



Testimony by the Kansas Association of School Boards before the Task Force on Special Education

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Thank you for this opportunity to testify on special education funding.

The 3,000 locally elected members of KASB want public schools where every Kansas child develops the skills, knowledge, and goals they need for a bright future. Working together, school boards, families, communities, and the legislature can ensure students are prepared for success in college, work, and life and sustain a bright future for Kansas.

Great things are happening in Kansas public schools, but one of the biggest challenges our districts face in supporting student achievement is chronic underfunding of special education at the federal and state levels. Kansas public schools are proud to work with families to ensure that students with IEPs get the education they're entitled to by law. If Congress and the state legislature don't keep their promises to reimburse our schools for the additional costs of educating students with disabilities and gifted students, all Kansas students suffer.

About one in five Kansas students receive special education services. Under Kansas law, the state is to pick up 92 percent of the "excess cost" of special education not covered by federal aid. However, the Legislature hasn't met that commitment since 2011. For the current school year, districts are being reimbursed at 69 percent of excess costs and that percentage is projected to drop to 64.7 percent soon.

Bipartisan efforts in the legislature and the State Board of Education to focus on early childhood and reading readiness have led to increased partnerships between parents and schools to identify and address obstacles to student success, including identifying the need for special education services. Kansans want these efforts to continue.

School districts must provide special education services regardless of funding levels, including services for eligible students attending private schools. Shortfalls force school districts to transfer funding from general education programs for all students to make up for underfunding in special education. The shortfall will soon reach more than \$200 million, which translates to more than \$3,000 for each student receiving services required by federal law.

I want to be clear: KASB and its members are not seeking to pit special education against regular education. Our public-school districts are proud to educate all Kansas children to their full potential and at the level they legally and morally deserve.

When special education is underfunded, however, money that could be spent on programs and teachers to help educate **all** students is being siphoned away to pay for special education services, which Kansas is legally and morally obligated to provide. If the state or federal government, or both, met their

financial obligations to special education, districts could use the dollars to hire more teachers, retain staff, and offer additional opportunities to help all students achieve their potential.

We acknowledge the federal government has also failed to provide the promised funding for special education. For many years, our KASB membership has pleaded with Congress to fulfill its pledge to pay up to 40 percent of our excess costs to educate children with IEPs. We were proud when Kansas' own Senator Pat Roberts introduced a bipartisan bill to phase in full federal funding of Congress' portion of the special education law. Unfortunately, that bill died, and the current federal reimbursement is about 15 percent, only a slight increase from the average federal level over the past several decades.

We appreciated the Kansas House passing its resolution last session calling on Congress to fulfill its promise to special education students. It seems to have fallen on deaf ears, however, as we hear that Kansas schools will likely only receive a one percent increase in federal special education funding in the upcoming budget year. Kansas school board members will visit Capitol Hill again on January 30 to continue to press the cause of full federal funding for special education.

Kansans want their public schools to provide special education services. They pay their taxes to provide these services. Now we ask the Legislature, which has the power of the purse, to allocate the funds. There is widespread political support for this action, especially at a time of record budget surpluses:

-KASB recently concluded a statewide listening tour with approximately 200 local education leaders representing more than 100 school districts. Our school board members hold political views of all stripes, and they told us fully funding special education at 92% of excess costs is a top priority.

-The State Board of Education, an elected body representing a wide range of political views, voted 10-0 in July for a phased-in special education funding plan.

Our locally elected boards of education respectfully and urgently request that the Kansas Legislature do its part to help us improve student achievement for all Kansas students by fulfilling its promise to pay for 92 percent of the excess costs we bear after federal reimbursement. We pledge to continue our efforts at the federal level as well. Working together we can ensure that all Kansas children achieve their potential.

Thank you.

STUDENT SUCCESS

MYTH: Kansas kids are underperforming in school.

FACT: Kansas currently ranks 13th in student outcomes, despite spending 12% per pupil less than the U.S. average.

9 IN 10



KANSAS STUDENTS ARE FINISHING HIGH SCHOOL

A record high 90% of Kansas students graduate from high school. A diploma opens doors for young people with better opportunities for college, career, and lifetime earnings.

KANSAS GRADUATES ARE CAREER-READY

In 2022-23, Kansas students earned 5,590 professional credentials – while still in high school.

This is a 128% increase since 2009, which is great news for students, families and businesses.



5,590



Highest math scores since

2017

STUDENTS SHINE ON STATE ASSESSMENTS

The 2023 state assessments brought an increase in top performance levels in all grades for math, all but one grade in English – and no decreases in any grade. This is a hard-earned COVID rebound for students and teachers across the state.

Get the Full Story Here:



Q. Aren't schools fully funded? Why are you asking for more money for special education?

A: The general education formula for all Kansas public school students is currently fully funded under the Gannon case agreed to by the Legislature and the governor.

However, under state law, special education funding is separate from general education funding and has not been fully funded since 2011. The current shortfall is \$173 million statewide, which must be made up from district general fund budgets. Unless the Legislature adds more funding, next year state special education funding will be \$206.8 million less than required by state law.

Q: What's the relationship between federal and state funding for special education?

A: All special education students are general education students first. Federal law set the goal of Congress paying up to 40 percent of the cost of serving special education students in addition to general education costs. Special education students have a legal and moral right to the services required in their IEPs.

Currently, Congress is paying Kansas school districts about 15 percent of their extra costs to serve special education students.

Kansas law says school districts must receive special education state aid at a rate of 92 percent of statewide extra costs after the federal special education funding is accounted for. The current statewide average reimbursement is 69 percent. If neither the federal government nor the state provides adequate funding, each district must use other funds to cover the shortfall.

Kansas special education services exceed federal requirements, which helps students while increasing our costs. For example, Kansas includes gifted services under special education; other states do not.

Kansas educators and school board members have repeatedly asked Congress to increase federal special education spending, without success. Because of the environment in Washington, D.C., it's unlikely Congress will soon increase federal special education funding beyond current levels.

(next page)

Q: How is special education funding calculated in state law?

A: According to state law, the legislature must pay a statewide average of 92 percent of school districts' costs to educate special education students beyond the base state aid, additional weightings, and federal special education payments. Base state aid and weightings are used to calculate general education funding; special education funding is layered on top of general education funding.

Q: Why do some districts receive more than their excess costs for special education, and some receive less?

A: State law sets the reimbursement rate for state special education aid at 92 percent of total state excess costs. Because reimbursement is based on the statewide total, some districts may receive more than 92 percent while others will receive less. Also, some districts serve as the home for special education cooperatives or interlocals; as a result, on paper the amount of funding some districts receive may appear to exceed costs.

Q: Some school districts have been increasing their cash balances (savings). If schools need more special education funding, why are these reserves growing?

A: Districts keep savings on hand in fiscally responsible ways which are supported by their local communities. This includes carrying over the June special education state aid payment to ensure districts can serve special education students until the next payment arrives in October.

District cash balances don't absolve the legislature from its legal obligation to Kansas students.