

February 11, 2024

## Testimony to the House K-12 Education Budget Committee

NAME: **Leslie D. Mark**

TITLE: **Kansas Citizen / Voter**

EMAIL ADDRESS: **ldmark61@gmail.com**

BILL NUMBER: **HB2738, AN ACT revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule to distribute certain amounts of special education state aid and requiring school districts to transfer amounts attributable to the special education weighting from their supplemental general funds to their special education funds.**

PROPONENT, OPPONENT, or NEUTRAL: **Opponent**

ORAL or WRITTEN ONLY TESTIMONY: **Written Only**

Dear Chair Williams and Members of the Committee,

To restate the well-understood:

the purpose of state special education funding (K.S.A 72-3422 ) is to supplement 92% of the excess costs incurred by local education agencies (LEA's) for the provision of special education and related services for eligible students.

Whereas years of building back all elements of public education funding in Kansas, as mandated by the court in Gannon and demanded by schools, their boards, and families, has still not provided sufficient funding to meet this SPED requirement by the Kansas Legislature and LEA's continue the burdensome transfer of additional amounts, as necessary, from their General Funds in order to cover remaining costs of special education, we find ourselves deliberating harmful, deceitful SPED legislation anew.

This bill [{HB 2738}](#), introduced late last week with an expedited hearing this week, creates a significant change to the calculation used to determine excess special education costs. It was propelled by the Kansas Policy Institute, an organization with extreme positions on public education, and written without any consultation from education experts or special education stakeholders.

School districts across the state know how the \$173,000,000 special education budget shortfall is impacting every one of their students, as they cover year-to-year deficits by moving funding from general education into the SPED budget. HB 2738 creates an overly complicated calculation with unknown impact, effectively "double counting" monies for economically at-risk kids as SPED funds without recognizing that they are two different sets of needs. Furthermore, HB 2738 provides no additional funding this year nor into the future, at a time when the number of students requiring SPED services has increased and the cost of those services has risen.

I end my specific comments about the impact of HB2738 here. However, I feel compelled to **enter into public record my objection** to the intentional, ongoing, and malign dissensions by the K-12 Education Budget committee leadership, particularly Representative Kristey Williams as Chair, who repeatedly and purposefully brings forward inadequately vetted legislation in order to spread the false narrative that special education is fully funded and shirk the **state's legal responsibility** to fund 92% of excess special education costs.

The chair could/should have utilized the expertise of the Special Education Task Force before proposing changes to the SPED formula. Again, for the record, I submit that the highly irregular delay by Chair Williams (failing to call a SPED Task Force meeting until the Friday before the 2024 legislative session and allowing just 2 hours for the entirety of the committee's work) was intended to eviscerate the function and impact of the SPED Task Force.

With their hands forced and reputations on the line, members of that committee (many true experts in special education) removed Rep. Williams as chair, took time to listen to testimony from SPED stakeholders, and probed with thoughtful questions for insights into their ultimate recommendation:

***that the Kansas Legislature follow the State Board of Education's phased-in plan to fully fund SPED and commit to continued meetings.***

Now, mere weeks into the opening of the 2024 KSleg, Chair Williams has introduced a bill to abolish the Task Force she created! To reiterate, once upon a time she insisted on the imperative of a SPED Task Force to study special education before any additional funding could be allocated. Then, she cried that the subject was simply too complex for folks on the Task Force to unravel. Now, she sets a hearing on a new, extremely complex, unvetted calculation that would provide no additional funding in 2024 or in the future. This is a MAGA-extreme tactic to obfuscate, confuse, and upend normal process and government function and finally assert a policy and her will over a populace that would never approve it otherwise.

Vote an unequivocal NO on HB 2738.



Leslie D. Mark

*Mission Hills, HD 25 / Sen 7*

February 12, 2024

Testimony to the House K-12 Education Budget Committee

Emily Meissen-Sebelius

Kansas Citizen, Parent of children in public school and special education

emsebelius@gmail.com

HB 2738

Opponent

Written Only Testimony

Dear Chair & members of the committee,

I am writing to urge you to vote no on HB 2738 and voice my opposition, as a parent of children in the public education system and receiving special education services.

First of all, the state should be doing everything in it's power to fully fund special education. We are able to do this now, without changing or rewriting the formula, at the current amount specified in statute. Furthermore, a Special Education Task Force was created for the purpose of reviewing the current funding formula and determining if any changes are needed. **Please vote no on HB 2738 and refer it to the Task Force for further review.** I believe that any changes to the state's share of special education funding should be vetted by experts and stakeholders. This bill creates a completely new way of calculating funding without careful review or thoughtful consideration of its impacts.

This is incredibly important to me as a parent of a child who receives special education services. But it is also important to me because I have two other children in the public school system, and failing to fully fund special education siphons dollars away from all children, by forcing districts to cover the shortfall. I believe public schools benefit the entire community and state, as evidenced by the desire for families to live and businesses to locate in areas with quality public schools. We should be supporting and funding them at levels that allow continued quality and success.

I can personally speak to the benefits of special education, as my own child has thrived after being evaluated for special education services and receiving them. It has helped her immensely to grow academically and in terms of critical thinking and life skills. I am incredibly grateful for the services and the qualified instructors she has been able to receive services from.

HB 2738 provides no additional funding this year or in future years. Failure to provide adequate funding hurts all of our kids in public schools as districts must transfer money from their general education funds to cover the shortfall. As a parent, I also support full funding special education

funding because of the real impact shortfalls in this funding have on the entire district. Our district has been covering the shortfall in special education funding, and each year this amount increases. This means the funds to provide all needed special education services comes from our general fund budget. These funds from the general budget would otherwise be used for teachers, paras, instructional materials and other important resources that benefit all children- including those not receiving special education services.

Lastly, as a lifelong Kansas resident, I strongly believe that public schools are the bedrock of our communities, in our rural, suburban and urban areas of the state. As a family, we chose to live in Kansas, and Johnson County, specifically because of the high quality public schools. Strong public schools attract quality businesses and employers, as well as create a robust future workforce for our state. This benefits our entire state. To this end, the legislature should be looking for any ways possible to protect and enhance funding for special education services and for our public school system.

Thank you for your consideration, and sincere thank you for your service to our great state.

Emily Meissen-Sebelius  
Parent of children in Shawnee Mission School District  
Prairie Village Ks.

**John Patrick Murphy, Kansas Resident**

patpedsdoc@aol.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

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Thank you for the opportunity to share my opposition to HB2738

This bill presents a whole new calculation of funding without due diligence on its impacts to our public school students. Any recommendations to change the current method of calculating special education funding should be vetted by experts and stakeholders. In fact, a Special Education Task Force was created for just this purpose, however the members were not invited to provide input on these changes.

Additionally, the public was not given ample time to review and fully understand the implications of HB2738. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

I respectfully urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample to review and understand the drastic changes proposed to special education funding.

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME:** Adrienne Newlin

**TITLE:** Kansas citizen, mom of two, small business owner

**EMAIL ADDRESS:** adrienne.newlin@gmail.com

**BILL NUMBER:** HB 2738

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** written only testimony

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2738.

Kansans want special education fully funded and fully funded by honest and accurate means. This includes a true review by experts. A special task force was created, yet never utilized. When you continue to not fully fund special education, you are impacting district budgets and the ability to support the needs of students. We have many top-ranked districts in our state and people are choosing to move to Kansas for our public education system. Fully funding special education is a key component to our public schools!

Any attempts at changing the current method of calculating the state's share of special education funding should be vetted by experts and stakeholders. This bill creates a completely new way of calculating funding without careful review or thoughtful consideration of its impacts.

It is time for the state to meet its obligation to fund 92% of excess special education costs. School districts, the State Board of Education, and the Kansas Department of Education all recognize that special education hasn't been fully funded since 2011. The shortfall has grown to an estimated \$173 million.

This bill provides no additional funding this year or in future years. Failure to provide adequate funding hurts all of our kids in public schools as districts must transfer money from their general education funds to cover the shortfall.

A Special Education Task Force was created for the purpose of reviewing the current method of funding and determining if any changes are needed. Please vote no on HB 2738 and refer it to the Task Force for further review.

In the meantime, please follow the phase-in plans proposed by the Governor or the State Board of Education to fully fund special education. Our schools will not be fully funded until special education is fully funded.

Adrienne Newlin

Mom of two, small business owner

Overland Park

**Rebecka Noel, Kansas Resident**

ranoel214@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

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**Rebecca Obold-Geary, Kansas Resident**  
oboldgea@gmail.com

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Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

I urge you to oppose HB2738 and work collaboratively with persons to whom the funding most impacts.

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME:** Chelsea O'Donnell

**TITLE:** Kansas parent and former Infant Toddler of Johnson County board member

**EMAIL ADDRESS:** ckrohe@gmail.com

**BILL NUMBER:** HB 2738

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** written

Dear Chair & members of the committee,

Thank you for the opportunity to explain my opposition to bill HB 2738.

Please take advantage of our state's experts and send this bill to the Special Education Task Force that was established to study the current funding formula to determine if any changes are needed. Members of the Task Force have the expertise needed to ensure the calculations presented in this bill are logical and ultimately support the needs of Kansas kids.

Instead of spending time on unvetted calculations, please follow Kansas law and fully fund special education using one of the plans provided to you by the Governor and the State Board of Education. All Kansas kids are hurt by the current \$173 million shortfall, as districts must transfer general funds to cover the shortfall in special education funds. SPED services are vital to the quality of education all students deserve.

Respectfully, I ask that you vote no on HB 2738.

Chelsea O'Donnell  
Overland Park

**Nancy Pence, Kansas Resident**  
nancypence@yahoo.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

As a former educator, mother of a special education teacher, and grandmother of special education students, I fully believe in the full funding of special education programs and support of a special education formula calculated by vetted experts and stake holders. Educators have first hand experience with the impacts of this funding and their expertise should be part of the process.



Michael Poppa  
Executive Director  
contact@mainstream.vote

Tuesday, February 13, 2024, 3:30 PM  
House Committee on K-12 Education Budget  
Representative Kristey Williams, Chair

Opponent Testimony, Written-only  
HB2738 – Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.

Chair Williams and Members of the Committee,

Thank you in advance for your time and consideration.

Mainstream OPPOSES HB2738, on the grounds of furthering transparency in government. This bill fundamentally alters the funding calculation for special education without review and input from all stakeholders, including the Special Education Task Force that was created for this purpose.

Members of the public were also not given ample time to review and fully comprehend the implications of this HB2738 on public school students. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

We respectfully urge you to oppose HB2738. Please refer it to the Special Education Task Force for review and recommendation, and allow the public the time needed to review and understand the drastic changes proposed to special education funding.

**Cynthia Ralston, Kansas Resident**

cynthia.ralston@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

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Madame Chair and Members of the Committee,

**Gay Ramsey, Kansas Resident**  
gnramsey@gmail.com

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**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

Thank you for the opportunity to share my opposition to HB2738

This bill presents a whole new calculation of funding without due diligence on its impacts to our public school students. Any recommendations to change the current method of calculating special education funding should be vetted by experts and stakeholders. In fact, a Special Education Task Force was created for just this purpose, however the members were not invited to provide input on these changes.

Additionally, the public was not given ample time to review and fully understand the implications of HB2738. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

I respectfully urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample to review and understand the drastic changes proposed to special education funding.

**Claire Reagan, Kansas Resident**

clairereagankc@gmail.com

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Additionally, the public was not given ample time to review and fully understand the implications of HB2738. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

I respectfully urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample to review and understand the drastic changes proposed to special education funding.

February 12, 2024

Chairperson Williams and K-12 Education Budget Committee Members,

We are writing to you as the Special Education Leadership Team for USD 453 Leavenworth Public School (Leavenworth County). We want to express our opposition to the proposed House Bill 2738, which pertains to several provisions affecting school districts, particularly utilizing the local option budget (LOB) and Medicaid funding to be figured into the calculation for excess costs.

The arbitrary limitations imposed by the bill fail to account for the diverse needs and circumstances of students with disabilities. Many of these students require individualized support plans, specialized instructional materials, and access to assistive technologies — all of which require adequate funding and resources beyond what is currently provided. As district leaders responsible for ensuring the well-being and academic success of our students, we believe this bill poses significant challenges that could hinder our ability to provide quality education and support services to all students.

The provisions outlined in the bill regarding the LOB impose undue restrictions and limitations on the financial flexibility of school districts. Additionally, by accessing funds from the LOB, we are ultimately hindering the school district's ability to use that funding to support all students. Rather than infusing additional monies that are a statutory requirement, House Bill 2738 requires districts to utilize their LOB funds, which are typically allocated to help support all students. The impact of HB 2738 on our district would result in a loss of \$646,536 in funding. This number equates to a loss of 9 teaching positions. The long-term result of this transaction is hurting all students at the expense of covering Special Education costs, rather than addressing the real concern, which is the state's responsibility to fully fund Special Education.

The proposed bill includes the usage of Medicaid monies in the funding formula. First, these monies are fluid, meaning that districts cannot project the amount of funding they will receive each year. Many of our students do not qualify consistently for Medicaid funding throughout the year. While Student A may qualify for 12 months out of the year, Student B may only qualify for 3 months out of the year. Medicaid funding is subject to fluctuations and uncertainties, making it an unreliable source of revenue for sustaining long-term educational initiatives. Relying on Medicaid reimbursements to support essential programs and services could expose our district to financial instability and jeopardize our ability to meet the evolving needs of our students in a consistent and sustainable manner. Additionally, integrating Medicaid funding into the bill may erode local control and decision-making authority over educational matters, as it could introduce external mandates, compliance requirements, and bureaucratic oversight mechanisms that hinder our ability to adapt to local conditions and respond to the diverse needs of our student population effectively. While Medicaid funding serves as a vital source of relief, helping to alleviate some of the financial burdens associated with providing comprehensive educational services to our students, the lack of predictability serves as a barrier to consistent funding.

Moreover, the proposed bill fails to adequately address the unique challenges faced by districts with high populations of students with special needs. These students require specialized support services and resources to thrive academically and socially. For children with special needs, access to quality education and support services is paramount to their academic and personal development. By counting the general education funding that local school boards must currently transfer to special education as state-provided "special education aid", the proposed formula appears to be more calculated to guarantee superficial adherence to the 92% funding of excess cost than actually providing additional dollars to the local school district. This does not infuse additional funding into the system that the state currently has, to

ensure schools are able to meet the diverse needs of special learners. Any legislation affecting school funding must take into account the needs of these vulnerable populations and ensure equitable access to resources and opportunities.

Our professional belief is that the state legislature should strive to meet its statutory obligation to reimburse special education service costs at the mandatory rate of 92 percent of excess costs to ensure student success. We also believe the state should fund special education at the mandatory rate utilizing the current funding formula by gradually increasing funding over the next five years. At the end of those five years, a committee should review the results and make recommendations for any changes that need to be made to the formula. We cannot be certain the funding formula is 'broken' without fully funding it as intended.

Fully funded special education is good for all Kansas students. We urge you to reconsider the provisions outlined in the proposed House Bill 2738 and engage in meaningful dialogue with stakeholders across the state including building and district leadership, local board members, parents, and community members to develop legislation that supports, rather than constrains, our ability to provide quality education to all students. Thank you for your attention to this matter and for ensuring that "Kansas leads the world in the success of each student."

Dr. Cathy Redelberger  
Director of Special Education  
Cathy.Redelberger@lvpioneers.org

Dr. Rebekah Varvel  
Assistant Director of Special Education  
Rebekah.Varvel@lvpioneers.org

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**Trish Reedy**

**Kansas Citizen and parent to elementary school students**

**trish.o.reedy@gmail.com**

**BILL NUMBER: HB 2738**

**Opponent**

**WRITTEN ONLY TESTIMONY**

Dear Chair & members of the committee,

Thank you for the opportunity to explain my opposition to bill HB 2738.

This bill creates a very complicated change to the special education funding formula. Such a significant change should be reviewed and vetted by experts before being voted into law.

My daughter receives gifted education from the Blue Valley School District as regular classroom education does not meet her needs. This special classroom time is essential to her growth and development, both academically and socially.

Please send this bill to the Special Education Task Force that was established to study the current funding formula to determine if any changes are needed. Members of the Task Force have the expertise needed to ensure the calculations presented in this bill are logical and ultimately support the needs of Kansas kids.

Instead of spending time on unvetted calculations, please follow Kansas law and fully fund special education using one of the plans provided to you by the Governor and the State Board of Education. All Kansas kids are hurt by the current \$173 million shortfall, as districts must transfer general funds to cover the shortfall in special education funds.

Respectfully, I ask that you vote no on HB 2738.

Trish Reedy

Overland Park

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2738.

I am a parent of three children and a former special education teacher. As someone who has first-hand experience working as a special education teacher, I implore you to reconsider this bill.

It is clear to me that you have not visited schools, talked to parents, or interacted with special educators, because if you had taken the time to do so, you would eagerly do whatever it takes to fully fund special education. Any public school would gladly open its doors to you to show you the immense passion and talent it takes to be a special education teacher.

Please go to a school. You'll see a special education teacher sitting with a child in their classroom, helping that child participate as fully as possible with their same-aged peers with the help of assistive technology. You'll see a para-professional helping a child enjoy recess with their peers, swinging on a wheelchair-friendly platform swing.

Maybe you'll even see a child, like my own nine year-old daughter who has an IEP for a speech disorder, give a speech in front of her class and subsequently get elected to student council.

The pride this gives me as a parent? Immeasurable. The knowledge that it wouldn't have been possible without the dedication of teachers? Undeniable. These successes aren't once-in-a-lifetime events; they're very real success stories that happen every day in schools across Kansas. Amazing things are happening in schools, regardless of your support. Imagine what could happen *with* adequate funding?

The look on a child's face when they can communicate a need with a picture. The smile on the face of the child swinging with peers. The feeling my daughter had when her friends could understand her words. All because of the dedication of teachers, who are simply asking for adequate funding to pay for the assistive technology, the adaptive playground equipment, and the instructional tools their students so desperately need.

These teachers and children need you. This is their time of need, the money is available, and the power is yours. Please do the right thing and talk to schools, talk to experts, and *listen* to them.

Teachers are heroes every day and their impact is incredible. Can you be a hero for them? We only have so many chances in our lives to do the right thing. What will your impact be?

Thank you,

Katie Roltgen  
Olathe, KS

## Written Testimony Regarding HB 2738

By Dr. Ronald L. Sarnacki

Director of Special Education – Cowley County Special Services Cooperative

February 13, 2024

I am presenting testimony in opposition to HB 2738 on behalf of the six school districts who are members of our special education cooperative: Winfield USD 465 (Sponsoring District), Arkansas City USD 470, Cedar Vale USD 285, Central of Burden USD 462, Dexter USD 471, and Udall USD 463.

The current system of funding special education in Kansas (i.e., using the excess costs formula) is synergistic, and it works. Synergy involves the cooperation among multiple agencies to produce a combined effect greater than the sum of its parts. This method of funding makes it possible for each individual entity (Cooperative, Interlocal, USD) to meet the needs of its local population of exceptional students. The formula for excess costs was designed to be applied to applied to the entire state – not to each individual entity separately. That is the beauty of the system and what makes it work. The system is not broken, but if tampering occurs – the system could be broken.

Having said all this, the system in its present form does need to be fully funded in the manner that has been in existence since 92% of excess costs became statute in 2006. Synergy exists for the greater good of the whole. The method of using excess costs **in its present form** to determine special education funding over the entire state is brilliant. Disaggregating excess costs by individual USDs was never the intention of the law, is antagonistic, and creates discord and disharmony. The system was not designed to be disaggregated.

HB 2738, if adopted, would decrease the amount of revenue available to provide special education services for all exceptional students in every USD throughout the entire state. Some of the issues that our Cooperative already faces created by the shortfall in state funding for special education that already exists appear below:

1. Unfilled positions: 50 para educator positions, 5 Speech Language Pathologists (SLPs), 1 social worker, 1 special education coach position, 6 special education teachers. Our cooperative cannot afford to pay competitive rates in order to attract, hire, and retain licensed staff and/or para educators.
2. The beginning rate of pay for a para educator in the 23/24 school year is \$10.75/hour. This rate is actually an improvement over prior years, yet individuals are able to work at fast food restaurants and retail and earn more per hour than they would if they worked with children. 30 of the 66 paras who left their jobs reported that they did so to receive higher pay. Our cooperative still has 49 unfilled para positions in the 23/24 school year.
3. SLPs, who are inferior in quality and skills to those that our cooperative employs, are able to sign contracts with agencies that provide teletherapy and then charge school districts \$90/hour for their services. Compounding the problem is the fact that universities are unable to keep up with the high demand for SLPs and simply do not produce an adequate amount of SLPs both in Kansas and nation-wide.
4. Our special education cooperative is located in a rural area. Many of the teachers whom we hire and train choose to work for our cooperative for two to three years and then move away to more highly populated areas of the state where they receive higher pay or simply leave the profession.

Also, public schools are continuing to receive more and more students with increased levels and varieties of physical, cognitive, behavioral, and neurological disabilities. The increased severity level of the needs of students has resulted in increasing the costs of special education. In our Cooperative, more students are being diagnosed with severe autism, severe emotional disabilities, and significant intellectual disabilities. Additionally, these students are being diagnosed at

increasingly younger ages and require intensive special education services. These challenges make it even more difficult to meet the needs of students with exceptionalities locally.

HB 2738 also freezes the amount of special education funding in future years. If this happens, how will Kansas schools be able to provide the mandated programs required for students with disabilities and students who are gifted? The impact on our Cooperative and USDs would be devastating. Our six USDs would be scheduled to lose \$1,149,682 in state aid (i.e., a decrease in state funding of 13.5%).

The six superintendents in Cowley County and I ask the Legislature to reject HB 2738. Allow the Task Force on Special Education and Related Services Funding to serve as the vehicle moving forward to make recommendations that are in the best interest of families and children in Kansas. Thank you for your consideration.

**February 12, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME:** Debra J. Schneider

**EMAIL ADDRESS:** debschneider49@gmail.com

**BILL NUMBER:** HB 2738

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** written only testimony

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2738.

Any attempts at changing the current method of calculating the state's share of special education funding should be vetted by experts and stakeholders. This bill creates a completely new way of calculating funding without careful review or thoughtful consideration of its impacts.

It is time for the state to meet its obligation to fund 92% of excess special education costs. School districts, the State Board of Education, and the Kansas Department of Education all recognize that special education hasn't been fully funded since 2011. The shortfall has grown to an estimated \$173 million.

This bill provides no additional funding this year or in future years. Failure to provide adequate funding hurts all kids in public schools as districts must transfer money from their general education funds to cover the shortfall.

As a substitute teacher in the Shawnee Mission School District, I've seen first-hand the chaos that underfunded special education causes. Lack of paraprofessionals in the classroom, teacher burnout at a high rate and, most importantly, the students in these classes suffering because of this. I subbed for a second-year special education teacher this year. She is 25 years old and is trying to transfer out of special education, the career in which she spent 7 years pursuing a degree, because of the lack of support she receives in teaching these precious kids. It's heartbreaking to see a young, energetic teacher, who loves her kids, feel beaten down daily due to the lack of current support and the even greater lack of support she sees coming in the future.

A Special Education Task Force was created for the purpose of reviewing the current method of funding and determining if any changes are needed. Please vote no on HB 2738 and refer it to the Task Force for further review.

In the meantime, please follow the phase-in plans proposed by the Governor or the State Board of Education to fully fund special education. Our schools will not be fully funded until special education is fully funded.

Debra Schneider

Kelly Employee Substitute Teacher

Prairie Village, KS 66207

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NAME: Lee Schuenemeyer

TITLE: Leawood Parents for Education

EMAIL ADDRESS: lschuenemeyer@gmail.com

BILL NUMBER: HB 2738

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

To the Chair and Members of the Committee,

Thank you for considering my perspective on bill HB 2738. As a concerned resident of Leawood, Kansas, and on behalf of Leawood Parents for Education, I am compelled to express my strong opposition to this legislation due to its potential adverse effects on children requiring or benefiting from special education services in our state.

HB 2738 proposes complex alterations to the special education funding formula, changes that could have far-reaching consequences for our most vulnerable students. Given the significance of these modifications, it is imperative that they undergo thorough evaluation by specialists in this field. I strongly advocate for referring this bill to the Special Education Task Force. This body, established precisely for such deliberations, has the requisite knowledge and expertise to assess whether the bill's provisions align with the best interests of Kansas children.

The importance of relying on informed, expert analysis cannot be overstated, especially when the future of our children's education is at stake. The Task Force can ascertain the validity of the proposed funding formula changes and ensure that any adjustments will genuinely benefit Kansas students without unintended detriments.

Moreover, I urge the committee to prioritize the complete funding of special education as mandated by Kansas law, in alignment with recommendations from both the Governor and the State Board of Education. The current \$173 million funding deficit not only compromises the quality of special education but also places undue financial strain on our schools, forcing them to divert resources from general education funds. This shortfall undermines the educational support for all Kansas children, not just those in special education.

In conclusion, I respectfully request that you oppose HB 2738. Let us commit to a path that ensures our education system is both equitable and adequately funded, to the benefit of every child in Kansas. The future of our state's education—and our children—deserves nothing less.

Sincerely,

A handwritten signature in black ink, reading "Lee Schuenemeyer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lee Schuenemeyer

Leawood Parents for Education

Leawood, Kansas

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME: Carrie Schuenemeyer**

**TITLE: Kansas Citizen and Parent**

**EMAIL ADDRESS: carrieschuenemeyer@gmail.com**

**BILL NUMBER: HB 2738**

**OPPONENT**

**WRITTEN ONLY TESTIMONY**

Dear Chair and Members of the Committee,

I'm reaching out to express my strong opposition to bill HB 2738.

As a former educator, I've witnessed firsthand the invaluable benefits that special education services provide to a diverse array of students. These programs are essential for ensuring that all children, regardless of their unique needs, have access to quality education and the opportunity to reach their full potential. Therefore, it's imperative that we maintain a funding model that adequately supports these vital services.

As a parent, I find the lack of resources within Special Education alarming. Now with a bill wanting to further defund a needed and vital resource, it shows the lack of awareness from our elected representatives and officials of the indispensable role of public education for all children.

It's crucial that any modifications to the current approach for allocating the state's contribution to special education funding are carefully examined by experts and key stakeholders. However, this bill proposes an entirely new funding formula without adequately assessing its potential consequences.

The state has a responsibility to cover 92% of the additional costs associated with special education. Since 2011, it has been widely acknowledged by school districts, the State Board of Education, and the Kansas Department of Education that special education funding has been insufficient, leading to a deficit now estimated at \$173 million.

Regrettably, HB 2738 does not offer any increase in funding for the current or upcoming years. The lack of sufficient funding adversely affects all public school students, as districts are forced to reallocate funds from general education to make up for the funding gap.

A Special Education Task Force has been established specifically to evaluate the existing funding model and decide if revisions are necessary. I urge you to vote against HB 2738 and instead direct it to the Task Force for comprehensive evaluation.

Additionally, I recommend adhering to the incremental funding plans suggested by either the Governor or the State Board of Education to ensure special education is fully supported. Our educational system cannot be considered fully funded until special education receives the full funding it requires. All Kansas kids are hurt by the current \$173 million shortfall, as districts must transfer general funds to cover the shortfall in special education funds.

Respectfully, I ask that you vote no on HB 2738.

Sincerely,

Carrie Schuenemeyer  
Leawood, KS 66206

**Roni Schwartz, Kansas Resident**

rmschwartz55@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

Thank you for the opportunity to share my opposition to HB2738

This bill presents a whole new calculation of funding without due diligence on its impacts to our public school students. Any recommendations to change the current method of calculating special education funding should be vetted by experts and stakeholders. In fact, a Special Education Task Force was created for just this purpose, however the members were not invited to provide input on these changes.

Additionally, the public was not given ample time to review and fully understand the implications of HB2738. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

I respectfully urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample to review and understand the drastic changes proposed to special education funding.

**Sheila Sonnenschein, Kansas Resident**

ksonshine6@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

This bill has not allowed the Special Education Task Force to review and give input on this bill. Plus, the public hasn't been given enough time to understand what's in the bill. Why rush this bill? I want the children in our state who need special ed services to have the best opportunities possible to succeed. This bill would not give enough funding for educating children who need special ed services.

I urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample time to review and understand the drastic changes proposed to special education funding.

**Testimony to the Committee on K-12 Education Budget**

**NAME:** Molly C.F. Starr

**CONTACT:** [molly.fogarty@gmail.com](mailto:molly.fogarty@gmail.com) ; 779 Elm Street, Lawrence, KS 66044

**TITLE:** Parent with USD 497 school district

**EMAIL ADDRESS:** molly.fogarty@gmail.com

**BILL NUMBER:** HB 2738, Revising the special education state aid statewide costs calculation

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** Written-only testimony

**Date of Hearing:** Tuesday, February 13, 2024, 3:30 PM Room 546-S

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2738.

**HB2738 Promotes a false narrative that the legislature is fully funding special education.**

The number of students in need of special education funds has increased, as students who have had partial in-class time during the pandemic have missed out on essential learning time. Many students at Woodlawn Elementary are in need of partial funds for special education, be it for special needs, attention troubles as they have not learned how to be in a classroom (having spent formative time in virtual classrooms), are suffering from lack of funded food programs, or other occupational therapy student needs. While there is also an increased number of students transferring to our school, as schools in our district have had to close (because of lack of state funding for special education), and the students with the most special needs have come to our school, as our teachers and staff understand the need for SPED.

Currently, only the most severe of students receiving the help they need at school, thus pulling paraprofessionals and SPED teachers to be spending on-on-one time with severe students, while their intent as SPED teachers and paras is to assist teachers in helping their whole classrooms succeed and get the teaching and development they need. As teachers are left to fend for themselves with increasing special education needs with no para educators or SPED teachers to assist or give them breaks, our district is facing burnout from teachers, especially since we cannot pay them a livable wage.

**The cost to USD497 is \$8 Million**

Some of our teachers have two or more jobs, cutting lawns, for example, just to make ends meet. We need to make sure teachers are well cared for and paid a livable wage; we need to make sure students are getting the specialized instruction they need; and thirdly, we need to make sure that

Testimony to the Committee on K-12 Education Budget

Molly Starr, USD 497 Parent

779 Elm Street, Lawrence, KS 66044

these things are funded. The cost of this bill, saying that the special education funds should continue to be taken from general funds, could cost our district alone \$8 million dollars, since we are owed \$8.4 million dollars from SPED funding that is not being fully funded at the moment.

**There has been no thoughtful study of the formula**

Recalculating the costs, as the HB 2738 bill suggests, would ask them to “multiply” and “divide” counts of “full time” students that may change. The bill is extremely confusing to read, likely causing principals to do more work to try to get the money they rightly deserve to keep their schools afloat.

In closing, I ask you to vote NO on bill HB 2738.

Molly Starr  
Parent with USD 497 school district  
Lawrence, KS

**Stewart Stein, Kansas Resident**

stewartmstein@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

Education is and has been very important to our state. We are doing a wonderful job of expanding our business community with new employers moving to Kansas. We need a reputation of supporting education for all. Any action that does not show support for special needs of our children is a mark against us and unfair for those that have special needs.

Our legislators are considering tax reductions which shouldn't happen if we do not have funds to support our special needs kids.

K-12 Education Budget Committee Members:

I would like to submit the following written testimony opposing HB2738.

On behalf of USD108 Washington County Schools Board of Education, we oppose underfunding of Special Education. Our district is comprised of 352 students K-12. 68 of these students receive Special Education services. We spend an average of \$20,810 per month from our Local Option Budget to supplement the current level of Special Education funding. The \$249,720 that we supplement annually would be a huge help to provide added services and staff to help ALL students in our district. These funds would enable our district to add support programs and staff to assist the students that need extra academic help.

No matter what method is used to determine the percentage of funds directed to Special Education, the fact is we are using local tax dollars from our Local Option Budget to fund mandated services. Our students need and deserve the services and our taxpayers deserve the State doing their share as promised to fund these mandated services.

Thank you,

Rod Stewart, USD108 Board of Education President

**Linda Stinnett, Kansas Resident**

lgstinnett@kc.rr.ccom

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

Thank you for the opportunity to share my opposition to HB2738. What is the due diligence on the bill's impact to our students? Consult the experts, the Special Ed Task force, and stakeholders. The public should be provided with a chance to review and give feedback.

**USD 306 The Southeast of Saline Schools**  
***Excellence in Education...Maximizing Student Potential***

5056 E. Highway K4, Gypsum, KS 67448

Voice: 785-536-4291

e-mail: [rstumpf@usd306.org](mailto:rstumpf@usd306.org)

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**RE: HB 2738**

Ladies and gentlemen of the committee,

I am providing testimony in opposition to B 2738. The formula for calculating excess costs for special education has been in place for over 30 years. The attempt to completely rewrite this formula is obviously an attempt to sidestep the legal obligation to provide more funding toward special education. I wonder what the committee would think if KSDE decided with all the legislative initiatives to mandate certain percentages of Kansas students score a level 3 or 4 on the state assessments that we simply rewrite the tests and the cut scores so that 99% of all students scored a 4. Would that be an acceptable approach to meeting our obligations to have high scores? This bill is no different. It is obvious and a slap in the face to all the districts who know exactly how much money they are transferring to special education from our General Fund and/or LOB to cover the current state deficiency in funding those students with special needs.

My district is budgeted to transfer \$508,000 to special education from our General Fund to cover special education costs. That constitutes about 31% of our special education costs. By statute, our obligation is 8%. Changing the formula to claim the state is funding close to 100% without actually allocating any more dollars will not change the fact that we will have to transfer another half a million dollars next year to fund special education here. Your approach is smoke and mirrors and we deal in reality. These are real students and they require real resources that cost real money.

I urge you to reject this measure.

Roger Stumpf  
USD 306  
Southeast of Saline.

**Janice Summers, Kansas Resident**

janws1244@gmail.com

**Bill Number: HB2738**

*Revising the special education state aid statewide excess costs calculation to count additional funding, requiring the state board of education to determine each school district's excess costs and to establish a special education state aid equalization distribution schedule.*

**Position: Opponent Testimony, Written-only**

Hearing Date: Tuesday, February 13, 2024, at 3:30 PM

Committee: House Committee on K-12 Education Budget

Chair: Rep. Kristey Williams

Madame Chair and Members of the Committee,

Thank you for the opportunity to share my opposition to HB2738

This bill presents a whole new calculation of funding without due diligence on its impacts to our public school students. Any recommendations to change the current method of calculating special education funding should be vetted by experts and stakeholders. In fact, a Special Education Task Force was created for just this purpose, however the members were not invited to provide input on these changes.

Additionally, the public was not given ample time to review and fully understand the implications of HB2738. Conducting a transparent and accessible legislative process that provides ample opportunity for stakeholders to provide meaningful public feedback is imperative to our democratic process. However, it seems like HB2738 is being rushed through committee.

I respectfully urge you to oppose HB2738 in its current form. Instead, please refer it to the special task force for review and recommendation, and allow the public ample to review and understand the drastic changes proposed to special education funding.



Lauren Tice Miller, Lauren.TiceMiller@knea.org  
Director of Government Relations & Elections  
Written Testimony - Opponent  
House Bill 2738  
House Committee on K-12 Education Budget  
February 13, 2024

Chairwoman Williams, members of the Committee, thank you for the opportunity to submit testimony in opposition of House Bill 2738.

Kansas NEA believes that it is well established that there is nothing wrong with the existing funding formula for establishing special education excess costs. It is simply underfunded.

In January, Kansas NEA provided testimony to the 2023 Special Education and Related Services Funding Taskforce. This testimony included educator voices outlining how fully funded special education would impact their classrooms and their students. Since many of the members of this committee were not on that special task force, we wanted to include these voices in this testimony as well. They wrote:

**Jerald J. Braun Special Education Teacher, Hays Public Schools - USD 489:** *If Special Education were fully funded, my district could hire more paraprofessionals at livable wages to support student needs. Reducing inclusion class sizes would facilitate appropriate learning environments for all students. Additionally, resources and opportunities could be extended not only to traditionally recognized special education programs but also to the gifted population falling under the same special education umbrella.*

**Thomas Barker Social Studies Teacher, Lawrence Public Schools - USD 497** *In my experience, the best way to provide support for students with exceptionalities is to have special education staff that are working to make sure their needs are being met. By funding special education services at the 92% of state excess cost our district would receive an additional five million dollars in state aid. While I agree that "throwing money at the problem" does not necessarily lead to positive outcomes, the fact that the most important resources we need is that of staff to work with students with exceptionalities, then additional funding is needed to expand, retrain and recruit the number of staff that we need to allow all students to be successful.*

**Jonathan Eshnaur Special Education Teacher, Olathe Public Schools - USD 233** *...The Olathe Schools District is transferring \$28 million from the general fund to educate students. While the district's decision to spend \$28 million from the general fund is the right decision, it does impact our students in the general education classroom. The \$28 million spent on special education limits the district's ability to develop new career technical education classes, hire more classroom teachers, or provide higher pay to retain classroom teachers and other critical educators like paraprofessionals. In short, failure to fully fund special education impacts our ability to have highly trained educators and the educational resources our students need to prepare them for their futures. Funding the excess special education cost can be a game-changer for our students and provide the educational services they deserve from our public schools.*

**Brooke Wisley Special Education Teacher, Wichita Public Schools - USD 259:** *I should say if special education is fully funded, but instead – I will say when USD 259 fully funds special education, more teachers can be hired. The resources that us, as professionals feel we need to do our jobs will be provided and we can better support our students educationally and academically. Students need the programs brought back to support them, their education, their social and emotional health needs. To do this – school districts must be funded.*

House Bill 2738 is reminiscent of the fuzzy math and accounting gimmicks utilized throughout the Brownback era, especially when it came to funding our K-12 public schools. Kansas NEA believes this is yet another attempt by the Legislature to shirk their statutory obligation, and it especially disappointing to see such a proposal so soon after the Kansas Supreme Court released its jurisdiction from the Gannon case.

In short, underfunding special education is detrimental to all our students. We don't need changes to the calculations for special education funding; we need full funding to our existing formula.

We urge this committee to reject House Bill 2738.

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME:** Lisa McGahey Veglahn

**TITLE:** Kansas parent of two children who graduated from KS public schools

**EMAIL ADDRESS:** lveglahn@hotmail.com

**BILL NUMBER:** HB 2738

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** Written Only

Dear Chair & members of the committee,

I am writing to share my opposition to bill HB 2738.

Please follow Kansas law and fully fund special education using one of the plans provided to you by the Governor and the State Board of Education. Both of my children benefitted from special education programs throughout their education, and I have a number of friends whose families rely on these services to keep their students in KS public schools.

This proposed bill creates a very complicated change to the special education funding formula. I want to trust that legislators understand their responsibility to ensure that such a significant change should be reviewed and vetted by experts before being voted into law. Please send this bill to the Special Education Task Force that was established to study the current funding formula to determine if any changes are needed. Members of the Task Force have the expertise needed to ensure the calculations presented in this bill are logical and ultimately support the needs of Kansas kids.

All Kansas kids are hurt by the current \$173 million shortfall, as districts must transfer general funds to cover the shortfall in special education funds. Please follow Kansas law and fully fund special education.

Respectfully, I ask that you vote no on HB 2738.

Lisa McGahey Veglahn  
Prairie Village, KS

**House K-12 Education Budget Committee**  
**HB 2738**  
**February 13, 2024**  
**Written Opponent Testimony by: Bryce Wachs**

Chairperson Williams and K-12 committee,

I am writing to you as an educator to express my strong opposition to House Bill 2738. After thoroughly reviewing the proposed changes and their potential impacts, it is clear that this bill would significantly undermine the quality and accessibility of special education services in our state, contrary to our shared goal of ensuring that every child receives the education they deserve.

HB 2738 will recalibrate the excess cost calculations for special education, a move that could have drastic repercussions for the funding and provision of these essential services. By calculating special education excess costs at the district level without increasing the FY25 appropriation, this bill effectively freezes necessary funds at a time when costs are escalating, not static. The bill's methodology, incorporating various student weightings (such as bilingual, CTE, At-Risk, and transportation) into the special education excess cost calculation, dilutes the focus and funds away from special education. These weightings are intended to support services beyond standard educational needs, not to supplant or reduce the financial support for special education. This approach would not only limit opportunities for all students but also artificially inflate the perceived contribution of special education funding, undermining the state's commitment to cover 92% of excess costs.

The proposed triple subtraction of Local Option Budget (LOB) funds from excess cost calculations is particularly troubling. This methodology is not only confusing but fundamentally flawed, leading to a potential triple counting of some LOB funding. It's concerning that LOB funds, which are local contributions, would be considered as state contributions to special education funding. This misapplication could result in 27% of total special education expenses being inappropriately paid with LOB funds, a stark deviation from the principle that state funding should support these essential services.

In light of these concerns, I urge you to reconsider HB 2738. Our focus should be on enhancing the quality of and access to special education services, ensuring that all students receive the support they need to succeed. This bill, as it stands, threatens to undermine these goals, diminishing the state's ability to provide for its most vulnerable students.

I appreciate your attention to these critical issues and look forward to a course of action that reaffirms our state's commitment to supporting special education.

Sincerely,



Bryce Wachs  
Superintendent of Schools  
Fort Larned USD 495  
bryce.wachs@gmail.com



House Committee on K-12 Education Budget  
Kristey Williams, Chair  
February 13, 2024  
Susan Willis, Chief Financial Officer  
USD 259 - Wichita Public Schools

Chair Williams and members of the Committee:

Thank you for the opportunity to provide comments in opposition of HB 2738. If this bill's intent is to start simplifying the method to appropriate Special Education funding to schools in terms of the excess cost calculation, this bill misses the mark. HB2738 essentially requires the transfer of general funds attributable to weightings generated for other purposes into the special education fund. Wichita Public Schools would urge against requiring districts to commit a portion of total state aid intended to support Career and Technical Education, Bilingual, and At-Risk students as state aid for Special Education. The weighting formulas provided for each of the aforementioned categories already necessitate WPS to transfer amounts over and above provided state aid to fully fund services. Requiring a portion of those weightings to support special education services infringes on the adequacy of funding available for those purposes. This bill appears to be simply renaming state aid to comply with the statutory 92% excess cost funding requirement. It does not help school districts meet the needs of both special education students and all other students.

HB2738 would require districts to also commit their authorized supplemental general fund budget percentage in calculating revenues attributable to special education and related services, reduces the state's liability to fund excess cost by the average authorized LOB percentage across all districts, and then again requires school districts to reduce the equalization amount by the amount attributable to the special education weighting that is provided to the school district as supplemental state aid pursuant to K.S.A. 72-5145 for the purposes of calculating excess cost and special education equalization. The way the calculation is written requires a double accounting of LOB revenues to support special education and related services, but then also reduces the state's equalization by a third accounting on LOB funds for the supplemental state aid amount attributable to the special education weighting provided in the general fund. In Wichita Public Schools, LOB funds are already required to support At-Risk Students, Bilingual students, and transfers to funds to support over-and-above amounts received for weightings in the general fund. While WPS already budgets and transfers \$43M-\$46M per year from LOB to the special education fund, mandating LOB funds for this purpose leaves little local discretion or ability to fund other general education programs and would further restrict a fund that already has mandatory transfers established in K.S.A 72-5143.

Wichita Public Schools would advocate to have costs related to special education and related services funded at the state and federal level and have less requirements on a local tax base. Requiring revenues from local taxpayers calculated from property values to cover costs associated with federal and state mandates for a student population where services require smaller class sizes and more specialized, labor-intensive supports seems more volatile for districts to forecast revenues related to special education and related services for excess cost requirements.

Wichita Public Schools would advocate to leave language as written currently in K.S.A. 72-3422 for the purposes of calculating excess cost. The current equation proportionately requires general and supplemental general funds to support the full-time equivalent of children with exceptionalities receiving special education or related services compared to the full-time equivalent of all pupils enrolled without any duplication/triplication of revenue sources.

**February 13, 2024**

**Testimony to the House K-12 Education Budget Committee**

**NAME:** Erin Woods

**TITLE:** Kansas resident

**EMAIL ADDRESS:** ewoods999@gmail.com

**BILL NUMBER:** HB 2738

**PROPONENT, OPPONENT, or NEUTRAL:** Opponent

**ORAL or WRITTEN ONLY TESTIMONY:** Written-Only

Dear Chair & members of the committee,

I ask today that you reject HB 2738.

The legislature established a Special Education Task Force to study special education funding. The members of that Task Force expressed an interest in continuing to meet to determine if any changes were needed. Not only have they not had time to determine if any changes are warranted, but the special education experts and stakeholders on that committee or who would testify in that committee have not had an opportunity to review the complex calculations introduced in this bill for accuracy or its potential impacts.

Kansans are asking for special education to be fully funded. School districts, the Department of Education and the State Department of Education all recognize there is a shortfall of \$173 million. School districts have felt the impacts of the shortfall and all students are impacted.

Please vote no on bill HB 2738 as it feels hasty in its origination and has not had the proper time to be vetted by experts and stakeholders, let alone time for the public to thoroughly understand its impacts to be able to provide thoughtful testimony.

Erin Woods

February 13, 2024

Testimony to the House K-12 Education Budget Committee

NAME: Jami Woods

TITLE: Kansas citizen, mother, nurse, entrepreneur

EMAIL ADDRESS: jamiwoods1016@gmail.com

BILL NUMBER: HB 2738

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: written

Dear Chair & members of the committee,

Thank you for the opportunity to explain my opposition to bill HB 2738.

This bill creates a very complicated change to the special education funding formula. Such a significant change should be reviewed and vetted by experts before being voted into law.

Please send this bill to the Special Education Task Force that was established to study the current funding formula to determine if any changes are needed. Members of the Task Force have the expertise needed to ensure the calculations presented in this bill are logical and ultimately support the needs of Kansas kids.

Instead of spending time on unvetted calculations, please follow Kansas law and fully fund special education using one of the plans provided to you by the Governor and the State Board of Education. All Kansas kids are hurt by the current \$173 million shortfall, as districts must transfer general funds to cover the shortfall in special education funds.

My daughter was born with cerebral palsy & cortical visual impairment. She loves learning in school & being social with friends. In order for her to have success & thrive, she relies on

support from paras, multiple therapists (OT, PT, Speech, Vision) as well as adapted schoolwork & class setups. Passing this bill would show that disabled children are not worth allocating dollars & resources for and that is unacceptable. I see it as a vote against humanity. Disabled individuals deserve access & inclusiveness & a robust education like all children do.

Respectfully, I ask that you vote no on HB 2738.

Jami Woods RN, BSN

Leawood, KS

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House K-12 Education Budget Committee  
Written Testimony  
HB 2738, calculating special education excess costs  
Dr. Brent Yeager, Superintendent  
February 13, 2024

Chair Williams and members of the committee:

Thank you for the opportunity to provide opposition testimony on HB 2738, a bill that would amend the calculation for determining special education excess costs. We are opposed because we are drafting this testimony while still trying to determine the impact of these proposed changes on students and families receiving services. Given the number of students and families we serve and how much we invest annually in our special education programs, we urge this committee to join us in taking the time necessary to fully evaluate and understand the implications of the proposed changes.

Our testimony is intended create awareness about the student population we serve and the concerns that exist after our preliminary review.

Olathe Public Schools is the second-largest school district in the state and the largest in the Kansas City metropolitan area, with a student population of approximately 29,000 students. Our vision is to prepare all students for *their* future from early childhood all the way to our 18-21 programs; that includes our students with special needs.

The Olathe Board of Education has a long-standing position that supports increased funding for special education. **We will continue to urge legislators to fully fund special education and believe that additional investments at both the state and federal levels are necessary. But we are equally committed to engaging in a discussion about whether there are better ways to fund special education to *best meet the needs of all students across the state of Kansas.***

When I asked to serve on the Special Education Funding Task Force, it was with the hope that proposals like this would be discussed and vetted in that forum. I thought we would discuss our mutual interest in drawing down more federal dollars and how best to accomplish and, that we would also work toward being transparent about how much the state and districts spend on special education.

Given the complexity of the special education funding formula, we believe the Special Education Funding Task Force (or any school finance task force) could provide a forum for legislators and practitioners to engage in constructive conversation. With your partnership, those forums would provide access to historical information, research about programs in other states, and even foster creative conversations to bring about change.

However, we are drafting this testimony while still trying to determine the impact of these proposed changes on students and families receiving services. It appears:

- Funding remains flat from FY 2024 to FY 2025 under this proposal.
- The State Department of Education would develop a new distribution formula for any *new* funding increases. It is currently unclear how the agency would go about that and what the impact would be.
- This plan seeks to include weightings and the portion of our LOB funds deemed attributable to special education to offset excess cost. We currently transfer approximately 50 percent of our special education expenditures from the general operating budget (more details below); this has a direct impact on our ability to provide resources to all students.
- We will continue to spend more than we are receiving from other sources and will continue to spend more than most districts – in terms of dollars and as an overall percentage.

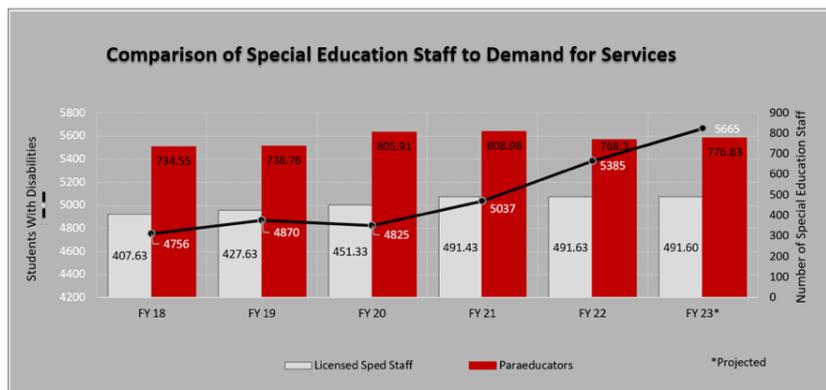
Our testimony below is intended to provide you with a greater understanding of the magnitude of our programs and the population we serve – to help you better understand what is at stake for our students. I hope that in the weeks, months, or year ahead, we will take the time necessary to meet and review proposals that will benefit students.

### By the numbers: Olathe’s special education program

Olathe Public Schools proudly provides special education services to approximately 6,000 students pre-K through 21. Within those numbers, nearly 10 percent are gifted. We work alongside each of these families to determine what programs, services, and personnel are both appropriate and necessary to help students excel while considering the least restrictive environment, which in some cases, requires outside placements to best meet their needs.

The district’s special education population continues to increase annually.

This critical work begins with the highly qualified and professional staff that we recruit to work with our students. We have more than 1,000+ special education staff members committed to showing up every day to do what is best for the students they serve. These individuals work in some of our most physically and emotionally challenging situations to ensure we provide the appropriate learning environment and opportunities for our students.



The starting salary for our licensed educators is \$46,000 and our starting pay for our paraprofessionals is around \$15/hour depending on experience. Our district is not alone in the struggle to recruit personnel in all areas. We currently have more than 20 licensed positions that are filled with long-term substitutes and another 120 paraprofessional openings available today. In

addition, these openings place greater pressure and responsibility on our current staff to meet the needs of all students.

Not only does the demand for special education services continue to grow, but the cost to provide services increases every year. As you can see in the table provided, our district commits significant resources from our general fund to fill the void created by not being funded at 92% of excess costs. This means that in the last three years, we have transferred nearly \$100 million from our general fund to support our special education programs. Transferring substantial amounts of money out of our general fund impacts our ability to provide resources to all students and to provide the salary and benefits that our staff deserve.

**The current formula for excess cost is inequitable and does not meet the needs of all students**

*Though we are the second largest district in the state serving a special education population that is larger than most districts in the state, our percentage of excess cost reimbursement is one of the lowest in the state. Oftentimes the lowest. As a district, this is not sustainable.* Under federal law, our district must provide students with disabilities with the specialized instruction and supports they deserve.

Olathe Public Schools is matching, almost dollar-for-dollar, the amount of special education funding received from the state. The chart below shows what our actual expenditures were for FY 2022 and FY 2023 and what our anticipated costs are for FY 2024.

	FY 2022		FY 2023		Projected FY 2024	
SPED State Aid	\$34,278,255	54%	\$35,939,864	51%	\$37,851,861	52%
Transfer from Gen Ed to SPED	<b>\$28,778,775</b>	<b>46%</b>	<b>\$34,490,768</b>	<b>49%</b>	<b>\$35,132,471</b>	<b>48%</b>
Total	\$63,057,030	100%	\$70,430,632	100%	\$72,984,332	100%

We understand it may take time and that there are legitimate concerns and challenges that come with any change. We further believe that it is in our student’s best interest to fund the Governor’s budget request for special education in FY 2025 and to continue to study special education. **We are prepared to work with legislators and our education colleagues across the state to come up with a solution that ensures all students have access to the programs and services they are entitled to.**

In closing, we recognize that there are many competing priorities for state resources, but we strongly believe that addressing the issues outlined above is critical. We believe that an investment in our schools is an investment in our state and its future economic growth. If you have any questions, please contact me at (913) 780-8032.



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District 7

Betty J. Arnold  
District 8

Jim Porter  
District 9

Jim McNiece  
District 10

TESTIMONY IN OPPOSITION TO HB 2738 (written only)  
K-12 EDUCATION BUDGET COMMITTEE  
FEBRUARY 13, 2024

Madam Chair and Committee members:

Thank you for allowing us to testify on behalf of the Kansas State Board of Education (KSBE) in opposition to HB 2738. HB 2738 proposes to change the way excess costs are calculated for special education expenses in K-12 schools and other modifications.

The needs of special education students, and the funding formula used to calculate the cost of providing those services are complex, so it is critical we get this right. This bill contains calculations and the misapplication of weightings that are very concerning.

We will attempt to outline these concerns.

## NEW SECTION 1 AND SECTION 2

New Section 1 and Section 2 both make changes to the special education excess cost calculations currently used to appropriate special education funding. New Section 1 calculates special education excess cost at the district level. District level excess cost would only be used for special education state aid above the FY24 appropriation. Since the bill sets the FY25 appropriation at the same level as FY24, New Section 1 would not be used at this time. However, as written, the bill appears to use the same method in both New Section 1 and Section 2.

### Modified Special Education Excess Cost Calculations

Section 2, Statewide.

**Weightings:** The new excess cost calculation includes all student weightings. This includes bilingual, CTE, At-Risk, and regular transportation. Although special education students may qualify for one or more of these weightings, it would not be part of their special education services. These weightings are used to help fund the cost of providing services beyond typical educational expenses. Counting these weightings toward special education excess costs reduces the amount of funds available for all students and limits their opportunities.

*Kansas leads the world in the success of each student.*

Clearly, counting all the weightings will show an increase in the regular education contribution thereby decreasing the amount of special education state aid required to reach the state's responsibility of funding 92% of excess costs.

**Local Option Budget (LOB):** The new excess cost calculation subtracts LOB funding three times from excess costs.

1. The LOB attributed to special education students being enrolled in the district. Although this is similar to the current excess cost calculation, it claims more LOB toward the state's portion since more weightings are included in the calculation.
2. An amount equal to the statewide average LOB percentage is removed from the excess special education costs (after federal funds and regular education funding are subtracted). This appears to be a misapplication of the LOB percentage since it was never intended to be applied to expenses.
3. Additionally, nearly 60% of the funds that the state would be claiming comes from local mill levies. This calculation is done after the first amount of LOB is subtracted, which appears to double count some funding.
4. The equalized portion of the LOB attributable to special education state aid being included in each district's LOB calculation is subtracted. This is especially concerning since this funding was already subtracted in the previous two steps. This could triple count some LOB funding.

Based on statewide calculations using FY24 estimates, 27% of total special education expenses would be paid with LOB funds.

Since LOB is defined as a local contribution, it is counter intuitive that any LOB is counted as a state contribution, let alone having it counted multiple times.

**Excess Cost Percentage:** Using the proposed excess cost calculation, the state's current funding level of 69% of special education excess cost would now show the state to be funding 109% without any increase in the appropriation.

Given that the changes to the calculation involve funding that is already designated for specific programming other than special education, it is difficult to comprehend how this is a state contribution for special education expenditures. Additionally, counting more than \$300,000,000 in locally authorized funding does not fit the definition of a state contribution.

It is important to note that the current special education excess cost formula was approved as part of the last two Supreme Court cases (Montoy and Gannon). Significantly changing the

excess cost calculation to reduce the appropriation needed to reach the 92% requirement would appear to be a violation of both rulings.

**Appropriation:** The bill sets the FY25 appropriation at the FY24 level removing the \$7.5 million that has already been appropriated.

**Additional Funding:** For FY25, \$528,018,516 (the FY24 appropriation) would be distributed in a manner very similar to FY24. This means that districts would receive nearly the same amount of special education state aid as they did this year. If any other funds are appropriated, they would be distributed based on a formula developed by the KSBE that considers the excess costs by district.

## CONCLUSION

If the legislature is serious about its expressed desire to work collaboratively with the KSBE, there is no better place to start than right here. This bill does not provide for the needs of our students. As we testified on HB 2594, the needs of special education students, and the methods needed to calculate the cost of providing those services are complex. The KSBE supports the continuance of the special education and related services funding task force. Once that group of experts has completed its work, then other fiscal experts should work with the Legislature to determine a fair way to calculate costs and distribute special education funds. Such important matters should not be decided by one group or one legislator on such short notice. Even the best experts in the field are having a difficult time wading through all the calculations.

We appreciate your time and hope the Committee will oppose HB 2738.

**From:** [Sheena Foye](#)  
**To:** [K12 Budget](#)  
**Subject:** Opposition to HB2738  
**Date:** Sunday, February 11, 2024 2:11:45 PM

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EXTERNAL: This email originated from outside the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2738.

Any attempts at changing the current method of calculating the state's share of special education funding should be vetted by experts and stakeholders. This bill creates a completely new way of calculating funding without careful review or thoughtful consideration of its impacts. My sister has Down syndrome and I personally saw how a well funded special education program had long lasting benefits to her life.

It is time for the state to meet its obligation to fund 92% of excess special education costs. School districts, the State Board of Education, and the Kansas Department of Education all recognize that special education hasn't been fully funded since 2011. The shortfall has grown to an estimated \$173 million.

This bill provides no additional funding this year or in future years. Failure to provide adequate funding hurts all of our kids in public schools as districts must transfer money from their general education funds to cover the shortfall.

A Special Education Task Force was created for the purpose of reviewing the current method of funding and determining if any changes are needed. Please vote no on HB 2738 and refer it to the Task Force for further review.

In the meantime, please follow the phase-in plans proposed by the Governor or the State Board of Education to fully fund special education. Our schools will not be fully funded until special education is fully funded.

Please vote no.

Sincerely,

Sheena Wilson, Overland Park mom and attorney.

Sent from my iPhone