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Opponent Testimony on

HB 2738 Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule to distribute certain amounts of special education state aid and requiring school districts to transfer amounts attributable to the special education weighting from their supplemental general funds to their special education funds.

K-12 Education Budget Committee

February 13, 2024

Madam Chair, members of the committee, thank you for the opportunity to testify in opposition to HB 2738. We hope you will listen to the school administrators, school board members and special education experts on the specific flaws of the formula in this bill, which are significant. As parents and community members, we add the following objections.

Any attempts to create a new special education formula should be vetted by the special education task force or a working group of that task force. The funding and provision of special education are complex, and we believe the already-existing special education task force, or a working group established by that task force is better equipped to handle the evaluation of these issues than a legislative committee. When the bill to create the task force was debated on the House floor, we were told the committee would make recommendations on changes to the formula, conduct hearings, listen to anyone throughout the state, and submit a report. The task force was only able to have one, half-day meeting, but the majority voted to continue meeting either as the task force, or as a working group. We think the type of discussion that occurred during the task force meeting yielded better information and less confusion than is likely to occur with today's hearing. HB 2738 appears to be an attempt to disregard both the process and the expertise of the special education task force.

Special Education needs more funding, not less.

As we understand it, this bill would actually decrease special education funding at a time when districts are already transferring large amounts of general education dollars to fund special education costs. We note that the increasing amount of funding requested isn't greed-it's an effort to provide the resources necessary to educate the children of Kansas. Underfunding special education limits the level of special education services and negatively impacts staff and services for the general education classroom.

LOB funding is for extras and not for essential special education services, and to the extent it is used for special education, it should be counted as local funding and not state funding. LOB funding was designed to allow districts to pay for extras not provided under the state formula. It was never meant to be mandated for use as SPED funding, let alone be counted as the state's share. LOB funding (except to the extent equalized by the state) is **local** funding, not state funding. Additionally, under statute, local districts are already responsible for 8% of excess costs. If we are to force spending LOB funds on SPED, they must count towards the local share, not the state share. This novel theory of tying the LOB funds derived from SPED wasn't part of the context when the legislature set the statutory requirement at 92% of excess costs, and it's inappropriate to say we're still using the 92% but now we're counting additional categories of money to reach it. If we count the money differently, we should raise the 92% to a higher number.

Thank you for your consideration of these and other issues relating to HB 2738. We urge you to oppose this flawed bill.