

SENATE BILL No. 382

By Committee on Education

1-26

1 AN ACT concerning education; ~~relating to virtual schools~~ **adding certain**
2 **third parties who contract with school districts to the definition of**
3 **special teacher; authorizing special education state aid**
4 **reimbursement for certain teachers who provide services pursuant to**
5 **a contract**; providing for the administration and proctoring of statewide
6 assessments to a virtual school student by such student's virtual school;
7 amending K.S.A. 2025 Supp. 72-3404, 72-3422 and 72-3717 and
8 repealing the existing ~~section~~ **sections**.
9

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

11 **Section 1. K.S.A. 2025 Supp. 72-3404 is hereby amended to read as**
12 **follows: 72-3404. As used in this act:**

- 13 (a) **"School district" means any public school district.**
14 (b) **"Board" means the board of education of any school district.**
15 (c) **"State board" means the state board of education.**
16 (d) **"Department" means the state department of education.**
17 (e) **"State institution" means any institution under the jurisdiction**
18 **of a state agency.**
19 (f) **"State agency" means the Kansas department for children and**
20 **families, the Kansas department for aging and disability services, the**
21 **department of corrections and the juvenile justice authority.**
22 (g) **"Exceptional children" means persons who are children with**
23 **disabilities or gifted children and are of school age, to be determined in**
24 **accordance with rules and regulations adopted by the state board, whose**
25 **age may differ from the ages of children required to attend school under**
26 **the provisions of K.S.A. 72-3120, and amendments thereto.**
27 (h) **"Gifted children" means exceptional children who are**
28 **determined to be within the gifted category of exceptionality as such**
29 **category is defined by the state board.**
30 (i) **"Special education" means specially designed instruction**
31 **provided at no cost to parents to meet the unique needs of an exceptional**
32 **child, including:**
33 (1) **Instruction conducted in the classroom, in the home, in**
34 **hospitals and institutions, and in other settings; and**
35 (2) **instruction in physical education.**
36 (j) **"Special teacher" means a person, employed by a school district**

1 *or under contract with a school district ~~or~~, a state institution or a third*
2 *party that has contracted with a school district to provide special*
3 *education or related services, who is qualified to:*

4 *(1) Provide special education or related services to exceptional*
5 *children as determined pursuant to standards established by the state*
6 *board; or*

7 *(2) assist in the provision of special education or related services to*
8 *exceptional children as determined pursuant to standards established by*
9 *the state board.*

10 *(k) "State plan" means the state plan for special education and*
11 *related services authorized by this act.*

12 *(l) "Agency" means boards and the state agencies.*

13 *(m) "Parent" means:*

14 *(1) A natural parent;*

15 *(2) an adoptive parent;*

16 *(3) a person acting as parent;*

17 *(4) a legal guardian;*

18 *(5) an education advocate; or*

19 *(6) a foster parent, if the foster parent has been appointed the*
20 *education advocate of an exceptional child.*

21 *(n) "Person acting as parent" means a person such as a*
22 *grandparent, stepparent or other relative with whom a child lives or a*
23 *person other than a parent who is legally responsible for the welfare of a*
24 *child.*

25 *(o) "Education advocate" means a person appointed by the state*
26 *board in accordance with the provisions of K.S.A. 38-2218, and*
27 *amendments thereto. A person appointed as an education advocate for a*
28 *child shall not be:*

29 *(1) An employee of the agency who is required by law to provide*
30 *special education or related services for the child;*

31 *(2) an employee of the state board, the department, or any agency*
32 *that is directly involved in providing educational services for the child;*
33 *or*

34 *(3) any person having a professional or personal interest that would*
35 *conflict with the interests of the child.*

36 *(p) "Free appropriate public education" means special education*
37 *and related services that:*

38 *(1) Are provided at public expense, under public supervision and*
39 *direction, and without charge;*

40 *(2) meet the standards of the state board;*

41 *(3) include an appropriate preschool, elementary or secondary*
42 *school education; and*

43 *(4) are provided in conformity with an individualized education*

1 *program.*

2 *(g) "Federal law" means the individuals with disabilities education*
3 *act, as amended.*

4 *(r) "Individualized education program" or "IEP" means a written*
5 *statement for each exceptional child that is developed, reviewed; and*
6 *revised in accordance with the provisions of K.S.A. 72-3429, and*
7 *amendments thereto.*

8 *(s) (1) "Related services" means transportation, and such*
9 *developmental, corrective, and other supportive services, including*
10 *speech-language pathology and audiology services, interpreting services,*
11 *psychological services, physical and occupational therapy, recreation,*
12 *including therapeutic recreation, social work services, school nurse*
13 *services designed to enable a child with a disability to receive a free*
14 *appropriate public education as described in the child's IEP, counseling*
15 *services, including rehabilitation counseling, orientation and mobility*
16 *services, and medical services, except that such medical services shall be*
17 *for diagnostic and evaluation purposes only, as may be required to assist*
18 *an exceptional child to benefit from special education, and includes the*
19 *early identification and assessment of disabling conditions in children.*

20 *(2) "Related services" does not mean any medical device that is*
21 *surgically implanted or the replacement of any such device.*

22 *(t) "Supplementary aids and services" means aids, services; and*
23 *other supports that are provided in regular education classes or other*
24 *education-related settings to enable children with disabilities to be*
25 *educated with nondisabled children to the maximum extent appropriate.*

26 *(u) "Individualized education program team" or "IEP team"*
27 *means a group of individuals composed of:*

28 *(1) The parents of a child;*

29 *(2) at least one regular education teacher of the child if the child is;*
30 *or may be; participating in the regular education environment;*

31 *(3) at least one special education teacher or, where appropriate, at*
32 *least one special education provider of the child;*

33 *(4) a representative of the agency directly involved in providing*
34 *educational services for the child who is:*

35 *(A) Qualified to provide or supervise the provision of specially*
36 *designed instruction to meet the unique needs of exceptional children;*

37 *(B) knowledgeable about the general curriculum; and*

38 *(C) knowledgeable about the availability of resources of the*
39 *agency;*

40 *(5) an individual who can interpret the instructional implications of*
41 *evaluation results;*

42 *(6) at the discretion of the parent or the agency, other individuals*
43 *who have knowledge or special expertise regarding the child, including*

1 *related services personnel as appropriate; and*

2 *(7) whenever appropriate, the child.*

3 *(v) "Evaluation" means a multisourced and multidisciplinary*
4 *examination, conducted in accordance with the provisions of K.S.A. 72-*
5 *3428, and amendments thereto, to determine whether a child is an*
6 *exceptional child.*

7 *(w) "Independent educational evaluation" means an examination*
8 *that is obtained by the parent of an exceptional child and performed by*
9 *an individual or group of individuals who meet state and local standards*
10 *to conduct such an examination.*

11 *(x) "Elementary school" means any nonprofit institutional day or*
12 *residential school that offers instruction in any or all of the grades*
13 *kindergarten through nine.*

14 *(y) "Secondary school" means any nonprofit institutional day or*
15 *residential school that offers instruction in any or all of the grades nine*
16 *through 12.*

17 *(z) "Children with disabilities" means children who:*

18 *(1) Have an intellectual disability, hearing loss including deafness,*
19 *speech or language disorders, visual impairments including blindness,*
20 *emotional disability, orthopedic impairments, autism, dyslexia, traumatic*
21 *brain injury, other health impairments; or specific learning disabilities*
22 *and who, by reason thereof, need special education and related services;*
23 *and*

24 *(2) are experiencing one or more developmental delays and, by*
25 *reason thereof, need special education and related services if such*
26 *children are ages three through nine.*

27 *(aa) "Substantial change in placement" means the movement of an*
28 *exceptional child, for more than 25% of the child's school day, from a*
29 *less restrictive environment to a more restrictive environment or from a*
30 *more restrictive environment to a less restrictive environment.*

31 *(bb) "Material change in services" means an increase or decrease*
32 *of 25% or more of the duration or frequency of a special education*
33 *service, a related service or a supplementary aid or a service specified on*
34 *the IEP of an exceptional child.*

35 *(cc) "Developmental delay" means such a deviation from average*
36 *development in one or more of the following developmental areas, as*
37 *determined by appropriate diagnostic instruments and procedures, ~~as~~*
38 *indicates indicating that special education and related services are*
39 *required:*

40 *(1) Physical;*

41 *(2) cognitive;*

42 *(3) adaptive behavior;*

43 *(4) communication; or*

1 (5) *social or emotional development.*

2 (dd) *"Homeless children" means "homeless children and youths"*
3 *as defined in the federal McKinney-Vento homeless assistance act, 42*
4 *U.S.C. § 11434a.*

5 (ee) *"Limited English proficient" means an individual who meets*
6 *the qualifications specified in section 9101 of the federal elementary and*
7 *secondary education act of 1965, as amended.*

8 (ff) *"Emotional disability" means the same as the term "emotional*
9 *disturbance" is used in public law 101-476, the individuals with*
10 *disabilities education act.*

11 Sec. 2. *K.S.A. 2025 Supp. 72-3422 is hereby amended to read as*
12 *follows: 72-3422. (a) Each year, the state board of education shall*
13 *determine the amount of state aid for the provision of special education*
14 *and related services each school district shall receive for the ensuing*
15 *school year. The amount of such state aid shall be computed by the state*
16 *board as provided in this section.*

17 (b) (1) *The state board shall determine the total amount of special*
18 *education state aid to be provided to school districts for the provision of*
19 *special education and related services as follows:*

20 (A) *Determine the total weighted full-time equivalent student*
21 *enrollment as provided on the legal maximum general fund calculation*
22 *data computed by the state department of education excluding the*
23 *special education and related services weighting, bilingual weighting,*
24 *transportation weighting, career technical education weighting and at-*
25 *risk student weighting;*

26 (B) *multiply the amount determined in paragraph (1)(A) by the*
27 *base aid for student excellence established pursuant to K.S.A. 72-5132,*
28 *and amendments thereto;*

29 (C) *divide the amount obtained in paragraph (1)(B) by the total*
30 *number of unweighted full-time equivalent students enrolled in all*
31 *school districts on September 20;*

32 (D) *determine the total full-time equivalent enrollment of*
33 *exceptional children receiving special education and related services*
34 *provided by all school districts;*

35 (E) *multiply the amount of the quotient obtained in paragraph (1)*
36 *(C) by the full-time equivalent enrollment determined in paragraph (1)*
37 *(D);*

38 (F) *multiply the amount of the product obtained in paragraph (1)*
39 *(E) by the statewide average local option budget authorized percent;*

40 (G) *add the amount determined in paragraph (1)(E) to the amount*
41 *determined in paragraph (1)(F);*

42 (H) *determine the amount of federal funds received by all school*
43 *districts for the provision of special education and related services;*

1 ***(I) determine the amount of revenue received by all school districts***
2 ***for medicaid reimbursements and rendered under contracts with the***
3 ***state institutions for the provisions of special education and related***
4 ***services by the state institution;***

5 ***(J) add the amounts determined under paragraphs (I)(G) through***
6 ***(I)(I);***

7 ***(K) determine the total amount of expenditures of all school***
8 ***districts for the provision of special education and related services;***

9 ***(L) subtract the amount of the sum obtained under paragraph (I)***
10 ***(J) from the amount determined under paragraph (I)(K); and***

11 ***(M) multiply the amount determined under paragraph (I)(L) by***
12 ***92%.***

13 ***(2) Subject to appropriation acts of the legislature, the computed***
14 ***amount is the total amount of state aid that shall be received for the***
15 ***provision of special education and related services by school districts for***
16 ***the ensuing school year.***

17 ***(c) Except as provided in subsection (e), each school district shall***
18 ***receive:***

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

27 ***(2) reimbursement in an amount equal to 80% of the actual travel***
28 ***expenses incurred for providing transportation for exceptional children***
29 ***to special education or related services;***

30 ***(3) reimbursement in an amount equal to 80% of the actual***
31 ***expenses incurred for the maintenance of an exceptional child at some***
32 ***place other than the residence of such child for the purpose of providing***
33 ***special education or related services. Such reimbursement shall not***
34 ***exceed \$600 per exceptional child per school year; and***

35 ***(4) ~~(A) except for those school districts that receive reimbursement~~***
36 ***~~under subsection (e)(4)(D) or (e)(4)(E), after subtracting the amounts of~~***
37 ***~~reimbursement under subsections (e)(1), (e)(2) and (e)(3) paragraphs (1),~~***
38 ***~~(2) and (3) from the total amount appropriated for special education and~~***
39 ***~~related services under this act, an amount which bears the same~~***
40 ***~~proportion to the remaining amount appropriated as proportional to the~~***
41 ***~~number of full-time equivalent special teachers who are qualified to~~***
42 ***~~provide special education or related services to exceptional children that~~***
43 ***~~are employed by the school district for who provide approved special~~***

1 ~~education or related services~~ bears to exceptional children with IEPs
2 administered by the school district compared to the total number of such
3 qualified ~~full-time equivalent special teachers~~ employed by all school
4 districts for who provide **approved special education or related services** to
5 exceptional children with IEPs administered by all school districts. This
6 subparagraph shall not apply to school districts that receive
7 reimbursement pursuant to subparagraph (D) or (E).

8 **(B) Each special teacher who is qualified to assist in the provision**
9 **of special education or related services to exceptional children shall be**
10 **counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to**
11 **provide special education or related services to exceptional children.**

12 **(C) For purposes of this paragraph, a special teacher, qualified to**
13 **assist in the provision of special education and related services to**
14 **exceptional children, who assists in providing special education and**
15 **related services to exceptional children at either the state school for the**
16 **blind or the state school for the deaf and whose services are paid for by a**
17 **school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments**
18 **thereto, shall be considered a special teacher of such school district.**

19 **(D) Each school district that has paid amounts for the provision of**
20 **special education and related services under an interlocal agreement**
21 **shall receive reimbursement under this paragraph. The amount of such**
22 **reimbursement for the school district shall be the amount that bears the**
23 **same relation to the aggregate amount available for reimbursement for**
24 **the provision of special education and related services under the**
25 **interlocal agreement, as the amount paid by such school district in the**
26 **current school year for provision of such special education and related**
27 **services bears to the aggregate of all amounts paid by all school districts**
28 **in the current school year who have entered into such interlocal**
29 **agreement for provision of such special education and related services.**

30 **(E) Each contracting school district that has paid amounts for the**
31 **provision of special education and related services as a member of a**
32 **cooperative shall receive reimbursement under this paragraph. The**
33 **amount of such reimbursement for the school district shall be the**
34 **amount that bears the same relation to the aggregate amount available**
35 **for reimbursement for the provision of special education and related**
36 **services by the cooperative, as the amount paid by such school district in**
37 **the current school year for provision of such special education and**
38 **related services bears to the aggregate of all amounts paid by all**
39 **contracting school districts in the current school year by such**
40 **cooperative for provision of such special education and related services.**

41 **(d) For fiscal year 2025, and each fiscal year thereafter, the**
42 **legislature shall appropriate from the state general fund in the special**
43 **education services aid account of the state department of education an**

1 *amount that is equal to or greater than \$601,018,818.*

2 *(e) (1) In fiscal year 2025, and each fiscal year thereafter, the state*
3 *department of education shall distribute from the special education*
4 *services aid account of the state general fund an amount equal to*
5 *\$528,018,516, to school districts pursuant to the statutory distribution*
6 *schedule established pursuant to subsection (c).*

7 *(2) For fiscal year 2025, and each fiscal year thereafter, the state*
8 *board of education shall establish a special education services aid*
9 *equalization distribution schedule that prioritizes equalizing special*
10 *education services aid distributions to school districts. When*
11 *establishing or revising the special education services aid equalization*
12 *distribution schedule, the state board of education shall give*
13 *consideration to the discrepancies between each school district's excess*
14 *cost as determined pursuant to K.S.A. 2025 Supp. 72-3422a, and*
15 *amendments thereto. The purpose of such special education services aid*
16 *equalization distribution schedule shall be to provide for a more*
17 *equitable distribution of special education state aid among school*
18 *districts based on each school district's excess costs.*

19 *(3) Notwithstanding the provisions of subsection (c), for fiscal year*
20 *2025, and each fiscal year thereafter, the state department of education*
21 *shall:*

22 *(A) Determine the total amount appropriated for such fiscal year*
23 *from the state general fund in the special education services aid account*
24 *of the state department of education;*

25 *(B) subtract \$528,018,516 from the amount determined pursuant to*
26 *paragraph (3)(A); and*

27 *(C) distribute the amount of the difference determined under*
28 *paragraph (3)(B) to school districts pursuant to the special education*
29 *services aid equalization distribution schedule established by the state*
30 *board of education pursuant to paragraph (2).*

31 *(f) No time spent by a special teacher in connection with duties*
32 *performed under a contract entered into by the Kansas juvenile*
33 *correctional complex, the Larned juvenile correctional facility or the*
34 *Topeka juvenile correctional facility and a school district for the*
35 *provision of special education services by such state institution shall be*
36 *counted in making computations under this section.*

37 *(g) (1) There is hereby established in every school district a special*
38 *education fund ~~that~~, which shall consist of all moneys deposited therein*
39 *or transferred thereto according to law. Notwithstanding any other*
40 *provision of law, all moneys received by the school district from*
41 *whatever source for special education shall be credited to the special*
42 *education fund established by this section, except that: (A) Amounts of*
43 *payments received by a school district under K.S.A. 72-3423, and*

1 *amendments thereto, and amounts of grants, if any, received by a school*
2 *district under K.S.A. 72-3425, and amendments thereto, shall be*
3 *deposited in the general fund of the district and transferred to the special*
4 *education fund; and (B) moneys received by a school district pursuant to*
5 *lawful agreements made under K.S.A. 72-3412, and amendments*
6 *thereto, shall be credited to the special education fund established under*
7 *the agreements.*

8 (2) *The expenses of a school district directly attributable to special*
9 *education shall be paid from the special education fund and from*
10 *special funds established under K.S.A. 72-3412, and amendments*
11 *thereto.*

12 (3) *Obligations of a school district pursuant to lawful agreements*
13 *made under K.S.A. 72-3412, and amendments thereto, shall be paid*
14 *from the special education fund established by this section.*

15 ~~Section 1.~~ **Sec. 3.** K.S.A. 2025 Supp. 72-3717 is hereby amended to
16 read as follows: 72-3717. (a) Any student enrolled in a virtual school on a
17 full-time basis may take any statewide assessment required pursuant to
18 K.S.A. 72-5170, and amendments thereto, in a virtual setting that best
19 meets the educational needs of the student. Any administration of a virtual
20 statewide assessment shall meet the following conditions:

21 (1) The assessment shall be administered *by the virtual school* to the
22 student at an assigned date and time *that shall be in the same range of*
23 *dates assigned for the administration of assessments to students enrolled*
24 *in the same school district as the student enrolled in virtual school but*
25 *who do not attend virtual school;*

26 (2) the assessment shall be administered during a synchronous
27 assessment session initiated and managed by an employee of the virtual
28 school;

29 (3) the assessment administered in the virtual setting shall be the
30 same assessment administered to students enrolled in a virtual school but
31 taking the assessment in an in-person setting;

32 (4) the student shall be monitored by ~~the~~ *an* assessment proctor
33 *designated by the virtual school* via a camera for the duration of the
34 assessment. *If the assessment platform provides integrated camera*
35 *proctoring, the virtual school proctor may administer the assessment and*
36 *monitor the student using the same device.* If the assessment platform does
37 not ~~allow~~ *provide* for integrated camera proctoring, the student shall ~~use~~
38 ~~two devices during the assessment.~~ ~~The first device shall be used to take~~
39 ~~the assessment and the second device shall have a functioning camera and~~
40 ~~be used to monitor the student during the assessment~~ *have a second device*
41 *with a functioning camera for the virtual school proctor to monitor the*
42 *student, or, upon request by the student, the virtual school may provide*
43 *such student a second device with a functioning camera for the virtual*

1 *school proctor to monitor such student;*

2 (5) the device on which the student takes the assessment shall have
3 browser lockdown software in operation for the duration of the assessment
4 to prohibit internet browser usage by the student;

5 (6) the student to proctor ratio during the administration of an
6 assessment shall be 10 to one or lower;

7 (7) the student shall not exit the assessment platform until instructed
8 to do so by the proctor; and

9 (8) the completed assessment shall be verified by the assessment
10 administrator *designated by the virtual school.*

11 (b) Any costs incurred by the state department of education in
12 implementing the provisions of this section shall be paid for from the
13 department's funds for administering all statewide assessments, *except*
14 *that the costs incurred for any proctor designated by a virtual school*
15 *shall be paid by the virtual school.*

16 (c) *The state department of education may monitor the*
17 *administration of state assessments to virtual school students for the*
18 *same purpose and in a like manner as the department monitors the*
19 *administration of state assessments to non-virtual students.*

20 (d) This section shall be a part of and supplemental to the virtual
21 school act.

22 ~~Sec.-2.~~ 4. K.S.A. 2025 Supp. *72-3404, 72-3422 and 72-3717* ~~is~~ *are*
23 hereby repealed.

24 ~~Sec.-3.~~ 5. This act shall take effect and be in force from and after its
25 publication in the statute book.