

PROPOSED Substitute for HOUSE BILL NO. 2410

By Committee on K-12 Education Budget

Proposed Amendments to
Proposed Substitute for HB 2410 #65B
House Committee on K-12 Budget
Prepared by Jason Long
Office of Revisor of Statutes
Requiring ABA therapy

AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 88 of this act, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133 and 72-6482.

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

Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$12,515,606

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018.

Special education services
aid (652-00-1000-0700).....\$435,980,455

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2017, is hereby reappropriated for fiscal year 2018; *Provided further*; That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-1398, and amendments thereto; *And provided further*; That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources; *And provided further*; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program; *And provided further*; That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

- State school district finance fund (652-00-7393-7000).....No limit
- School district capital improvements fund (652-00-2880-2880).....No limit
- Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761, and amendments thereto.
- Mineral production education fund (652-00-7669-7669).....No limit
- School district capital outlay state aid fund.....No limit
- Conversion of materials and equipment fund.....No limit
- State safety fund (652-00-2538-2030).....No limit
- School bus safety fund (652-00-2532-2300).....No limit

ABA therapy state aid fund.....No limit

Governor's teaching excellence scholarships and awards (652-00-1000-0770).....\$327,500

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019; *Provided further*; That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-1398, and amendments thereto; *And provided further*; That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources; *And provided further*; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program; *And provided further*; That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393-7000).....No limit

School district capital improvements fund (652-00-2880-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761, and amendments thereto.

ABA therapy state aid fund.....No limit

Mineral production education fund (652-00-7669-7669).....No limit

School district capital outlay state aid fund.....No limit

Conversion of materials and equipment fund.....No limit

from the state general fund.

(e) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district, and the director of accounts and reports shall draw a warrant on the state treasury payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(f) For the purposes of this section, the determination of the assessed valuation per student of a school district shall exclude those students enrolled in a virtual school, or virtual education program, offered by such school district, but who are not residents of such school district.

Sec. 49. K.S.A. 2016 Supp. 10-1116a is hereby amended to read as follows: 10-1116a.

¶ The limitations on expenditures imposed under the cash-basis law shall not apply to:

(a) Expenditures in excess of current revenues made for municipally owned and operated utilities out of the fund of such utilities caused by, or resulting from the meeting of, extraordinary emergencies including drought emergencies. In such cases expenditures in excess of current revenues may be made by declaring an extraordinary emergency by resolution adopted by the governing body and such resolution shall be published at least once in a newspaper of general circulation in such city. Thereupon, such governing body may issue interest bearing no-fund warrants on such utility fund in an amount, including outstanding previously issued no-fund warrants, not to exceed 25% of the revenues from sales of service of such utility for the

See attached insert

And by renumbering remaining sections accordingly

HB 2410 Balloon #65B Insert

New Sec. 49. (a) Upon the request of a parent or legal guardian of a student who has been diagnosed with an autism spectrum disorder, a school district shall provide applied behavior analysis therapy for such student to the extent such therapy is ordered by a licensed physician, licensed psychologist or licensed specialist clinical social worker, provided there is a licensed clinician providing such therapy who is located within the territory of the school district. If such student has an individualized education program (IEP), then the provision of such therapy shall not directly conflict with any of the provisions of the IEP of such student, and shall not be required for the provision of free appropriate public education as required by any federal or state law.

(b) A school district may submit an application to the state board of education for state aid to be expended by the school district for the provision of applied behavior analysis therapy pursuant to subsection (a). Such application shall be submitted in such form and manner as prescribed by the state board, and shall include a description of the school district's need for such state aid. The state board shall review all submitted applications and to the extent moneys are available may approve such application. All payments of such state aid approved by the state board shall be paid from the ABA therapy state aid fund.

(c) There is hereby established in the state treasury the ABA therapy state aid fund which shall be administered by the state department of education. All expenditures from the ABA therapy state aid fund shall be used for the payment of state aid as approved by the state board pursuant to this section, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board, or the state board's designee. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the general fund of the school district.

(d) On July 1, 2017, and each July 1 thereafter, the state board of education shall determine the aggregate enrollment of students in school districts in this state for the immediately preceding school year and multiply such aggregate enrollment by \$4. The state board shall certify to the director of accounts and reports the resulting amount. Upon receipt of such certification or as soon as moneys are available, an amount equal the amount certified by the state board shall be transferred by the director from the state general fund to the ABA therapy state aid fund. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(e) For purposes of this section, the terms "autism spectrum disorder" and "applied behavior analysis" shall mean the same as those terms are defined in K.S.A. 2016 Supp. 40-2,194, and amendments thereto.

