

February 11, 2024

Testimony to the House K-12 Education Budget Committee

NAME: **Leslie D. Mark**

TITLE: **Kansas Citizen / Voter**

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BILL NUMBER: **HB2738, AN ACT 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.**

PROPONENT, OPPONENT, or NEUTRAL: **Opponent**

ORAL or WRITTEN ONLY TESTIMONY: **Written Only**

Dear Chair Williams and Members of the Committee,

To restate the well-understood:

the purpose of state special education funding (K.S.A 72-3422) is to supplement 92% of the excess costs incurred by local education agencies (LEA's) for the provision of special education and related services for eligible students.

Whereas years of building back all elements of public education funding in Kansas, as mandated by the court in Gannon and demanded by schools, their boards, and families, has still not provided sufficient funding to meet this SPED requirement by the Kansas Legislature and LEA's continue the burdensome transfer of additional amounts, as necessary, from their General Funds in order to cover remaining costs of special education, we find ourselves deliberating harmful, deceitful SPED legislation anew.

This bill [{HB 2738}](#), introduced late last week with an expedited hearing this week, creates a significant change to the calculation used to determine excess special education costs. It was propelled by the Kansas Policy Institute, an organization with extreme positions on public education, and written without any consultation from education experts or special education stakeholders.

School districts across the state know how the \$173,000,000 special education budget shortfall is impacting every one of their students, as they cover year-to-year deficits by moving funding from general education into the SPED budget. HB 2738 creates an overly complicated calculation with unknown impact, effectively "double counting" monies for economically at-risk kids as SPED funds without recognizing that they are two different sets of needs. Furthermore, HB 2738 provides no additional funding this year nor into the future, at a time when the number of students requiring SPED services has increased and the cost of those services has risen.

I end my specific comments about the impact of HB2738 here. However, I feel compelled to **enter into public record my objection** to the intentional, ongoing, and malign dissensions by the K-12 Education Budget committee leadership, particularly Representative Kristey Williams as Chair, who repeatedly and purposefully brings forward inadequately vetted legislation in order to spread the false narrative that special education is fully funded and shirk the **state's legal responsibility** to fund 92% of excess special education costs.

The chair could/should have utilized the expertise of the Special Education Task Force before proposing changes to the SPED formula. Again, for the record, I submit that the highly irregular delay by Chair Williams (failing to call a SPED Task Force meeting until the Friday before the 2024 legislative session and allowing just 2 hours for the entirety of the committee's work) was intended to eviscerate the function and impact of the SPED Task Force.

With their hands forced and reputations on the line, members of that committee (many true experts in special education) removed Rep. Williams as chair, took time to listen to testimony from SPED stakeholders, and probed with thoughtful questions for insights into their ultimate recommendation:

that the Kansas Legislature follow the State Board of Education's phased-in plan to fully fund SPED and commit to continued meetings.

Now, mere weeks into the opening of the 2024 KSLeg, Chair Williams has introduced a bill to abolish the Task Force she created! To reiterate, once upon a time she insisted on the imperative of a SPED Task Force to study special education before any additional funding could be allocated. Then, she cried that the subject was simply too complex for folks on the Task Force to unravel. Now, she sets a hearing on a new, extremely complex, unvetted calculation that would provide no additional funding in 2024 or in the future. This is a MAGA-extreme tactic to obfuscate, confuse, and upend normal process and government function and finally assert a policy and her will over a populace that would never approve it otherwise.

Vote an unequivocal NO on HB 2738.



Leslie D. Mark

Mission Hills, HD 25 / Sen 7