

# The Special Education Report



Volume 2:1

February 11, 2014

## Basic Special Education Facts

### Kansas Association of Special Education Administrators (KASEA)

KASEA is a state-wide professional organization representing special education administrators. Through KASEA, special education administrators share and promote effective instructional practices, work to integrate special and general education processes, and advocate for the rights of students and families dealing with disabilities.

### History and General Information

In accordance with Federal Legislation enacted in the 1970s, and reauthorized in the current Individuals with Disabilities Education Act (IDEA, 2004), Kansas law requires that ALL students who meet the definition of one of the categories of exceptionality and, as a result of that exceptionality, need special education and related services, are entitled to a Free and Appropriate Public Education (FAPE). In addition, Kansas special education regulations stipulate that students that meet the definition of gifted are entitled to FAPE. An Individualized Education Program (IEP) is developed for each eligible student; the parent/guardian is an essential part of the IEP team. The IEP team determines the specialized instruction necessary for the student to access and make progress in the general education curriculum. Services must be delivered in the least restrictive environment (LRE); that is, the instructional setting most closely resembling that experienced by typically developing peers.

### Governance

Each Kansas school district provides special education services through one of three governance structures:

1. *Stand-alone* - The district provides services on a “stand-alone” basis under the governance of the local board of education. Most services are directly provided utilizing district personnel, with contractual arrangements, as necessary, for services that cannot be provided within the district. The stand-alone structure is, in most cases, utilized by the larger school districts including Wichita, Kansas City and Topeka.
2. *Cooperative* - The district is a member of a special education *cooperative*. In this structure, the boards of education of any two or more school districts enter into an agreement for the purpose of providing special education and related services for children with exceptionalities on a shared-cost basis. In many instances, one district (often the largest) serves as the lead agency, with its board of education setting policy and accepting responsibility for hiring/firing personnel.
3. *Interlocal* - The district is a member of a special education *interlocal*. In this structure, the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement. In many instances, each member district appoints a board member to an interlocal board of directors; this interlocal board functions as an independent board of education, with a negotiated agreement specifically established for special education personnel, along with policy established by the interlocal board.

(Continued on back)

## Funding

Kansas statute stipulates that the Legislature will annually set aside monies necessary to fund 92 percent of excess costs - those costs not offset by other sources to include Federal funds; currently, state funding for 2012-13 was 79.6 percent of excess costs and will drop to 78.4 percent in 2014. State funding is distributed in accordance with the *Special Education Reimbursement Guide to State Categorical Aid* to include three areas:

- ✓ Transportation Costs - Each district is reimbursed for 80 percent of *transportation* costs related to special education;
- ✓ Catastrophic Aid - Each district is reimbursed 75 percent of allowable costs where expenses related to a particular child are considered to be *catastrophic* - that is, so expensive that an individual district would be unable to absorb the costs with usual levels of state support; and
- ✓ Special Teacher Reimbursement - This is based on the number of qualified special education personnel employed by the district, cooperative, or interlocal.

## Dispute Resolution Process

Parents/guardians of students with exceptionalities are afforded extensive rights to ensure these students receive services to which they are entitled in accordance with state and Federal law. Written notification of parental rights is provided to all parents/guardians of students who are evaluated for and/or qualify for special education services. Rights include methods for resolving disputes that occasionally arise. Dispute resolution processes include the right to file a *formal complaint* with the Kansas State Department of Education (KSDE), request *mediation*, and initiate *due process proceedings*. These three processes are not often used in Kansas, with problems usually solved within the IEP Team.

## Kansas Association of Special Education Administrators (KASEA) Legislative Platform

Recognizing the critical importance played by both state and Federal legislators, KASEA members are politically active and work to provide comprehensive and timely support for legislators as key decisions are made. The KASEA legislative platform is as follows:

1. Kansas special education mandates should mirror those in Federal Individuals with Disabilities Education Act (IDEA) statutes and regulations.
2. Public funds should be used to fund Free and Appropriate Public Education (FAPE) as determined by the Individual Education Program (IEP) team.
3. KASEA should be an active participant in the research regarding any potential changes in the current funding formula.
4. Special education should be funded at 100 percent of excess cost.

## For further information

Please contact Dr. Ann Matthews, KASEA president, ([matthan@usd437.net](mailto:matthan@usd437.net)); Terry Collins, KASEA legislative liaison ([tcollins@ksdcec.org](mailto:tcollins@ksdcec.org)); Mark Tallman, KASB associate executive director for advocacy ([mtallman@KASB.org](mailto:mtallman@KASB.org)); or Tom Krebs, KASB governmental relations specialist ([tkrebs@KASB.org](mailto:tkrebs@KASB.org)).

**Brought to you by: Kansas Association of Special Education Administrators (KASEA) with support from the Kansas Association of School Boards (KASB), Special Education Advisory Council (SEAC), and United School Administrators of Kansas (USA/Kansas).**