



Oral opponent testimony before the
House K-12 Education Budget

On

HB 2738 - Revising the special education statewide excess costs calculation to count additional
funding

By

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Thank you for the opportunity to present testimony on HB 2738. It is very difficult to understand the bill and we feel it has several errors when attempting to calculate funds for special education.

Some of these errors include:

Errors in Sections 1 and 2. Sections 1 and 2 make changes to the special education excess cost calculations currently used to appropriate special education funding. 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, section 1 would not be used at this time. However, section 1 and section 2 seem to use the same method.

Student 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. All of these weightings are to provide services beyond typical educational expenses. Counting these weightings towards special education excess costs will limit opportunities for all students. In addition, counting all of the weightings increases the regular education contribution which would decrease the amount of special education state aid needed to reach 92% of excess costs.

LOB: The new excess cost calculation subtracts LOB funding three different times from excess costs. Since LOB (local option budget) is by definition a local contribution, why is it that any LOB is counted as a state contribution, let alone having it counted multiple times.

Excess Cost Calculation: It is also important to point out 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%, it would appear to be a violation of both court rulings. Is it a coincidence that in less than a week after the Kansas Supreme Court released the Gannon case, HB 2738 was introduced which violates the Gannon ruling?

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

These are just some of the errors that are written into this bill. It appears it has been hastily drafted with the intent to reduce the amount of state funds going to public schools. For these reasons we are opposed to HB 2738.