

Approved: 3/30/94  
Date

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:00 p.m. on March 29, 1994 in Room 519-S of the Capitol.

All members were present except: Senator Lana Oleen (Excused)

Committee staff present: Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Mark Tallman, Kansas Association of School Boards, and representing  
Schools for Quality Education, USD 229 (Blue Valley), USD 500  
(Kansas City), USD 501 (Topeka) and USD 512 (Shawnee Mission)  
Gerald Henderson, United School Administrators of Kansas  
Helen Stephens, USD 229 (Blue Valley)

Others attending: See attached list

### HB 3029 - Special education services, finance

HB 3029 originally contained the recommendations of the State Board of Education's Task Force on Special Education Funding. The House Education Committee amended out all recommendations but the one establishing a new special education catastrophic state aid program to reimburse school districts for 75 percent of the costs for services to exceptional children which exceed \$25,000 per child. It is estimated the program would cost about \$1.5 to \$2 million, but staff noted that those estimates are largely "guesswork". Dale Dennis (State Department of Education) said that there are about 420 severely multiple handicapped students in the state. It was clarified that, unless a special appropriation is made, the funding for this program would come out of the special education monies and it would be necessary, from an administration standpoint, to attach a proviso regarding order of distribution from special education monies. Staff noted that the bill provides for proration if the full cost of the program is not appropriated.

Mark Tallman, Kansas Association of School Boards, also representing Schools for Quality Education, USD 229 (Blue Valley), USD 500 (Kansas City), USD 510 (Topeka) and USD 512 (Shawnee Mission), testified in support of HB 3029 (Attachment No. 1). He stated that the House committee raised the threshold from \$20,000 to \$25,000 because the House increased special education funding over the Governor's recommendation, but Mr. Tallman urged that the threshold be reduced back to \$20,000 in light of the recommendation to reduce the special education appropriation by the Senate Committee on Ways and Means.

Senator Emert, a member of the State Board of Education's Task Force on Special Education Funding, commented that the \$20,000 figure was based on an estimate of the average excess cost per student for special education services, but he did not recall whether it was doubled or tripled. Chairman Kerr asked that staff research that issue for the Committee.

Gerald Henderson, United School Administrators of Kansas, testified in support of the bill (Attachment No. 2). He said there is a great deal of concern that one or two children with special needs can severely impact a district's funds. Mr. Henderson stressed that excess costs of special education not funded by the state come out of the general fund monies of districts. Senator Downey asked if there is an estimate of the amount subtracted from each \$3,600 unit for special education costs. Mr. Henderson said he would attempt to provide such an estimate.

The Committee was provided with written testimony in support of the bill from Connie Hubbell, State Board of Education (Attachment No. 3) and from Craig Grant, Kansas National Education Association (Attachment No. 4).

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 1:00 p.m. on March 29, 1994.

Helen Stephens, USD 229 (Blue Valley) described an area of concern which might have relevance to HB 3029. The parents of a special education student requested that the district provide a program for their child which was developed by an outside consultant but refused to allow the district to test or evaluate the child. Ms. Stephens said the Blue Valley district feels that there should be some requirement that the district be allowed to test a child in this type of situation. The Revisor advised that statutes provide for a complete due process procedure but the State Plan for Special Education, developed by the State Board of Education, contains details of procedures. Ms. Stephens noted that attorneys representing the district in the aforementioned case do not believe that the state plan allows a district to force a parent to allow a child to be tested.

Concern was expressed about the possibility that HB 3029 might provide some encouragement or incentive for districts to allocate more resources to a single student than might be justified in order to reach the threshold for reimbursement.

Senator Langworthy made a conceptual motion to amend HB 3029 by including a definition of "exceptional children" which omits the phrase "progress toward the maximum of". Senator Frahm seconded the motion, and the motion carried.

By consensus, it was agreed that Senator Emert would investigate the possibility of some type of floor amendment to resolve situations such as that described in the Blue Valley district.

Senator Emert made a motion that HB 3029, as amended, be recommended favorably for passage. Senator Langworthy seconded the motion, and the motion carried.

Chairman Kerr stated that it has come to his attention that some parties believe that he did not state the facts with full accuracy regarding the two cases (*Whitmer* and *Hubbard*) he described during the March 22 committee meeting. He said that if anyone had any corrections of fact to anything he stated, he would be pleased to have such before the March 30 committee meeting.

The meeting was adjourned at 1:40 p.m. The next meeting is scheduled for March 30, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:00 PLACE: 519-S DATE: 3/29/94

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Ann Burnett	Topeka	USD 501#
Bill Murphy	Minneapolis	St. Bd. Ed.
Gerald Anderson	Topeka	USA JKS
Helen Stephens	✓	USD 229
Marion Christad	Wichita	USD 259
Craig Hunt	Topeka	KWEA
Lynn Chase	Topeka	KWEA
Josie Torrez	Topeka	Families Together, Inc.
Kathy Sexton	"	Division of Budget
Denise Apt	"	U.S.A.
Russ Frey	Topeka	KUMA
J. Oakes	"	SQE





**Testimony on H.B. 3029 Before the Senate Education Committee  
By Mark Tallman, Director of Governmental Relations  
March 29, 1994**

**Also Representing:  
Schools for Quality Education  
U.S.D. 229 (Blue Valley)  
U.S.D. 500 (Kansas City)  
U.S.D. 501 (Topeka)  
U.S.D. 512 (Shawnee Mission)**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to speak in strong support of H.B. 3029 as amended by the House Education Committee. At our most recent Delegate Assembly, members of KASB overwhelmingly voted to support the concept of providing additional funding for "high cost" students as a part of the school finance system. The widespread support for that concept is reflected by the school districts and school organizations which are joining in this testimony.

We believe that the grants for districts with exceptionally high cost special education students are justified because the current special education formula does not accurately compensate districts for these additional costs; because districts are not equally impacted by such costs; and because in certain districts, these costs divert disproportionate levels of funding away from support of other students. We believe that equity demands a greater level of state aid in meeting the budget demands of these students.

We would note that as recommended by the State Board of Education's Task Force on Special Education Funding, districts would be eligible for special grants when the cost of an exceptional child exceed \$20,000. The House Committee raised that threshold to \$25,000 after the House increased special education funding by \$25 million., with the idea that funding a higher level of "excess cost" would reduce the level of special support needed for high cost students. Because the Senate Committee has reduced the special education aid appropriation by over \$12 million, we urge this committee to reduce the threshold accordingly.

Thank you for your consideration.

Sen. Ed.  
3/29/94  
Attachment 1





## HB 3029

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
March 29, 1994

Mister Chairman and Members of the Committee:

United School Administrators of Kansas is pleased to support what is left of **HB 3029**. We supported the changed funding mechanism contained in the original bill, with the understanding that the new formula would work only if adequately funded.

We support the provision which remains in the bill which allows for state reimbursement for 75% of costs exceeding \$25,000 for any one student. This provision will greatly relieve the burden on districts which have had to support these extraordinary, high cost services from the general fund.

We understand that this is not the right bill nor the right committee, but we must take this opportunity to state to important people that the excess costs of special education not funded by the state are born by the regular education, general fund of school districts. It has been with this issue that our members and the school boards we serve have been our 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 or could 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. We will always "make it work", but will we be doing what we might do if our programs were adequately and properly funded?

Sen. Ed.  
3/29/94  
Attachment 2

# ***Kansas State Board of Education***

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

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March 29, 1994

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: 1994 House Bill 3029

My name is Connie Hubbell, Legislative Coordinator of the State Board of Education. It is a pleasure for me to appear before this Committee on behalf of the State Board.

House Bill 3029 sets up a special funding program to assist unified school districts with students that are severely multiply handicapped and costs to the school district in excess of \$25,000 per student.

In prior years, many of the severely multiply handicapped students that were medically fragile were placed in state institutions. As a result of federal and state laws, these students are now being placed in programs within their home school district. For example, the number of students enrolled in state institutions has declined significantly in the past ten years.

House Bill 3029 provides for any student whose cost exceeds \$25,000 per year, the state would reimburse the district up to 75 percent of the amount in excess of \$25,000. All funds received in this program must be documented by the school district and such state aid would be placed in the special education fund.

We anticipate there will be approximately 200 severely multiply handicapped students that would come under the provisions of House Bill 3029 in the 1994-95 school year. It is our opinion that the cost for funding this program would be approximately \$1,500,000 to Kansas public schools.

The State Board of Education recommends the Committee report House Bill 3029 favorably for passage.

Dale M. Dennis  
Deputy/Assistant Commissioner  
Division of Fiscal Services and Quality Control  
(913) 296-3871  
Fax No. (913) 296-7933

Sen. Ed.  
3/29/94  
Attachment 3





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

Craig Grant Testimony Before  
Senate Education Committee  
Tuesday, March 29, 1994

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to present written testimony on HB 3029.

HB 3029 in its present form deals with only one part of the original proposal from the Special Education Task Force of the State Board of Education. We supported the basic direction of the task force, but understand why the entire proposal was not included. One of the major pluses of the proposal was this "catastrophic" program.

One or two "catastrophic" cases can cause havoc to a school district budget. This program would allow state assistance to districts who have these cases. This state assistance can ease moneys in already tight budgets for use in other programs for children.

Kansas NEA supports HB 3029 as it stands presently and urges a positive action by this committee. Thank you for your attention to this matter.