

SENATE BILL No. 317

By Senator Givens

1-27

1 AN ACT concerning education; relating to special education state aid;
2 computation of amounts; amending K.S.A. 72-3422 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 72-3422 is hereby amended to read as follows: 72-
7 3422. (a) Each year, the state board of education shall determine the
8 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 subsection (a)(1) the total
15 amount attributable to assignment of transportation weighting, bilingual
16 weighting, career technical education weighting, special education
17 weighting and at-risk student weighting to the enrollment of all school
18 districts;

19 (3) divide the remainder obtained in subsection (a)(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 subsection (a)(3)
26 by the full-time equivalent enrollment determined in subsection (a)(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 subsections (a)(6) and (a)(7) to
33 the amount of the product obtained under subsection (a)(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 subsection (a)(8)

1 from the amount determined under subsection (a)(9); and

2 (11) multiply the remainder obtained under subsection (a)(10) by
3 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 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;

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

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

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

41 (C) For purposes of this subsection (b)(4), a special teacher, qualified
42 to assist in the provision of special education and related services to
43 exceptional children, who assists in providing special education and

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

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

17 (d) Each contracting school district ~~which~~*that* has paid amounts for
18 the provision of special education and related services as a member of a
19 cooperative shall receive reimbursement under subsection (b)(4). The
20 amount of such reimbursement for the school district shall be the amount
21 ~~which~~*that* 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 school district in the
24 ~~current~~*preceding* school year for provision of such special education and
25 related services bears to the aggregate of all amounts paid by all
26 contracting school districts in the ~~current~~*preceding* school year by such
27 cooperative for provision of 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 Larned juvenile correctional facility or the
31 Topeka juvenile correctional facility and a school district for the provision
32 of special education services by such state institution shall be counted in
33 making computations under this section.

34 (f) There is hereby established in every school district a fund, which
35 shall be called the special education fund, which ~~fund~~ shall consist of all
36 moneys deposited therein or transferred thereto according to law.
37 Notwithstanding any other provision of law, all moneys received by the
38 school district from whatever source for special education shall be credited
39 to the special education fund established by this section, except that:

40 (1) Amounts of payments received by a school district under K.S.A.
41 72-3423, and amendments thereto, and amounts of ~~grants~~ *catastrophic*
42 *state aid*, if any, received by a school district under K.S.A. 72-3425, and
43 amendments thereto, shall be deposited in the general fund of the district

1 and transferred to the special education fund; and

2 (2) moneys received by a school district pursuant to lawful
3 agreements made under K.S.A. 72-3412, and amendments thereto, shall be
4 credited to the special education fund established under the agreements.

5 (g) The expenses of a school district directly attributable to special
6 education shall be paid from the special education fund and from special
7 funds established under K.S.A. 72-3412, and amendments thereto.

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

11 Sec. 2. K.S.A. 72-3422 is hereby repealed.

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