



Kansas PTA
715 SW 10th Street, Topeka KS 66612
www.kansas-pta-legislative.org
kansaspta@gmail.com

February 12, 2024

Remote Testimony to House K-12 Budget Committee

Honorable Chair, Representative Kristey Williams

Committee Assistant, K.12.Budget@house.ks.gov, 785-296-3971

Room 286-N, State Capitol Building

Opposed [HB 2738](#) - Revising the special education state aid statewide excess costs calculation.

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

Chair Williams and Committee Members,

Thank you for the opportunity to provide remote testimony in opposition to HB 2738 – revising the special education state aid statewide excess costs calculation.

- This bill conflicts with our [Standing Positions and Legislative Priorities](#).
- The premise of this flawed math disregards decades of Kansas Legislative post audits and cost studies conducted and confirmed by educational and school finance experts, including: Consensus Revenue Estimate Group (CREG), Legislative Research Department (KLRD), Legislative Post Audit (KS LPA), 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 legislatively appointed Special Education Task Force met in January 2024 and recommended fully funding the excess costs of special education services at 92%, as currently reflected in state law. Further, Task Force members who currently work and lead our public schools reported that districts are collectively transferring hundreds of thousands of dollars out of their general operating budget to cover the excess costs – eroding the restoration of state aid under the Gannon agreement. Further, the Task Force voted to continue meeting with or without staffing, to review the special education funding formula.
- Locally elected school board members and the community of patrons, who approved their local option budget, are given explicit taxing authority under state law to generate additional dollars for public schools and have the constitutional authority to determine how those funds are allocated, not the state legislature. Further, the local option budget was and is intended to provide programs and services that exceed the state requirements, NOT to back fill the costs of state requirements under funded by the Kansas legislature.
- Just because the state mandated districts to allocate a portion (15%) of the LOB to meet the needs of at-risk students, doesn’t mean this problematic precedence should be replicated. This at-risk requirement was not part of the original LOB formula, but a modification voted in by the legislature in the past couple of years. This at-risk modification mandates that local districts cover the shortfall of the state legislature.

- Locally generated aid for public education is just that, local effort, and by definition does not count as state aid. The state already counts the mandated 20 mills of local property tax as “state” aid— **a sum now exceeding \$800,000 million** - in an accounting change pushed through during the Gannon years.
- Further, this bill undermines the efficacy of the Gannon agreement and significantly increases the likelihood of another school finance lawsuit, along with any further delays in fully funding special education excess costs as currently written in state statute.

We urge the legislature to vote NO on 2738. Thank you for your consideration.

Mary F. Sinclair, PhD,
Kansas PTA Advocacy Team
KansasPTA@gmail.com
XTwitter @KsPTALeg

Cc: Denise Sultz, KS PTA President
Devin Wilson, VP of Advocacy
Rachel Russell, Legislative Liaison

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.