

HOUSE BILL No. 2692

By Committee on Education

2-7

1 AN ACT concerning school districts; relating to students diagnosed with
2 an autism spectrum disorder; requiring the provision of applied
3 behavior analysis for such students.

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

6 Section 1. (a) Upon the request of a parent or legal guardian of a
7 student who has been diagnosed with an autism spectrum disorder, a
8 school district shall provide applied behavior analysis (ABA) therapy for
9 such student to the extent such therapy is ordered by a licensed physician,
10 licensed psychologist or licensed specialist clinical social worker, provided
11 there is a licensed clinician providing such therapy who is located within
12 the territory of the school district. If such student has an individualized
13 education program (IEP), then the provision of such therapy shall not
14 directly conflict with any of the provisions of the IEP of such student, and
15 shall not be required for the provision of free appropriate public education
16 as required by any federal or state law.

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

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

35 (d) On July 1, 2018, and each July 1 thereafter, the state board of
36 education shall determine the aggregate enrollment of students in school

1 districts in this state for the immediately preceding school year and
2 multiply such aggregate enrollment by \$4. The state board shall certify to
3 the director of accounts and reports the resulting amount. Upon receipt of
4 such certification or as soon as moneys are available, an amount equal to
5 the amount certified by the state board shall be transferred by the director
6 from the state general fund to the ABA therapy state aid fund. All transfers
7 made in accordance with the provisions of this subsection shall be
8 considered to be demand transfers from the state general fund.

9 (e) For purposes of this section, the terms "autism spectrum disorder"
10 and "applied behavior analysis" shall mean the same as those terms are
11 defined in K.S.A. 2017 Supp. 40-2,194, and amendments thereto.

12 Sec. 2. This act shall take effect and be in force from and after its
13 publication in the statute book.