

## Special Education Costs

**FACTS:** Local school districts across Kansas are budgeting to pay over \$155 million in unreimbursed costs for mandated special education services this school year.<sup>1</sup> The unreimbursed expenses must be paid for from local district general operating budgets. Keep in mind:



These recurring excess cost estimates are recognized as valid by the professional Kansas agencies and organizations: Consensus Revenue Estimate Group (CREG), Legislative Research Department (KLRD), Legislative Post Audit (KSLPA), Governor's Office, Department of Education (KSDE), State Board of Education (SBOE), Kansas Association of School Boards (KASB), Kansas National Education Association (KNEA) and United School Administrators of Kansas (USA|KS).



The majority of students receiving special education services spend the majority of their time in general education classrooms and activities. This means that these students incur both general and special education costs.<sup>2</sup>

**MYTH:** Kansas public schools are reimbursed for over 100% of special education costs.

**Fact 1 – Mandate.** Federal law was passed in 1975 to ensure that students with disabilities received a **free appropriate public education (FAPE)** along with their peers without disabilities, currently known as the **Individuals with Disabilities Education Act (IDEA)**.<sup>3</sup> States and local school districts are required to support students with disabilities in the **least restrictive educational environment (LRE)**, from ages 3 to 21 years—providing up to 6 additional years of education. Public school districts and special education cooperatives “must provide these services regardless of the cost to the organization.”<sup>4</sup>

### Kansas Stats (school year 2021)<sup>5</sup>

- ▶ Special education student-teacher ratio about 20:1
- ▶ **88,622 Students with IEPs**
  - ▷ 78,273 Students with IEPs for disability
  - ▷ 10,349 Students with IEP for gifted services
- ▶ 4,470 Special education teachers
- ▶ 6,857 Paraprofessionals to support instruction

**Fact 2 – Federal funding shortfall.** When the federal mandate was adopted, Congress promised to allocate revenue for up to 40% of the excess costs of special education services. Federal reimbursement has never even reached 15% of the costs in over 45 years.<sup>6</sup> Federal support in school year 2021, was on average \$1,739 per student with a disability.<sup>7</sup>

**Fact 3 – State shortfall, funding less than 92%.** Kansas special education funding formula was set into law in 2005 and mandates the state legislature to funding 92% of the excess costs of special education

services.<sup>8</sup> The state's responsibility was defined with a focus on the **actual costs** of providing students with the opportunity to achieve their education goals. State reimbursement has been **below state law** since 2012, leaving local districts to cover \$105 million out of their general operating budgets last year - and another projected \$155 million this school year.<sup>9</sup>

Shifting the financial burden to local districts has undermined the impact of the school finance agreement under the Gannon State Supreme Court ruling. When funds intended to cover the actual costs of general education must be diverted, all students struggle especially youth with learning challenges due to disability, poverty, and/or language barriers.

What is  
Gannon?  
[read here](#)<sup>10</sup>

**Fact 4 – Costs of Special Education Services.** The cost of special education services in Kansas were estimated to range from \$12,400 to \$19,200 per pupil, in 2018, varying in relation to students' needs.<sup>11</sup> The majority of costs are for personnel. Costs to districts include:

- ▶ special education teachers, paras and related services personnel—psychologists, social workers, nurses, speech pathologists, OT/PT and such
- ▶ special transportation
- ▶ medical equipment and supplies
- ▶ instructional equipment and supplies
- ▶ payment for out-of-districts services for students whose needs cannot be met otherwise

- ▶ state mandates that exceed federal requirements:
  - ▷ services for gifted students
  - ▷ services for students enrolled in private schools
  - ▷ services beginning age 3 and up to 22 years depending on birthdate
  - ▷ dyslexia screening and teacher training
  - ▷ Language Assessment Program for hearing impaired
  - ▷ services cannot change by more than 25% or end unless parent signs off

**Fact 5 – Maintenance of Effort (MOE).** The special education MOE is a federal requirement to spend at least the same amount of local and state funding for the program, and related services, as it expended in the previous fiscal year.<sup>12</sup> The federal grant program carries a potential financial penalty if the MOE is not upheld. Consider, any bill passed by the legislature, with a fiscal note reflecting annual costs for implementation of that law, is an implicit MOE requirement that will be incurred as long as that law is in place.

**Fact 6. Two Formulas.** The state uses one method to estimate the actual costs of special education services for the coming year, to get as close as possible without going over. This cost-estimate method is structured for budgeting purposes and is different from the statutory formula used to distribute the special education funds.

**Fact 7 – Special Education Services.** The federal and state mandates direct public schools to make **special accommodations and modifications** for students with disabilities to facilitate access to the general education curriculum and typical school experiences in the LRE. The accommodations are

written into an Individualized Education Program (IEP) developed by parents, students and educators and have real costs that exceed base aid. The IEP essentially serves as a contract, in which excess costs are generated for case management, individualized plans and instruction, adaptive resources, door-to-door transportation, medical support, formal assessments, pre-referral interventions and/or more.

**Fact 8 – Responsibilities of Special Education Teachers.** In 2021 about 4,470 special education teachers were responsible for 88,622 students with IEPs.<sup>13</sup> Their responsibilities include:

- ▶ Direct Instruction: Preparing instructional plans and delivering direct instruction (based on minutes of service)
- ▶ Case Management:
  - ▷ coordinating formal evaluation and assessment of students’ potential needs, with school psychologists and other educators (being careful not to over or under identify)
  - ▷ preparing instructional plans and collaboration with general education teachers, paraprofessionals and resource staff to deliver instruction as well
  - ▷ development and routine review of each student’s IEP
  - ▷ ongoing progress monitoring for each student with an IEP
  - ▷ documentation for compliance and accountability
  - ▷ participation in any dispute resolution (due process outlined in IDEA).

**If not now,  
WHEN?**

Kansas current surplus is close to \$3 billion.<sup>14</sup>

[www.kansas-pta.org](http://www.kansas-pta.org)

**Endnotes.**

- 1 CREG (2022). The Consensus Revenue Estimating Group of the state budget office computes the annual special education cost estimates.
- 2 Kansas Legislative Post Audit (2015). Abridged Cost Study Analysis, p.48. [20170123\\_02.pdf \(kslegislature.org\)](https://kslegislature.org/20170123_02.pdf)
- 3 Individuals with Disabilities Act (IDEA). <https://sites.ed.gov/idea/>
- 4 Kansas Legislative Post Audit (2018). K-12: Special Education, p. 9. [18-012 - K-12 Education: Special Education \(kslpa.org\)](https://kslpa.org/18-012-K-12-Education-Special-Education.pdf)
- 5 Kansas Department of Education (2021). [Data Central \(ksde.org\)](https://ksde.org/data-central/)
- 6 Education Week (2020). [Why the Feds Still Fall Short on Special Education Funding \(edweek.org\)](https://edweek.org/why-the-feds-still-fall-short-on-special-education-funding/)
- 7 Office of Special Education Programs (2021). Budget, p. 21. [i-special-ed](https://ksde.org/i-special-ed/); Tallman (2022, July) [Federal Funding Shortfall \(kasb.org\)](https://kasb.org/federal-funding-shortfall/)
- 8 KS LPA (2015). p. 43 [20170123\\_02.pdf \(kslegislature.org\)](https://kslegislature.org/20170123_02.pdf)
- 9 KASB (2022, April). [Kansas Special Education Funding - News \(kasb.org\)](https://kasb.org/kansas-special-education-funding-news/)
- 10 Kansas Revisors Office (2019). [Gannon VII Comprehensive Summary Revisor of Statutes FINAL June 21.pdf \(ksrevisor.org\)](https://ksrevisor.org/gannon-vii-comprehensive-summary-revisor-of-statutes-final-june-21.pdf)
- 11 KS LPA (2018). p 15. [18-012 - K-12 Education: Special Education \(kslpa.org\)](https://kslpa.org/18-012-K-12-Education-Special-Education.pdf)
- 12 KSDE (2010). [IV.D.1 Understanding MOE.pdf \(ksde.org\)](https://ksde.org/iv-d-1-understanding-moe.pdf)
- 13 KSDE (2021). [Data Central \(ksde.org\)](https://ksde.org/data-central/)
- 14 CJOnline (2022, June). [Kansas economy and taxes produce state budget surplus, rainy day fund \(cjonline.com\)](https://cjonline.com/kansas-economy-and-taxes-produce-state-budget-surplus-rainy-day-fund/)