

As Amended by House Committee

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 260

By Legislative Educational Planning Committee

1-9

1 AN ACT concerning school districts; relating to special education state
2 aid; amending K.S.A. 2011 Supp. 72-978 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2011 Supp. 72-978 is hereby amended to read as
7 follows: 72-978. (a) Each year, the state board of education shall determine
8 the amount of state aid for the provision of special education and related
9 services each school district shall receive for the ensuing school year. The
10 amount of such state aid shall be computed by the state board as provided
11 in this section. The state board shall:

12 (1) Determine the total amount of general fund and local option
13 budgets of all school districts;

14 (2) subtract from the amount determined in paragraph (1) the total
15 amount attributable to assignment of transportation weighting, program
16 weighting, special education weighting and at-risk pupil weighting to
17 enrollment of all school districts;

18 (3) divide the remainder obtained in paragraph (2) by the total
19 number of full-time equivalent pupils enrolled in all school districts on
20 September 20;

21 (4) determine the total full-time equivalent enrollment of exceptional
22 children receiving special education and related services provided by all
23 school districts;

24 (5) multiply the amount of the quotient obtained in paragraph (3) by
25 the full-time equivalent enrollment determined in paragraph (4);

26 (6) determine the amount of federal funds received by all school
27 districts for the provision of special education and related services;

28 (7) determine the amount of revenue received by all school districts
29 rendered under contracts with the state institutions for the provisions of
30 special education and related services by the state institution;

31 (8) add the amounts determined under paragraphs (6) and (7) to the
32 amount of the product obtained under paragraph (5);

33 (9) determine the total amount of expenditures of all school districts
34 for the provision of special education and related services;

1 (10) subtract the amount of the sum obtained under paragraph (8)
2 from the amount determined under paragraph (9); and

3 (11) multiply the remainder obtained under paragraph (10) by 92%.

4 The computed amount is the amount of state aid for the provision of
5 special education and related services aid a school district is entitled to
6 receive for the ensuing school year.

7 (b) Each school district shall be entitled to receive:

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

16 (2) reimbursement in an amount equal to 80% of the actual travel
17 expenses incurred for providing transportation for exceptional children to
18 special education or related services; such reimbursement shall not be paid
19 if such child has been counted in determining the transportation weighting
20 of the district under the provisions of the school district finance and
21 quality performance act;

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

27 ~~(4) subject to the provisions of subsection (f) and~~ **subject to the**
28 **provisions of subsection (f) and** except for those school districts entitled
29 to receive reimbursement under subsection (c) or (d), after subtracting the
30 amounts of reimbursement under paragraphs (1), (2) and (3) of this
31 subsection (a) from the total amount appropriated for special education
32 and related services under this act, an amount which bears the same
33 proportion to the remaining amount appropriated as the number of full-
34 time equivalent special teachers who are qualified to provide special
35 education or related services to exceptional children and are employed by
36 the school district for approved special education or related services bears
37 to the total number of such qualified full-time equivalent special teachers
38 employed by all school districts for approved special education or related
39 services.

40 Each special teacher who is qualified to assist in the provision of
41 special education or related services to exceptional children shall be
42 counted as 2/5 full-time equivalent special teacher who is qualified to
43 provide special education or related services to exceptional children.

1 (c) Each school district which has paid amounts for the provision of
2 special education and related services under an interlocal agreement shall
3 be entitled to receive reimbursement under subsection (b)(4). The amount
4 of such reimbursement for the district shall be the amount which bears the
5 same relation to the aggregate amount available for reimbursement for the
6 provision of special education and related services under the interlocal
7 agreement, as the amount paid by such district in the current school year
8 for provision of such special education and related services bears to the
9 aggregate of all amounts paid by all school districts in the current school
10 year who have entered into such interlocal agreement for provision of such
11 special education and related services.

12 (d) Each contracting school district which has paid amounts for the
13 provision of special education and related services as a member of a
14 cooperative shall be entitled to receive reimbursement under subsection (b)
15 (4). The amount of such reimbursement for the district shall be the amount
16 which bears the same relation to the aggregate amount available for
17 reimbursement for the provision of special education and related services
18 by the cooperative, as the amount paid by such district in the current
19 school year for provision of such special education and related services
20 bears to the aggregate of all amounts paid by all contracting school
21 districts in the current school year by such cooperative for provision of
22 such special education and related services.

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

30 ~~(f) (1) In school year 2012-2013 and in each school year thereafter,~~
31 ~~the state board of education shall determine the minimum and maximum~~
32 ~~amount of state aid that a school district may receive under paragraph (4)~~
33 ~~of subsection (b) for the current school year as follows:~~

34 ~~(A) Determine the total amount of moneys appropriated as state aid~~
35 ~~for the provision of special education and related services to all school~~
36 ~~districts for the current school year;~~

37 ~~(B) subtract the amount of moneys paid to all school districts under~~
38 ~~paragraphs (1), (2) and (3) of subsection (b) of this section, K.S.A. 72-983~~
39 ~~and K.S.A. 2011 Supp. 72-998, and amendments thereto, for the current~~
40 ~~school year;~~

41 ~~(C) divide the remainder obtained under (B) by the total full-time~~
42 ~~equivalent enrollment of all school districts in the current school year;~~

43 ~~(2) (A) multiply the quotient obtained under (1) (C) by the full-time~~

1 equivalent enrollment of the school district in the current school year;

2 (B) ~~multiply the product obtained under (2) (A) by .75. The product is~~
3 ~~the minimum amount of state aid the district may receive under paragraph~~
4 ~~(4) of subsection (b) for the current school year;~~

5 (C) ~~multiply the quotient obtained under (2) (A) by 1.50. The product~~
6 ~~is the maximum amount of state aid the district may receive under~~
7 ~~paragraph (4) of subsection (b) for the current school year.~~

8 (3) ~~If the amount determined under paragraph (4) of subsection (b) is~~
9 ~~less than the product obtained under (2)(B), the district shall receive state~~
10 ~~aid in an amount equal to the product obtained under (2)(B), plus any~~
11 ~~amount determined under paragraph (5) of this subsection.~~

12 (4) ~~If the amount determined under paragraph (4) of subsection (b),~~
13 ~~plus any amount determined under paragraph (5) of this subsection, is~~
14 ~~greater than the product obtained under (2)(C), the district shall receive~~
15 ~~state aid in an amount equal to the product obtained under (2)(C). The~~
16 ~~balance of state aid remaining after determining the amount of state aid~~
17 ~~payable to districts under this paragraph shall be reallocated to districts as~~
18 ~~provided by paragraph (5) of this subsection.~~

19 (5) ~~The balance of state aid remaining after determining the amount~~
20 ~~of state aid payable to districts under paragraph (4) of this subsection shall~~
21 ~~be reallocated to districts which have not received state aid in an amount~~
22 ~~equal to the product obtained under (2)(B). Such state aid shall be~~
23 ~~reallocated to such districts in the same manner as the original allocation.~~
24 ~~If the balance is insufficient to pay each such district the minimum amount~~
25 ~~specified in this subsection, the state board shall prorate the balance~~
26 ~~among such districts.~~

27 (6) ~~The provisions of this subsection (f) shall expire on June 30,~~
28 ~~2014.~~

29 (f) (1) **In school year 2012-2013 and in each school year**
30 **thereafter, the state board of education shall determine the minimum**
31 **and maximum amount of state aid that a school district may receive**
32 **under paragraph (4) of subsection (b) for the current school year as**
33 **follows:**

34 (A) **Determine the total amount of moneys appropriated as state**
35 **aid for the provision of special education and related services to all**
36 **school districts for the current school year;**

37 (B) **subtract the amount of moneys paid to all school districts**
38 **under paragraphs (1), (2) and (3) of subsection (b) of this section,**
39 **K.S.A. 72-983 and K.S.A. 2011 Supp. 72-998, and amendments**
40 **thereto, for the current school year;**

41 (C) **divide the remainder obtained under (B) by the total full-time**
42 **equivalent enrollment of all school districts in the current school year;**

43 (2) (A) **multiply the quotient obtained under (1)(C) by the sum of:**

1 (i) The full-time equivalent enrollment of exceptional children
2 receiving special education and related services provided by all school
3 districts in the current school year; and (ii) the number of exceptional
4 children under the age of four years receiving special education and
5 related services provided by local education agencies in Kansas in the
6 current school year multiplied by .5;

7 (B) multiply the product obtained under (2)(A) by .75. The
8 product is the minimum amount of state aid the district may receive
9 under paragraph (4) of subsection (b) for the current school year;

10 (C) multiply the quotient obtained under (2)(A) by 1.50. The
11 product is the maximum amount of state aid the district may receive
12 under paragraph (4) of subsection (b) for the current school year.

13 (3) If the amount determined under paragraph (4) of subsection
14 (b) is less than the product obtained under (2)(B), the district shall
15 receive state aid in an amount equal to the product obtained under (2)
16 (B), plus any amount determined under paragraph (5) of this
17 subsection.

18 (4) If the amount determined under paragraph (4) of subsection
19 (b), plus any amount determined under paragraph (5) of this
20 subsection, is greater than the product obtained under (2)(C), the
21 district shall receive state aid in an amount equal to the product
22 obtained under (2)(C). The balance of state aid remaining after
23 determining the amount of state aid payable to districts under this
24 paragraph shall be reallocated to districts as provided by paragraph
25 (5) of this subsection.

26 (5) The balance of state aid remaining after determining the
27 amount of state aid payable to districts under paragraph (4) of this
28 subsection shall be reallocated to districts which have not received
29 state aid in an amount equal to the product obtained under (2)(B).
30 Such state aid shall be reallocated to such districts in the same manner
31 as the original allocation. If the balance is insufficient to pay each such
32 district the minimum amount specified in this subsection, the state
33 board shall prorate the balance among such districts.

34 (6) The provisions of this subsection (f) shall expire on June 30,
35 2014.

36 Sec. 2. K.S.A. 2011 Supp. 72-978 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.

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