

SENATE BILL No. 448

By Committee on Ways and Means

3-1

1 AN ACT concerning state institutions; relating to special education and
2 related services provided by the state school for the blind and the state
3 school for the deaf; amending K.S.A. 76-1006 and 76-1102 and K.S.A.
4 2011 Supp. 72-978 and repealing the existing sections.
5

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

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

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

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

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

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

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

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

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

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

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

36 (10) subtract the amount of the sum obtained under paragraph (8)

1 from the amount determined under paragraph (9); and

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

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

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

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

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

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

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

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

42 (C) *For purposes of this paragraph (4), a special teacher, qualified to*
43 *assist in the provision of special education and related services to*

1 *exceptional children, who assists in providing special education and*
2 *related services to exceptional children at either the state school for the*
3 *blind or the state school for the deaf and whose services are paid for by a*
4 *school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments*
5 *thereto, shall be considered a special teacher of such school district.*

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

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

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

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

39 (A) Determine the total amount of moneys appropriated as state aid
40 for the provision of special education and related services to all school
41 districts for the current school year;

42 (B) subtract the amount of moneys paid to all school districts under
43 paragraphs (1), (2) and (3) of subsection (b) of this section, K.S.A. 72-983

1 and K.S.A. 2011 Supp. 72-998, and amendments thereto, for the current
2 school year;

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

6 (2) (A) multiply the quotient obtained under *subparagraph* (1)(C) by
7 the full-time equivalent enrollment of the school district in the current
8 school year;

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

12 (C) multiply the quotient obtained under ~~(2)~~ *subparagraph* (A) by
13 1.50. The product is the maximum amount of state aid the district may
14 receive under paragraph (4) of subsection (b) for the current school year.

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

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

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

35 (6) The provisions of this subsection (f) shall expire on June 30,
36 2014.

37 Sec. 2. K.S.A. 76-1006 is hereby amended to read as follows: 76-
38 1006. (a) The state board of education shall fix tuition, fees and charges
39 for maintenance to be collected from each student attending the Kansas
40 state school for the deaf who is not a resident of the state.

41 (b) *Except as provided in subsection (c)*, students who are residents of
42 the state shall not be charged tuition, fees or for maintenance, but may be
43 charged student activity fees. If student activity fees are charged, such fees

1 shall be approved by the state board of education and the funds collected
2 shall be set apart and used for the purpose of supporting student activities.

3 (c) *The state board of education may charge a home school district*
4 *for the provision of special education and related services provided by a*
5 *special teacher, who is qualified to assist in the provision of special*
6 *education and related services, when such special teacher is required to be*
7 *provided by the state school for the deaf pursuant to a student's*
8 *individualized education program.*

9 (d) *For purposes of this section:*

10 (1) *The terms "individualized education program" and "special*
11 *teacher" shall have the same meanings as defined in K.S.A. 72-962, and*
12 *amendments thereto.*

13 (2) *"Home school district" means the school district in which the*
14 *student resides and would otherwise be enrolled if the student did not*
15 *attend the state school for the deaf.*

16 Sec. 3. K.S.A. 76-1102 is hereby amended to read as follows: 76-
17 1102. (a) The state board of education shall fix tuition, fees and charges
18 for maintenance to be collected from each student attending the Kansas
19 state school for the blind who is not a resident of the state.

20 (b) *Except as provided in subsection (c), students who are residents of*
21 *the state shall not be charged tuition, fees or for maintenance but may be*
22 *charged student activity fees. If student activity fees are charged, such fees*
23 *shall be approved by the state board of education and the funds collected*
24 *shall be set apart and used for the purpose of supporting student activities.*

25 (c) *The state board of education may charge a home school district*
26 *for the provision of special education and related services provided by a*
27 *special teacher, who is qualified to assist in the provision of special*
28 *education and related services, when such special teacher is required to be*
29 *provided by the state school for the blind pursuant to a student's*
30 *individualized education program.*

31 (d) *For purposes of this section:*

32 (1) *The terms "individualized education program" and "special*
33 *teacher" shall have the same meanings as defined in K.S.A. 72-962, and*
34 *amendments thereto.*

35 (2) *"Home school district" means the school district in which the*
36 *student resides and would otherwise be enrolled if the student did not*
37 *attend the state school for the blind.*

38 Sec. 4. K.S.A. 76-1006 and 76-1102 and K.S.A. 2011 Supp. 72-978
39 are hereby repealed.

40 Sec. 5. This act shall take effect and be in force from and after its
41 publication in the statute book.