

SENATE BILL No. 383

By Committee on Education

1-26

1 AN ACT concerning education; relating to special education state aid
2 reimbursement; adding certain third parties who contract with school
3 districts to the definition of special teacher; authorizing such
4 reimbursement for qualified teachers who provide approved special
5 education or related services to students with an IEP administered by
6 such school district pursuant to a contract; amending K.S.A. 2025
7 Supp. 72-3404 and 72-3422 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

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

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

1 *that has contracted with a school district* to provide special education or
2 related services, who is qualified to:

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

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

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

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

12 (m) "Parent" means:

13 (1) A natural parent;

14 (2) an adoptive parent;

15 (3) a person acting as parent;

16 (4) a legal guardian;

17 (5) an education advocate; or

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

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

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

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

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

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

33 (p) "Free appropriate public education" means special education and
34 related services that:

35 (1) Are provided at public expense, under public supervision and
36 direction, and without charge;

37 (2) meet the standards of the state board;

38 (3) include an appropriate preschool, elementary or secondary school
39 education; and

40 (4) are provided in conformity with an individualized education
41 program.

42 (q) "Federal law" means the individuals with disabilities education
43 act, as amended.

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

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

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

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

23 (u) "Individualized education program team" or "IEP team" means a
24 group of individuals composed of:

25 (1) The parents of a child;

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

28 (3) at least one special education teacher or, where appropriate, at
29 least one special education provider of the child;

30 (4) a representative of the agency directly involved in providing
31 educational services for the child who is:

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

34 (B) knowledgeable about the general curriculum; and

35 (C) knowledgeable about the availability of resources of the agency;

36 (5) an individual who can interpret the instructional implications of
37 evaluation results;

38 (6) at the discretion of the parent or the agency, other individuals who
39 have knowledge or special expertise regarding the child, including related
40 services personnel as appropriate; and

41 (7) whenever appropriate, the child.

42 (v) "Evaluation" means a multisourced and multidisciplinary
43 examination, conducted in accordance with the provisions of K.S.A. 72-

1 3428, and amendments thereto, to determine whether a child is an
2 exceptional child.

3 (w) "Independent educational evaluation" means an examination that
4 is obtained by the parent of an exceptional child and performed by an
5 individual or group of individuals who meet state and local standards to
6 conduct such an examination.

7 (x) "Elementary school" means any nonprofit institutional day or
8 residential school that offers instruction in any or all of the grades
9 kindergarten through nine.

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

13 (z) "Children with disabilities" means children who:

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

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

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

26 (bb) "Material change in services" means an increase or decrease of
27 25% or more of the duration or frequency of a special education service, a
28 related service or a supplementary aid or a service specified on the IEP of
29 an exceptional child.

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

35 (1) Physical;

36 (2) cognitive;

37 (3) adaptive behavior;

38 (4) communication; or

39 (5) social or emotional development.

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

43 (ee) "Limited English proficient" means an individual who meets the

1 qualifications specified in section 9101 of the federal elementary and
2 secondary education act of 1965, as amended.

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

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

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

15 (A) Determine the total weighted full-time equivalent student
16 enrollment as provided on the legal maximum general fund calculation
17 data computed by the state department of education excluding the special
18 education and related services weighting, bilingual weighting,
19 transportation weighting, career technical education weighting and at-risk
20 student weighting;

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

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

27 (D) determine the total full-time equivalent enrollment of exceptional
28 children receiving special education and related services provided by all
29 school districts;

30 (E) multiply the amount of the quotient obtained in paragraph (1)(C)
31 by the full-time equivalent enrollment determined in paragraph (1)(D);

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

34 (G) add the amount determined in paragraph (1)(E) to the amount
35 determined in paragraph (1)(F);

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

38 (I) determine the amount of revenue received by all school districts
39 for medicaid reimbursements and rendered under contracts with the state
40 institutions for the provisions of special education and related services by
41 the state institution;

42 (J) add the amounts determined under paragraphs (1)(G) through (1)
43 (I);

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

3 (L) subtract the amount of the sum obtained under paragraph (1)(J)
4 from the amount determined under paragraph (1)(K); and

5 (M) multiply the amount determined under paragraph (1)(L) by 92%.

6 (2) Subject to appropriation acts of the legislature, the computed
7 amount is the total amount of state aid that shall be received for the
8 provision of special education and related services by school districts for
9 the ensuing school year.

10 (c) Except as provided in subsection (e), each school district shall
11 receive:

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

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

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

28 (4) ~~(A) except for those school districts that receive reimbursement~~
29 ~~under subsection (c)(4)(D) or (c)(4)(E), after subtracting the amounts of~~
30 ~~reimbursement under subsections (c)(1), (c)(2) and (c)(3) paragraphs (1),~~
31 ~~(2) and (3) from the total amount appropriated for special education and~~
32 ~~related services under this act, an amount which bears the same proportion~~
33 ~~to the remaining amount appropriated as proportional to the number of~~
34 ~~full-time equivalent special teachers who are qualified to provide special~~
35 ~~education or related services to exceptional children that are employed by~~
36 ~~the school district for who provide approved special education or related~~
37 ~~services bears to exceptional children with IEPs administered by the~~
38 ~~school district compared to the total number of such qualified full-time~~
39 ~~equivalent special teachers employed by all school districts for who~~
40 ~~provide approved special education or related services to exceptional~~
41 ~~children with IEPs administered by all school districts. This~~
42 ~~subparagraph shall not apply to school districts that receive~~
43 ~~reimbursement pursuant to subparagraph (D) or (E).~~

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

5 (C) For purposes of this paragraph, a special teacher, qualified to
6 assist in the provision of special education and related services to
7 exceptional children, who assists in providing special education and
8 related services to exceptional children at either the state school for the
9 blind or the state school for the deaf and whose services are paid for by a
10 school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments
11 thereto, shall be considered a special teacher of such school district.

12 (D) Each school district that has paid amounts for the provision of
13 special education and related services under an interlocal agreement shall
14 receive reimbursement under this paragraph. The amount of such
15 reimbursement for the school district shall be the amount that bears the
16 same relation to the aggregate amount available for reimbursement for the
17 provision of special education and related services under the interlocal
18 agreement, as the amount paid by such school district in the current school
19 year for provision of such special education and related services bears to
20 the aggregate of all amounts paid by all school districts in the current
21 school year who have entered into such interlocal agreement for provision
22 of such special education and related services.

23 (E) Each contracting school district that has paid amounts for the
24 provision of special education and related services as a member of a
25 cooperative shall receive reimbursement under this paragraph. The amount
26 of such reimbursement for the school district shall be the amount that
27 bears the same relation to the aggregate amount available for
28 reimbursement for the provision of special education and related services
29 by the cooperative, as the amount paid by such school district in the
30 current school year for provision of such special education and related
31 services bears to the aggregate of all amounts paid by all contracting
32 school districts in the current school year by such cooperative for
33 provision of such special education and related services.

34 (d) For fiscal year 2025, and each fiscal year thereafter, the legislature
35 shall appropriate from the state general fund in the special education
36 services aid account of the state department of education an amount that is
37 equal to or greater than \$601,018,818.

38 (e) (1) In fiscal year 2025, and each fiscal year thereafter, the state
39 department of education shall distribute from the special education
40 services aid account of the state general fund an amount equal to
41 \$528,018,516, to school districts pursuant to the statutory distribution
42 schedule established pursuant to subsection (c).

43 (2) For fiscal year 2025, and each fiscal year thereafter, the state

1 board of education shall establish a special education services aid
2 equalization distribution schedule that prioritizes equalizing special
3 education services aid distributions to school districts. When establishing
4 or revising the special education services aid equalization distribution
5 schedule, the state board of education shall give consideration to the
6 discrepancies between each school district's excess cost as determined
7 pursuant to K.S.A. 2025 Supp. 72-3422a, and amendments thereto. The
8 purpose of such special education services aid equalization distribution
9 schedule shall be to provide for a more equitable distribution of special
10 education state aid among school districts based on each school district's
11 excess costs.

12 (3) Notwithstanding the provisions of subsection (c), for fiscal year
13 2025, and each fiscal year thereafter, the state department of education
14 shall:

15 (A) Determine the total amount appropriated for such fiscal year from
16 the state general fund in the special education services aid account of the
17 state department of education;

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

20 (C) distribute the amount of the difference determined under
21 paragraph (3)(B) to school districts pursuant to the special education
22 services aid equalization distribution schedule established by the state
23 board of education pursuant to paragraph (2).

24 (f) No time spent by a special teacher in connection with duties
25 performed under a contract entered into by the Kansas juvenile
26 correctional complex, the Larned juvenile correctional facility or the
27 Topeka juvenile correctional facility and a school district for the provision
28 of special education services by such state institution shall be counted in
29 making computations under this section.

30 (g) (1) There is hereby established in every school district a special
31 education fund ~~that~~, *which* shall consist of all moneys deposited therein or
32 transferred thereto according to law. Notwithstanding any other provision
33 of law, all moneys received by the school district from whatever source for
34 special education shall be credited to the special education fund
35 established by this section, except that: (A) Amounts of payments received
36 by a school district under K.S.A. 72-3423, and amendments thereto, and
37 amounts of grants, if any, received by a school district under K.S.A. 72-
38 3425, and amendments thereto, shall be deposited in the general fund of
39 the district and transferred to the special education fund; and (B) moneys
40 received by a school district pursuant to lawful agreements made under
41 K.S.A. 72-3412, and amendments thereto, shall be credited to the special
42 education fund established under the agreements.

43 (2) The expenses of a school district directly attributable to special

1 education shall be paid from the special education fund and from special
2 funds established under K.S.A. 72-3412, and amendments thereto.

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

6 Sec. 3. K.S.A. 2025 Supp. 72-3404 and 72-3422 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the statute book.