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**February 13, 2023**

Written Testimony to House K-12 Education Budget Committee  
Honorable Chair, Representative Kristey Williams  
Room 352-S, State Capitol Building  
[Garret.Belknap@house.ks.gov](mailto:Garret.Belknap@house.ks.gov), Committee Assistant

**Testimony on K-12 Budget**

Monday, February 13, 2023, 3:30 PM Room 546-S

Honorable Chairman Williams and Committee Members,

Kansas PTA urges members of the House K-12 Budget Committee to fully support the Education Budget as submitted in the [Governor's Budget](#), and in alignment with the [Kansas PTA legislative priorities and standing positions](#).

The Kansas PTA supports full funding of the general education school finance formula, including the adjustment for inflation agreed upon between the Kansas legislature and the Kansas Supreme Court in 2019 (Gannon case) as well as the additional at-risk funding for students who attend schools in communities with exceptionally high rates of poverty (the high-density at-risk weighting).

The Kansas PTA supports full funding of special education, up to 92% of excess costs. This school year, our public schools are having to take about \$160 million out of the general education budget to cover the expenses for these important, yet mandated services. Our position and concerns regarding special education funding are noted in the attached [Issue 11, Special Education Myth Busters \(2022\)](#).

The parents and teachers of the Kansas PTA value our neighborhood and community public schools. We also recognize that strong public schools are vital for the health of our state. A robust public education system that provides quality access to all students in their neighborhoods and communities, regardless of zip code, **is a public good** and a benefit beyond those of parents and students.

“The legislature affirms that a quality, individualized education provides an essential pathway to success, not only for each student but for the prosperity and stability of the state” (p.1, lines 5-7, HB 2218).

Kansas PTA urges committee members for support the Governor’s Budget for Education. We call to your attention just a few of the legislative requirements placed upon Kansas public schools, appended in footnotes. We applaud the efforts of Kansas educators to continually beat the odds (see [KASB Fact Sheet](#) also attached) We thank you for your time and consideration.

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Cc: Brooke Burkett, VP of Advocacy;  
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### **THE PTA POSITION**

*Kansas PTA is a nonpartisan association that promotes the welfare of children and youth. The PTA does not endorse any candidate or political party. Rather, we advocate for policies and legislation that affect Kansas youth in alignment with our legislative platform and priorities. [PTA mission and purpose](#) have remained the same since our inception over 100 years ago, focused on facilitating every child’s potential and empowering families and communities to advocate for all children.*

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### **Example of rules noted in the [articles of Kansas Statute](#) guiding education.**

The very rules and regulations regarding equity, adequacy, curriculum requirements, accessibility, fiscal transparency explicitly adopted by the Kansas legislature, in the name of oversight of public funds, are NOT included in this bill. It is difficult to reconcile the absence of language in this bill regarding the use of public funds by private, non-public school systems and the expectations of this committee for the use of public dollars in the public education system.

**72-3218. Accredited schools; mandatory subjects and areas of instruction;** legislative goal of providing certain educational capacities. (a) In addition to subjects or areas of instruction required by K.S.A. 72-3214, 72-3217, 72-3232, 72-3235 and 72-3236, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education. (b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education. (c) Subjects and areas of instruction shall be designed by the state board of education to achieve the goal established by the legislature of providing each and every child with at least the following capacities: (1) Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (2) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices; (3) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (4) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (5) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (6) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (7) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market. (d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.

KESA Accreditation (which is different from 72-5170. Same; school district accreditation system, accountability plan; curriculum standards; statewide assessments; school site councils. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon

improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable through the Kansas education systems accreditation rules and regulations, or any successor accreditation system and accountability plan adopted by the state board. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before January 15 of each year, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature. (2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school. All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2022 Supp. 72-1181, and amendments thereto. (3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website in accordance with K.S.A. 2022 Supp. 72-1181, and amendments thereto. (4) If a school district is not accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming accredited. (b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum. (c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments. (d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board. (e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board. (f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

**72-3217. Required courses of instruction; graduation requirements.** All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school.

**72-3219. Academic achievement testing program;** report. In each school year, the board of education of every school district shall cause to have prepared a report concerning the academic achievement testing program conducted during the school term to assess the educational performance of pupils enrolled in the school district. The report shall be presented at a regular meeting of the board of education in a form and manner determined and specified by it.

**72-3123 (Open Enrollment). Nonresident pupils; attendance in school.** (a) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district. b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement.

**72-3124. Same; provision of transportation authorized; applicability; conditions.** (a) As used in this section: (b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.

**72-3214. Required subjects in elementary schools.** Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents.

**KSA 72-3231 Character Development Programs.** (a) Upon request of a school district, the state board shall assist in the development of a grade appropriate curriculum for character development programs which may be offered to students in the school district. Nothing in this subsection shall be construed as requiring the state board to develop a new curriculum or a new character development program. (b) As used in this section: (1) "Character development program" means a program which is secular in nature and which stresses character qualities (2) "Character qualities" means positive character qualities which include, but is not limited to, honesty, responsibility, attentiveness, patience, kindness, respect, self-control, tolerance, cooperation, initiative, patriotism and citizenship. (3) "State board" means the state board of education.

**KSA 72-3233. Celebrate freedom week.** (a) In order to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week of September containing the 17th day of such month in each year thereafter is hereby designated as "celebrate freedom week" in each public school offering any of the grades kindergarten through eight. (b) The state board of education, in cooperation with such other state agencies or private entities who voluntarily participate, shall promote "celebrate freedom week" through a coordinated program. (c) For purposes of this section, Sunday is deemed to be the first day of the week.

**KSA 72-3234. Same; state board of education; rules and regulations.** On or before December 31, 2013, the state board of education shall adopt rules and regulations requiring appropriate instruction be provided as part of the curriculum for grades kindergarten through eight on history and government concerning the original intent, meaning and importance of the declaration of independence and the United States constitution, including the bill of rights of the United States constitution, in their historical contexts. The religious references in the writings of the founding fathers shall not be censored when presented as part of such instruction. Such rules and regulations shall provide that the study of the declaration of independence include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of such ideas to the rich diversity of our people as a nation of immigrants, the American revolution, the formulation of the United States

constitution and the abolitionist movement, which led to the emancipation proclamation and the women's suffrage movement. Such instruction shall be taught during "celebrate freedom week," established under K.S.A. [72-3233](#), and amendments thereto, or during such other full school week as determined by the board of education of the school district.

**72-3235. Kansas history and government, required course; duties of state board.** (a) The state board of education shall provide for a course of instruction in Kansas history and government, which shall be required for all students graduating from an accredited high school in this state. (b) The state board of education shall prescribe the school year, not later than the 1990-91 school year, in which the requirement of subsection (a) shall become applicable and may provide for such waivers from the requirement as the board deems appropriate.

**72-3236. Personal financial literacy programs; development and implementation.** (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy. (b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy. (c) The state board of education shall develop state curriculum standards for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum. (d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy. (e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 72-5170, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.

**72-3237. Disability history and awareness; objectives, guidelines and goals.** (a) The state board of education shall designate a period of time each school year as a time for disability history and awareness. (b) The state board of education shall develop objectives and guidelines for disability history and awareness, for all grade levels, within the existing curriculum for history, social studies or other appropriate subject-matter curriculum. The components of disability history and awareness may include, but not be limited to, the events and time lines relating to the development and evolution of services provided to individuals with disabilities and information relating to the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders. (c) The goals of disability history and awareness instruction include: (1) Encouraging the better treatment of individuals with disabilities, especially for school-age children. (2) Increasing attention to the prevention of bullying or harassment of students with disabilities. (3) Encouraging the development of self-esteem in individuals with disabilities. (4) Encouraging individuals with disabilities to obtain a postsecondary education which will empower such individuals to enter the workforce and contribute to their communities. (5) Reaffirming the local, state and federal commitment to providing an equal opportunity for, and the full inclusion in society of, all individuals with disabilities. (d) Each school district shall include disability history and awareness within the district's curriculum as deemed appropriate by the district.

**72-3239. Extraordinary school programs; authority to establish, operate and maintain; fees, collection, limitations, disposition; fund.** (a) The board of education of any school district may: (1) Establish, operate and maintain an extraordinary school program for pupils who meet the district's criteria for attendance of such programs; (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of an extraordinary school program for pupils; and (3) prescribe and collect fees for providing an extraordinary school program for pupils or provide such program without charge. (b) Fees for providing an extraordinary school program for pupils shall be prescribed and collected only to recover the cost incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.

(c) No school district may collect fees for providing an extraordinary school program for pupils who are required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child or who are eligible for free or reduced price meals under the national school lunch act. (d) There is hereby established in every district which establishes, operates and maintains an extraordinary school program a fund which shall be called the extraordinary school program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for extraordinary school programs shall be credited to the extraordinary school program fund. The expenses of a district directly attributable to extraordinary school programs shall be paid from the extraordinary school program fund. (e) As used in this section, the term "extraordinary school program" means a program which is established by the board of education of a school district, operated before or after regular school hours during the regular school term, and maintained for any or all of the following purposes: (1) Providing pupils with additional time to achieve learner exit or improvement plan outcomes; (2) giving pupils remedial instruction or independent study assistance; (3) affording pupils an opportunity to strengthen or attain mastery of basic or higher order thinking skills; and (4) conducting special projects and activities designed to enrich and enhance the educational experience of pupils.

**72-3251. American sign language; definitions.** As used in this act: (a) "Accredited school" means any elementary or secondary school maintained and operated by a school district and any accredited nonpublic school offering any of grades kindergarten through 12. (b) "State educational institution" has the meaning ascribed thereto in K.S.A. [76-711](#), and amendments thereto. **72-3251. American sign language; definitions.** As used in this act: (a) "Accredited school" means any elementary or secondary school maintained and operated by a school district and any accredited nonpublic school offering any of grades kindergarten through 12. (b) "State educational institution" has the meaning ascribed thereto in K.S.A. [76-711](#), and amendments thereto. **72-3253. Same; instruction in accredited schools authorized.** The state board of education may provide for the teaching of American sign language in accredited schools and all pupils thereof, whether hearing, deaf or hard of hearing, may be given instruction in American sign language.

**72-3254. Same; elective courses at state educational institutions; credit toward satisfaction of foreign language requirement.** Any state educational institution may offer an elective course in American Sign Language. Students enrolled at any of the state educational institutions which offer a course in American Sign Language may enroll in such course and with the concurrence of the state educational institution may count credit received for the course toward satisfaction of a foreign language requirement of the institution.

**72-3255. Promoting advancement in computing knowledge act; citation of act.** The provisions of K.S.A. 2022 Supp. 72-3255 through [72-3258](#), and amendments thereto, shall be known and may be cited as the promoting advancement in computing knowledge act.

**72-3257. Same; computer science courses required; progress reports by state board of education; expiration of section.** (a) Beginning in the 2023-2024 school year, each secondary school operated by a school district shall offer at least one computer science course or a school district shall submit a plan to the state board of education describing how such district intends to offer such course and the school year such course will first be offered. (b) A computer science course offered pursuant to this section shall: (1) Be high quality; (2) meet or exceed the Kansas model standards for computer science established by the state board of education; and (3) be made available in a traditional classroom setting, blended learning environment, online-based or other technology-based format that is tailored to meet the needs of each secondary school and each participating student. (c) (1) On or before January 15, 2023, and each January 15 thereafter, the state board shall prepare and submit a report to the governor and the legislature on the progress made pursuant to this act. Such report shall include for the immediately preceding school year: (A) The number of secondary schools that offered at least one computer science course; (B) the number of high-quality professional learning providers that received grants pursuant to K.S.A. 2022 Supp. [72-3258](#), and amendments thereto; (C) the number of teachers prepared by high-quality professional learning providers; (D) the number of teachers teaching computer science courses as compared to the number of teachers prepared by high-quality professional learning providers; and (E) the number of students reached, including the number and percentage of such students disaggregated by gender, race, ethnicity and socioeconomic status, by high-quality professional learning providers.

**72-3261. Legislative declaration affirming focus on academic achievement and the promotion of excellence in education.** (a) The legislature hereby affirms that excellence in education provides an essential gateway to success

not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

**72-3262. Every child can read act; attainment of proficiency in literacy; requirements of school districts; annual reports.** (a) This section shall be known and may be cited as the every child can read act. (b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy: (1) Phonics, phonological and phonemic awareness; (2) vocabulary development; (3) silent and oral reading fluency; and (4) reading comprehension. (c) To promote the goals of the every child can read act, the board of education of each school district shall: (1) Measure student achievement by participation in the state assessment program and through other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education; (2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and (3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with: (A) A summary of the every child can read act and the literacy goals of the act; (B) any assessment data relating to literacy that pertains to the student; (C) any recommended interventions for the student; and (D) how the school district tracks the outcomes of any such interventions. (d) (1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include: (A) The number of third grade students in such school district; (B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and (C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups. (2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

**72-6147. Bullying, school district policies.** (a) As used in this section: (1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that such gesture, act or threat creates an intimidating, threatening or abusive educational environment that a reasonable person, under the circumstances, knows or should know will have the effect of: (i) Harming a student or staff member, whether physically or mentally; (ii) damaging a student's or staff member's property; (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property; (B) cyberbullying; or (C) any other form of intimidation or harassment prohibited by the board of

education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. [72-1138](#), and amendments thereto. (2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites. (3) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child. (4) "School district" or "district" means any unified school district organized and operating under the laws of this state. (5) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event. (6) "Staff member" means any person employed by a school district. (b) The board of education of each school district shall adopt a policy to prohibit bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event. (c) The board of education of each school district shall adopt and implement a plan to address bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students. (d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. [72-1138](#), and amendments thereto. (e) Nothing in this section shall be construed to limit or supersede or in any manner affect or diminish the requirements of compliance by a staff member with the provisions of K.S.A. [38-2223](#) or [38-2226](#), and amendments thereto.



## 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.**

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- 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/)
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- 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/)



# Kansas Education Facts

January 2023



## Students

Kansas public schools enroll approximately 90% of the school-aged population of the state. About 5% of other children attend accredited private schools. The rest attend non-accredited private and home schools, which do not have to report enrollment.

Kansas public school districts enrolled over 484,000 students this year by headcount. In 2020, enrollment hit a record high of 492,000, but dropped due to the impacts of the COVID-19 pandemic. In the past two years, Kansas regained half of the enrollment numbers lost.

Over the past 25 years, the number of racial and ethnic minority students in Kansas has increased from less than 15% to nearly 40% in public schools and from less than 12 to 30% in private schools.

Since 2000, public school students eligible for free and reduced-price meals increased from less than one-third to nearly one-half; in private schools, from one-tenth to one-fifth.

Since 1994, public school students with disabilities doubled, from less than 7% to over 16%; in private schools, from 2% to 5%. Public schools provide special education services to private school students as well.

## Teachers & Staff

Kansas public schools employ over 72,000 full-time equivalent (FTE) positions. This total does not include part-time positions. This number accounts for about 5% of total employment in Kansas, excluding farming-related careers.

The total 72,000 FTE positions in Kansas break down as follows.

Approximately 80%:

- 35,000 teachers
- 10,000 special education paraprofessionals and classroom aides
- 8,000 guidance, counseling, health, libraries, technology and other student and teaching support staff
- 4,000 school principals and building office staff

Approximately 20%:

- 5,400 operations and maintenance staff
- 2,100 transportations staff
- 3,000 food service workers
- 2,000 district administration, business support and all other jobs

Only 11 states have a lower student-to-teacher ratio than Kansas (13-6), which is below both the national average (15-9) and the regional average (14-7) of neighboring states.

Kansas has more teachers, paraprofessionals, teacher aides and other support staff per student than the U.S. average but falls slightly lower than average for all other staff positions.



## Education Outcomes

In 2021, Kansas reached its highest educational attainment for persons aged 24 or older: almost 92% completed high school and nearly 35% achieved a four-year degree or more. In 1940, less than one-third had finished high school and less than 5% had completed a four-year degree.

In 2021, more 18 to 24-year-olds had completed a four-year college degree than ever (12.4%), but the percentage with any college, including one and two-year degrees or no credentials met, fell from 59.2 to 56.3%.

Kansas public schools' four-year high school graduation rate reached an all-time high of 88.2% in 2020, falling slightly to 88.1 in 2021 following the COVID-19 pandemic. Special education, low-income and English Language Learnings groups also reached new highs in 2020 before the impact of COVID.

The five-year average postsecondary effective rate for Kansas students is defined as the percentage of each senior class that graduated high school and either completed or remained enrolled in a college or technical program after two years. This number reached a high of 52% for 2020 but is predicted to fall due to the impacts of COVID-19.

Postsecondary degrees, including technical certificates, awarded by Kansas colleges to students under 24 rose from 20,000 to 28,000 in 2019, dropping back to 27,000 in 2021 after the pandemic. For students 19 and under, credentials earned rose from under 2,500 to over 6,000 before dropping to 5,700 in 2021.

Each step up in educational attainment, from completing high school to an advanced degree, increases average income and employment opportunities and reduces poverty rates.

## School Funding

Kansas schools expect to spend over \$8 billion this year. When adjusted for inflation, that would be slightly higher than in 2009 but includes over \$400 million in temporary federal COVID-19 funding that expires in two years.

Regular operating budgets for Kansas school districts are estimated to be about \$5.1 billion this year – far below 2009 when adjusted for inflation.

Kansas schools spend 54% of funding on direct instruction; 21% on student and teacher support, food service and transportation; 21% on school construction, bond payments, and operations and maintenance; and less than 4% on general administration.

Kansas public schools spend approximately 10% below the U.S. average per student and about the same as the regional average of neighboring and Plains states.

Less than half of increased school funding since 2010 has gone to general operating budgets for regular teachers and programs. More has come from higher federal aid such as temporary COVID-19 aid and expanded student meal aid, higher KPERS payment dues to past underfunding (which schools cannot spend), and payments on school construction bonds approved by local voters.

Since 2010, special education students have increased by 25%, total special education expenditures by 44%, and the inflation rate by 34%, while state special education aid has increased by just 25%.