

## MINUTES

### SPECIAL EDUCATION FUNDING TASK FORCE

December 15, 2008  
Room 545-N—Statehouse

#### Members Present

Dr. Alexa Posny, Chairperson  
Bert Moore, Vice-Chairperson  
Representative Clay Aurand  
Representative Gene Rardin  
Mary Anne Trickle  
Lori Hisle  
Dr. Neil Guthrie  
Mike Lewis  
Glennys Doane  
Dr. Wade Anderson  
Dr. Rob Balsters  
Dr. Tim Wurtz

#### Staff Present

Sharon Wenger, Legislative Research Department  
Dale Dennis, Deputy Commissioner of Education  
Reagan Cussimano, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Kristen Kellems, Revisor of Statutes Office  
Jan Lunn, Committee Secretary

#### Others Attending

18 members of the public in attendance.

#### Morning Session

Chairperson Posny called the meeting to order at 10:04 a.m. The minutes of the November 3, 2008, meeting previously had been distributed to Task Force members. The last sentence of the minutes was amended as follows: *At the next meeting, two formulas will be further evaluated. These two formulas are: spreadsheet number SF8077, a census-based formula; and spreadsheet number*

*SF80769, a resource-based formula with some modifications. Mr. Mike Lewis moved to accept the minutes as amended; Ms. Mary Ann Trickle seconded the motion. The motion carried.*

Upon a request by Representative Rardin and Ms. Hisle following the November 3 meeting, spreadsheet number SF8084, a proposed funding plan, was generated by Deputy Commissioner Dennis. This formula provides an excess cost percentage for each special education unit (Attachment 1). A special education unit is defined as a school district, a cooperative, or an interlocal. The current formula contained in KSA 72-978(a) was used in computing the excess cost for each special education unit.

Deputy Commissioner Dennis elaborated on the challenges encountered when computing SF8084, such as special education units contracting with other special education units for services, special education teachers hired for selected programs, no general fund budget, local option budget, or enrollment count for some interlocals.

SF8084 provides for an allocation of 75 percent of any increased appropriation to special education units receiving 92 percent or less of excess costs, and 25 percent of any increased appropriation to special education units receiving over 92 percent of excess costs. Allocations were based upon a per student amount, assuming an additional \$20 million would be appropriated by the Legislature (as in previous computer printouts).

Bert Moore distributed a spreadsheet titled "Special Education Expenditures/Special Education FTE – Reverse Robin Hood Effect" (Attachment 2) which displays the amount of special education expenditures per special education full-time equivalent student (FTE) by cooperative/district number and name. This spreadsheet used the data from SF8084, and Mr. Moore indicated it appeared that the most efficient districts have the highest cost per FTE and that adopting SF8084 would, in effect, reward those spending the most with any additional funding appropriated. Mr. Moore clarified this analysis merely was examining data from another perspective. In a rural setting, expenditures per FTE are much less than in larger districts and smaller districts could be considered more efficient.

Considerable discussion was heard regarding the proposed funding plan SF8084, the Reverse Robin Effect spreadsheet, and the other formulas previously presented and discussed. Discussion topics included the large numbers of special education cooperatives at greater than 100 percent of excess costs in the spreadsheet presented today; the definition of efficiency related to special education units; the definition of equatibility and how to ensure parity among districts; how to remain competitive in hiring special education teachers when larger districts have a higher compensation range than rural or frontier areas; understanding the uniqueness of districts and cooperatives; how to move to a student-centered concept rather than a resource-based concept; the issue of not only the special education funding formula but also the general education funding formula and how they relate to each other; and whether decisions can be made from the data presented.

Task Force members voiced concerns with the current funding formula and its inflexibility, how it can become more identification-neutral, how to encourage districts and cooperatives to utilize the Multi/Tier System of Supports (MTSS) and early intervention programs that will, in effect, reduce identification of special education students, how to include flexibility so dollars follow children with needs, and how to change a funding formula in the current economic environment. It was noted that the current resource-based formula allows funding for students in transition from district to district and provides some stability for districts and cooperatives' budgets. In addition, the fear of losing dollars for the sake of a formula change was expressed, and that, in reality, new appropriation dollars may not be approved by the Legislature given Kansas' current budget deficit. Several Task Force members expressed concern that to abandon opportunities for current formula modification may

serve to widen the spread of discrepancies, and while drastic change may not be in the best interest of Kansas children, no action could pose a negative impact as well.

Chairperson Posny recognized Sue Gamble, Kansas State Board of Education member, on a point of privilege. Ms. Gamble spoke passionately about her commitment to Kansas' children and their education. She provided a historical synopsis of the State Board's involvement in standards creation, decentralization of responsibility for student achievement to local levels, the birth of MTSS in Kansas and the paradigm change from staff-focus to student-focus policies, implementation of successful education systems from a child's early education through high-school graduation, and the narrowing of the economy and its impact on education. Ms. Gamble encouraged Task Force members to thoughtfully consider changes that will positively impact Kansas children in the future.

Dr. Posny indicated the Task Force is not set to expire until June 30, 2011, and several options exist as to possible direction of the Task Force.

Task Force members agreed that inflexibility exists (in the current funding formula) when special education teachers are prohibited from working with at-risk or MTSS students. Special education professionals are the best resources to assist general educators with identification and implementation of early interventions that positively affect students and reduce the numbers of identified special education students.

Dr. Posny adjourned the meeting for luncheon break and requested members return at 12:45 p.m.

### **Afternoon Session**

Dr. Posny reconvened the meeting at 12:48 p.m.

Discussion resumed relative to the possibility of creating some flexibility within the current funding formula that would prevent any loss of special education funding. It was suggested to amend Kansas statutes to allow special educators to use their expertise to engage in intervention and prevention for students who are not identified as special education students. This would allow special education units to pilot a MTSS program or to provide intervention to students as they see fit. This would broaden the role of special educators, strengthening not only special education but creating an integrated educational system within one environment. It was noted that for special educators dealing with severe cognitive disabilities or disabled students, this may not be possible. Following discussion, *Dr. Balsters moved to request amendment of Kansas law to reflect that special education personnel may, on a limited basis, provide academic and/or behavioral services to students who are in need of intervention as a means of preventing requisite special education services. The motion was seconded by Ms. Trickle. The motion passed unanimously.* Task Force members concluded if the law is revised, guidance and policy should be created and disseminated to districts and cooperatives to ensure positive results.

Dr. Anderson encouraged Task Force members to consider delaying any funding formula recommendation until such time as the law is amended and results of the program evaluated while collecting other data that will assist in formula recommendation. Members requested further evaluation of information and results of MTSS pilot programs and expenses within the past three years, definition of a measurement parameter for the term "equitable," and further evaluation of the information provided by Deputy Commissioner Dennis. *Bert Moore moved to delay a recommendation regarding a change to the current special education funding formula on the part of*

*the Special Education Funding Task Force to evaluate suitable parameters to be used in defining equatability and to study MTSS expenses and results at the discretion of the Chairperson and to schedule the next meeting of the Special Education Funding Task Force in the summer of 2009. Ms. Trickle seconded the motion; by a show of hands, the motion passed unanimously.*

Dr. Posny indicated the minutes of this meeting as well as the "Special Education Funding Task Force Report to the Legislature" would be sent to Task Force members via e-mail by Ms. Wenger, Legislative Research Department, and would stand approved as submitted unless Task Force members communicate otherwise.

Dr. Posny thanked all Task Force members for their participation. The meeting was adjourned at 1:18 p.m.

Prepared by Jan Lunn  
Edited by Sharon Wenger

Approved by Task Force on:

January 9, 2009

(Date)