 7

HOUSE BILL NO. 3029 DOES NOT ALLOW OUR EDUCATION COMMUNITY TO CONTINUE SUPPORTING OUR EARLY CHILDHOOD SERVICES AT EXISTING LEVELS. OUR PART H PROGRAM HAS ACCESSED STATE CATEGORICAL FUNDING FOR OVER 10 YEARS THROUGH COMMUNITY INTERAGENCY EFFORTS. IT PROVIDES OVER 50% OF OUR PROGRAM BUDGET FOR OUR SERVICES TO INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES. OUR PROGRAM CANNOT CONTINUE WITHOUT THIS FUNDING. ACROSS OUR STATE, THIS LOSS COULD CAUSE 80% OF OUR PART H PROGRAMS TO CLOSE THEIR DOORS BY FALL. I UNDERSTAND THAT ONE OF THE REASONS H.B. 3029 WAS DRAFTED WAS TO ATTEND TO THE SPIRALING COST OF SPECIAL EDUCATION. THE EARLY INVESTMENT OF YOUR DOLLARS REDUCES AND MINIMIZES THE EDUCATION DOLLARS NEEDED LATER FOR OUR CHILDREN. OVER A LIFETIME, THIS EARLY INVESTMENT IN OUR CHILDREN IS REGAINED AT A RATIO OF \$8 TO \$1. THAT IS A WONDERFUL RETURN ON YOUR EFFORTS!

SERVICES FOR INFANTS AND TODDLERS WITH DISABILITIES ARE REQUIRED TO BE PROVIDED IN KANSAS. THROUGH OUR STATE ICC, WE MOVED TO FULL IMPLEMENTATION IN 1992. WE DO HAVE A "MANDATE". IT REQUIRES SIXTEEN SPECIFIC SERVICES BE PROVIDED FOR OUR CHILDREN AND IT REQUIRES THAT EXISTING FUNDING SOURCES, LOCAL AND STATE, REMAIN AT CURRENT LEVELS. YOU MUST CONTINUE PROVIDING ACCESS TO SPECIAL EDUCATION FUNDING FOR PART H PROGRAMS. HOUSE BILL 3029 JEOPARDIZES OUR FEDERAL FUNDING TOO! THE LOCAL COMMUNITIES HAVE CONTINUALLY PROVIDED FOR 50% OF OUR FUNDING, THE STATE MUST CONTINUE ITS EFFORTS.

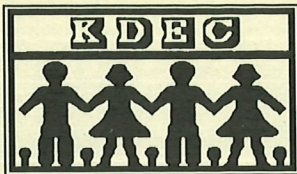
IN ADDITION TO MY PART H CONCERNS, H.B. 3029 IS UNCLEAR ON THE USE OF THE FORMULA FOR PART B FUNDING. ON SEPTEMBER, 20TH, ONLY THOSE 3-5 YEAR OLDS WITH SPECIAL EDUCATION NEEDS ARE INCLUDED IN OUR DISTRICT COUNT. THE APPLICATION OF A PERCENTAGE FORMULA ON THESE NUMBERS SUBSTANTIALLY REDUCES THE AMOUNT OF SPECIAL EDUCATION FUNDING FOR THESE CHILDREN. I DO NOT THINK THIS WAS YOUR INTENT.

WE MUST MAKE ANY CHANGE TO SPECIAL EDUCATION FINANCING WORK FOR ALL OF OUR CHILDREN. IN TALKING WITH LEGISLATORS FROM MY AREA OF THE STATE: REP. DAVE HEINEMANN, REP. ROBIN JENNISON, AND SEN. STEVE MORRIS, I KNOW THAT THEY SUPPORT THE CONTINUED FUNDING OF EARLY INTERVENTION PROGRAMS IN OUR STATE. I SUGGEST THE FORMULA BE CHANGED TO FUND EARLY CHILDHOOD SPECIAL EDUCATION, BIRTH TO FIVE, AT 7% OF THE CENSUS BIRTH TO FIVE. THIS FORMULA CHANGE WOULD FUND A PERCENTAGE OF EACH COMMUNITY'S PROGRAM AND EACH COMMUNITY WOULD STILL BE PROVIDING LOCAL RESOURCES TO PROGRAMS.

PLEASE CONTINUE FUNDING EARLY INTERVENTION PROGRAMS IN KANSAS. THE CHILDREN IN KANSAS DESERVE THE BEST!

THANK YOU FOR YOUR TIME AND YOUR CONSIDERATION OF THESE COMMENTS.

NANCIE LINVILLE, DIRECTOR  
RUSSELL CHILD DEVELOPMENT CENTER  
GARDEN CITY, KANSAS  
MARCH 9, 1994



# Kansas Division for Early Childhood

*A Subdivision of the Council for Exceptional Children*

**To:** House Education Committee

**From:** Doug Greer, KDEC President

**Date:** March 9, 1994

**Re:** H. B. 3029

Good afternoon. I am Doug Greer from Wellington. I come today representing the Kansas Division for Early Childhood, Kansas' largest organization of professionals involved in the provision of services to infants, toddlers and preschoolers with disabilities and their families.

Kansas is currently providing services to 1,005 infants/toddlers through KDHE and 5,534 preschool children through KSBE. The largest revenue source for infant/toddler programs has been categorical reimbursement with over two million dollars estimated for '93-'94 school year.

In my time allotted, I ask this committee to study the impact that passage of H. B. 3029 would have on these services to our youngest citizens with disabilities. Perhaps the best way of examining this impact is by considering answers to the following questions:

First, children under three years of age are not included in the FTE count in H. B. 3029. What impact will this have on infant/toddler services? In a recent survey, infant/toddler providers indicated that categorical funding through KSBE comprises 14 to 83 per cent of their revenues with programs averaging over \$72,000. Will losing categorical funding as well as non-inclusion in the newly proposed formula spell death for programs? Will services be "watered-down" to the point where KDHE assurances to the federal government as to services be threatened?

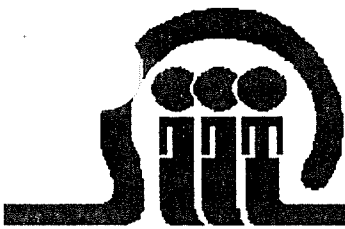
Second, has this committee examined maintenance of effort issues? Federal regulation requires the maintenance of current levels of funding to infant/toddler services? How will funding be maintained?

HOUSE Education  
March 9 1994  
Attachment 8

Third, the committee should examine the impact on services to preschool children with disabilities. Will dollars "trickle down" to preschoolers? Should money be earmarked for special education? Will less funding translate into less services? Will preschool children receive what they are legally entitled to? Will the number of due process hearings increase?

In closing, allow me to state my appreciation for the difficulty and complexity of your decision. There is an initiative to control special education funding and consideration of alternative funding strategies is critical. My question--is H. B. 3029 the answer? I hope that careful examination of the questions brought before you today will encourage this committee to re-examine the impact of H. B. 3029 on services to Kansas children.

Thank you.



**FAMILIES  
TOGETHER,  
INC.**

1023 SW Gage Blvd  
Topeka, Kansas 66604-1758  
(913) 273-6343 V/TDD  
FAX (913) 273-6385

***Toll Free in Kansas for Parents 1-800-264-6343***

Date: March 9, 1994

To: House Education Committee

From: Josie Torrez, Families Together, Inc.

Re: HB 3029 Special Education Financing

Thank you for allowing me to testify to your committee this afternoon. My name is Josie Torrez and I'm with Families Together, Inc. in Topeka. We serve families that include a child or youth with disabilities through resources, referrals, information and parent assistance. The staff are parents of children with disabilities.

We are here today to express a parent perspective of this bill and what it would mean to our children currently receiving special education services through the school system.

First, we would like you to realize that the school is the number one service provider to children with disabilities. There are approximately 65,000 children receiving special education services through the school system in Kansas. There are 1,500 infants and toddlers under age 3 receiving special education services through the Department of Health in the Part H Program, which is early intervention services. Several Infant/Toddler Service Providers presently receive categorical aid to serve children birth through two years of age. It is our understanding that this bill would eliminate categorical aid. Our concern on this is what would happen to the infants and toddlers whose service provider utilizes categorical aid to provide the services to this age group? We can amend this bill to birth instead of age 3 to remedy this concern.

Another concern parents have regarding this bill is what about the school districts who have between 13.4% and 16% of the special education population? These districts fall between the cracks and they will continue to use general education dollars to serve special education students. Many parents in Kansas don't only have a child receiving special education, but have other children as well. We don't want our other children in general education classes receiving less than their share due to running out of special education money.

*House Education 3-9-94 Attachment 9*

Since the school district will now receive 100% reimbursement for 13.4% of the students, this bill will either help to over identify or under identify students in order for the school district to receive special education dollars.

One of the questions parents have raised since this bill was introduced is the money left over if a school district does not have 13.4% of their students receiving special education. Will the extra dollars go to purchase new band uniforms or will the money stay within special education? The bill needs language in it to state any dollars not used must stay in special education! The school district will then have the money it needs to hire paraprofessionals, purchase equipment to assist the student to achieve to their full potential and/or inservice training for teachers on ways to implement inclusion of students with disabilities into a regular classroom.

Is the .84 weighting sufficient to cover the needs of those with severe disabilities? Is it appropriate? There are several questions regarding the weighting formula that needs to be addressed. We at Families Together, Inc. would be glad to assist the State Department of Education and the State Board of Education in any way we can so that school districts in Kansas will better serve children with disabilities appropriately.

This bill will be very beneficial to the implementation of inclusion of students with disabilities into a regular classroom. The special education teacher and/or para will now be the peach of mind to assist any child in the classroom, not only that child with special needs that they are assigned to.

We also feel this bill will tie the money to the student and the prevalence rate of the district.

A bill such as this has been needed for a long time. We hope this will assist school districts in Kansas to serve our children appropriately.

**Community Early Intervention Networks, 1993-94**

<u>Lead Agency</u>	<u>KSBE C.A.&amp;Tr.</u>	<u>% of Budget</u>
Arrowhead West, Dodge City	232,153	59
Atchison	10,800	56
Butler County, El Dorado	22,680	39
Chatauqua/Elk County	16,523	44
Coffey County, Burlingame	8,198	22
Early Childhood Council, Oakley	30,683	41
Early Education Center, Hutchinson	144,246	42
East Central Ks. Coop, Paola	35,988	43
Flint Hills, Emporia	18,200	49
Flint Hills, Manhattan	46,020	29
Futures Unlimited, Wellington	91,645	60
Geary County, Junction City	9,998	14
Harvey County	10,620	19
Hays Area Children's Center	53,359	53
Johnson County	74,150	43
Marion County	21,100	44
McPherson County	75,360	43
Nemaha/Marshall/Brown/Doniphan/Jackson	47,600	37
Northeast Ks, Oskaloosa	14,048	40
Ottawa-Wellsville	4,320	22
Parents/Children Tog., Liberal	20,800	33
Rainbows United, Wichita	546,680	39
REACH, Winfield	59,900	22
Russell Ch.Dev.Ctr, Garden City	179,600	41
Southeast Ks, Parsons	72,200	29
Sunflower, Great Bend	49,200	59
Three Lakes, Lyndon	21,600	83
Wyandotte County, Kansas City	101,968	32
<b>Total</b>	<b>\$2,019,639</b>	

NOTE: Data are shown for the 28 community networks that do include KSBE as a funding resource for infant-toddler services, utilizing categorical aid and reimbursement for transportation at 80% of actual costs. These figures are estimates based on grant applications prepared in May 1993. Although some totals above do include revised budget figures, not all revised budgets have been received. Therefore, some totals do not include revised budgets that might contain additional categorical aid/transportation costs from KSBE.

March 9, 1994

TESTIMONY IN REGARD TO H.B. 3029

TO: HOUSE EDUCATION COMMITTEE

FROM: Kathy Johnson, Chair of the Advisory Committee to the Kansas Early Childhood Interagency Coordinating Council, and Parent of a child with a disability.

Mr. Chairman, Members of the Committee, I am appearing today both as the Chair of the Advisory Committee to the Kansas Early Childhood Interagency Coordinating Council, and as a parent of a child with a disability.

The Advisory Committee is a committee made up of parents of children with special needs and service providers such as Special Education preschool and early childhood teachers and administrators from across the state. I have been involved as a volunteer in helping Kansas develop services for infants and toddlers in Kansas for about 11 years now, and I have chaired the Advisory Committee for 5 years. I began serving on a State public awareness committee when my daughter with Cerebral Palsy was 9 months old.

My testimony today is to express concern about the potential loss in funding for birth through two year old children under the purposed new Funding Formula for Special Education. Our concern about this new formula is that the prevalence rate does not include birth through two year olds in need of special education services. Currently some communities are accessing state special education monies (categorical aid) for the birth through two year olds they serve. If a school district is serving a prevalence rate higher than the proposed one of 13.4%, then the district could easily choose not to flow any monies to the birth through two year old program. In the present funding year, approximately \$3-4 million is accessed by programs in Kansas serving this young population. The loss of such funds could be devastating to some of these programs, most likely threatening the loss of services to these children.

One alternative way of approaching a change would be to exempt the funding of special education services to the birth through two year old population from the new formula and maintain the reimbursement system currently in place for this age group. It is understandable that education does not see that it is mandated to serve and thus help fund this age group. However, Kansas as a state has agreed to serve these children in need of special services through an interagency approach to services and funding.

House Education March 9, 1994 Attachment 10

Another option would be to put additional money in another area of the State budget from which programs serving these young children would draw funding. The State must meet "maintenance of effort" in funding services to young children with delays.

You as our representatives now have the opportunity to cost effectively enhance the future for children in Kansas and invest in a better utilization of funds for all Kansans.

Thank you for the opportunity to address your committee and thank you for your consideration.

TOPEKA PUBLIC SCHOOLS  
U.S.D. #501  
Department of Special Education

TESTIMONY REGARDING HOUSE BILL 3029

My name is Bob Wittman and I am the Director of Special Education Ancillary Services for U.S.D. #501. I appreciate the opportunity to appear before this committee and to express my concern regarding the new special education funding procedure as outlined in House Bill 3029. I believe that the current state distribution formula for special education funds better serves the disabled student population of our district. In my opinion there are two major difficulties with the new proposed formula.

The proposed formula assumes that the prevalence rate for students with disabilities are evenly distributed in all school districts. A recent report of the percentage of disabled students in special education issued by the State Board of Education revealed a prevalence rate in school districts which ranged from 1.83 to 21.12 percent. The prevalence figures for the gifted population range from 0 to 10.10 percent. These figures would seem to substantiate that not all school districts have special education students at the 13.4 percent prevalence level that is assumed in the new formula. Our district, for example, has a special education student prevalence rate of 16.77 percent for the 1993/94 school year. Under the proposed new formula, special education funding at a level greater than the need would be allocated to districts who do not have the 13.4 percent incidence of students with disabilities. Districts with an incidence figure greater than the 13.4 percent would be under funded. State and federal mandated programs in these districts would have to be subsidized to an even greater extent from the general fund. The new formula thus contributes to a potential inequitable level of services to disabled students depending on the area of the state in which they live.

The second major problem with the new formula is based on the distribution of funds by student count. The current formula distributes funds based on the number of special education personnel in your district. I believe that distribution based on staff more accurately represents actual cost to a district for providing special education services. The majority of the cost to a district for providing services comes from the expense of your personnel.

House Education  
March 9, 1994  
Attachment 11

The Topeka Public Schools is an example of a school district with a high incidence of students with disabilities. This high incidence is easily explainable when you consider Topeka is the home of many public and private institutions, and other agencies, which serve individuals with disabilities. Among the institutions and agencies are Topeka State Hospital, Kansas Neurological Institute, Youth Center at Topeka, Menninger Foundation, Parkview, Family Service and Guidance, Capper Foundation, Shawnee County Detention Center, Stormont-Vail Psychiatric Unit, and Topeka Association of Retarded Citizens. Due to these excellent services, many families gravitate to the Topeka Community to take advantage of the services provided by these excellent agencies. I believe that this accounts for a special education population that will exceed the 13.4 percentage level.

We have always appreciated the support that the Legislature has provided to the exceptional students of Kansas. Even in difficult economic times you have struggled to balance important competing priorities. We do not believe that the new formula proposed in House Bill 3029 will provide any advantages for exceptional students. In fact, we believe it will do just the opposite. Therefore, we oppose House Bill 3029.

Presented by Robert D. Wittman, Ph.D.,  
Director Special Education Ancillary Services

# NORTHEAST KANSAS EDUCATION SERVICE CENTER

Oskaloosa Office  
404 Park, P.O. Box  
Oskaloosa, KS 66066  
(913)863-2919

Lecompton Office  
601 Woodson  
Lecompton, KS 66050  
(913)887-6711

## HOUSE EDUCATION COMMITTEE March , 1994

Testimony in Regard to H.B. 3029

AN ACT RELATING TO SPECIAL EDUCATION SERVICES FOR EXCEPTIONAL CHILDREN; RELATING TO THE FINANCING THEREOF.

Mr. Chairman, Members of the Committee, I am writing on behalf of the Northeast Kansas Education Service Center in support of H.B. 3029.

The Northeast Kansas Education Service Center provides "cooperative" special education and related services for seven (7) unified school districts in Jefferson and Atchison counties. Our agency employs the specialized teaching and support staff required to provide special education services to about 750 exceptional children and youth who are located in over sixty different school sites within an area of about 30,000 square miles.

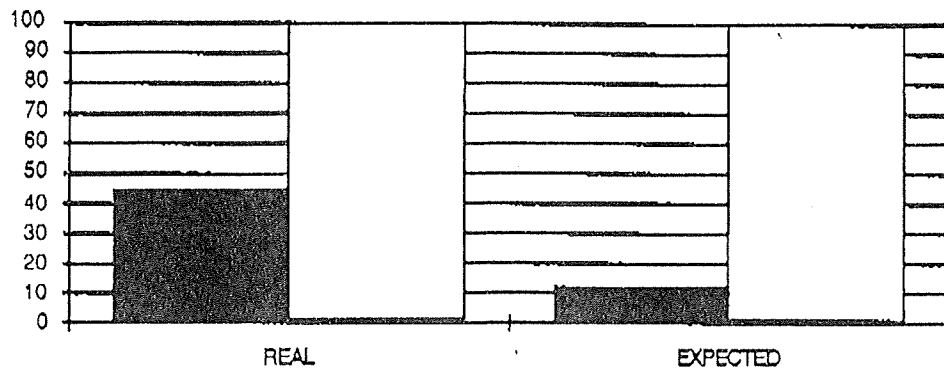
This act changes the current method that the state distributes funds to support the mandated special education programs and services from one based on the number of special staff employed by a school to one in which dollars are distributed based on a prevalence rate of 13.4% of a USD's full time equivalency enrollment (FTE). This new method of distribution would allow for more flexibility in the way districts utilize special education staff - possibly decreasing the need for logging individual staff time spent with special education students and supporting newer and innovative staff configurations for achieving more inclusive programs. The Northeast Kansas Education Service Center supports the **concept** of this new distribution formula with some serious caveats:

1. The prevalence rate at which a district is eligible to appeal for additional funds under this act should not be specified at 16% because this would unfairly penalize districts and the special education students that need services in districts that have high prevalence due to demographics or other factors. **For example, many of the smaller, rural districts outside of more metropolitan areas tend to experience a higher than average incidence of students with disabilities as families with disabled students seeking smaller and more personalized schools move to rural districts that are still within commuting distances.** A waiver process that requires districts to document the legitimacy of a higher than 13.4% prevalence should be part of this act. The graph below shows the total number of new students who moved into several districts located within commuting distances to Kansas City, Lawrence and Topeka this past year. The percentage of those new students who

House Education  
March 9, 1994  
Attachment 12

required special education or related services was nearly three (3) times greater than the 13.4% that is the average for the State.

Students With Disabilities Moving Into Rural USDs



REAL: 45/100 Students Moving In Came With IEPs

EXPECTED: You would predict about 10-12/100 from normal population

2. Except for a few exceptions in metropolitan areas, rural special education services have been delivered through cooperative ventures between schools. In most Kansas cooperative settings, **lost staff time because of travel is a fact of life which requires you to hire additional staff.** While travel expenses for special education services would remain at an 80% of actual expenses reimbursement [Sec. 4 (3)], there is no provision in this act that would account for lost staff time. For example, a rural cooperative could require five(5) school psychologists who serve a general education student population base of 6,000 located in a 40,000 square mile driving area. A larger district with 6,000 students might get by with hiring only four (4) school psychologists. **We believe that this act should address this vital rural concern.**

## Summary

We would urge you to look at these concerns because they will be concerns for all rural Kansas districts and special education cooperatives.

Special education travel is a multi dimensional cost - it is not just the expense of paying someone mileage to drive their car - it is primarily a **COST OF STAFF TIME.** Small rural cooperatives are now offering a valuable, cost effective alternative to providing many highly specialized services mandated by Federal and State law. This act, as it is now written, would not fairly distribute State funding for special education.

The funds do not necessarily go to where the special education students are located under this new distribution concept. Some districts may experience higher than expected prevalence due to demographics and other factors over which they have no control. These districts should have the opportunity to receive increased funding on an appeal by documenting this need with the state board of education. The arbitrary limit of 16% in the current act would not be fair to these districts. The analog to this would be those districts who have much lower incidence figures who would receive "wind-fall" funds that could be spent in any fashion they would see fit.

These funds, earmarked for special education, would not be reaching those students who needed it.

I appreciate the opportunity to submit this testimony on behalf the Northeast Kansas Education Service Center.

Jim Wheeler, Director  
Northeast Kansas Education Service Center  
Lecompton & Oskaloosa, Kansas.