



February 13, 2024

Written Testimony: HB2738

Submitted by: Kansas Association of Special Education Administrators (KASEA)

Chairperson Williams and K-12 Education Budget Committee Members,

The Kansas Association of Special Education Administrators (KASEA) appreciates your time to consider our concerns on HB2738 as outlined in this written testimony. HB2738 would revise the state special education state aid distribution of funds as well as freeze the amount allocated by the Legislature each year to the amount allocated in FY24. Any additional costs for implementation of providing services to students with either disabilities and/or giftedness as mandated by federal or state statutes would be the responsibility of the local school districts.

This bill would decrease the level of state special education funding a district is eligible to receive to cover the costs associated with the delivery of services required under federal and state statutes. In addition, these revisions do not account for the Kansas statutes that include giftedness under the umbrella of the Individuals with Disabilities Education Act (IDEA) or the basic principle of providing students with disabilities a Free Appropriate Public Education (FAPE). For these reasons, KASEA opposes HB2738. The following outlines concerns with this bill.

HB2738 was Hastily Crafted and Revisions are Based on Misunderstanding

- Current Kansas statute uses a calculation of 92% of excess costs for providing special education services at the state level to determine the annual state appropriation. The calculation does not translate to individual districts that may be higher or lower than the state average based on demographic information unrelated to the actual cost of delivering services.
- Applying a formula similar to the state level excess costs calculation used for making state appropriations to how funds are then later distributed is problematic and generates erroneous data.
- No information has been provided regarding the impact of HB2738 on current special education funding or how this bill will affect services to children with disabilities and/or giftedness.
- HB2738 does not provide for future increases to state special education funding even though the number of Kansas children with exceptionalities and the cost to provide these specialized services continues to increase every year. In addition, HB2738 further



proposes to “cap” the amount a district can receive at 92% using an unvetted excess cost calculation that is inherently flawed.

- By counting the general education funding that local school districts currently transfer to special education as state provided "special education aid", the proposed formula is clearly calculated to simulate compliance with the legislative requirement to fund special education at 92% of excess costs rather than complying with the law.

Include Experts in Making Changes to Special Education Funding

- There is no evidence that finance experts knowledgeable of Kansas special education funding provided guidance and/or recommendations for drafting HB2738.
- The Special Education Funding Task Force was the best avenue for the Legislature to make informed and conscientious funding decisions over time. Instead of abolishing the Special Education and Related Service Funding Task Force, KASEA recommends it remain intact and continue the work it was assigned to do per statute.
- How will such changes in the state funding formula impact a district’s ability to meet the federal Maintenance of Effort (MOE) requirements of IDEA? The stakes are high and the full impact will not be known until two years of financial data is available to compare. It is important that district level MOE be considered before making any changes to the current funding formula.

The Current System of Funding Special Education in Kansas is Not Broken

- HB2738 undermines the spirit of IDEA as it shifts all accountability for these increased costs to the districts. It is the children of Kansas that will be left behind if HB2738 is enacted.
- Over 40 years of audits conducted by the Legislative Post Audit indicate the manner in which special education funding is appropriated, distributed and expended is working. The system is NOT broken.

Fund Education and Special Education According to the Current State Statute

- Funding is available at the state level to meet the current special education statute to fully fund special education at 92% of the state level excess costs. (K.S.A 72-3422)
- The Governor has recommended a five-year plan to attain compliance with the statute beginning in FY25. We ask that the Governor’s recommendation be considered as part of a plan to obtain compliance with the law.
- For many districts, the additional funding transferred into special education to cover expenses beyond state and federal aid is MORE than what is generated by the Local Option Budget (LOB) special education weighted enrollment. Moving money around instead of providing appropriate funding offers no benefit to the current system.



KASEA believes that making changes to the current Kansas funding formula is best accomplished over time with collaboration among all stakeholders and legislators. What may appear to be a slight tweak may actually break the system rather than improve it. We would ask the legislature to reject this bill until the impact of the proposed changes can be evaluated. The Special Education and Related Services Funding Task Force is the best way to ensure any revisions made are in the best interest of the children and families we serve.

We appreciate your time and attention to ensure our Kansas special education program continues to be recognized as one of the best in the nation.

Sincerely,

Patty Carter, KASEA Legislative Committee Chair

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