



Advocating for Kids with Complex Medical Needs & Disabilities

May 9, 2022

Dear Governor Kelly,

We write to you today, to encourage you to veto the Conference Committee report on Sub. for HB 2567, a bill concerning the budget for K-12 education, which also contains an open transfer policy.

Our concerns are twofold: (1) while meeting Kansas' statutory requirement to fund the overage of costs associated with Special Education services (SPED) was debated, the funds to meet this obligation were not included in the bill; and (2) the open transfer policy, a boiler-plate bill from the American Legislative Exchange Council, dedicated to the privatization of public education, has the potential to lead to a disparate impact on students with disabilities.

Meeting Kansas' obligation to fund SPED is an issue we have faith you hold interest in, as your dedication to funding education in Kansas is known. It is important to make clear that while the \$150 million shortage in SPED dollars continues, Kansas School Districts are forced to redirect the restored funding made possible through the Gannon KS Supreme Court decision to make up for the loss in SPED dollars. This harms all students in the state.

We see the impact on our children every day. For example, Districts are unable to provide competitive para educator or special educator salaries. Districts may be forced to keep class sizes larger, and other programming may be cut in order to meet the financial obligations Kansas has failed to meet. Kansas currently has a \$3 billion dollar surplus. With the overages expected, Kansas could fully meet the \$150 million dollar obligation to special education services.

Most of our kids have never attended a school that is fully funded. SPED services in Kansas have not been funded at the statutory requirement since 2010, at the close of the Montoy KS Supreme Court Decision.

With regard to "open enrollment", while this policy may appear neutral, the impact of open enrollment during a time of SPED funding shortages may lead to a downward trajectory of service provisions for students accessing SPED services, subjecting them to different treatment than their general education peers. Districts that have successful SPED programs may find themselves with a disproportionate number of students accessing SPED services, for whom Kansas will not reimburse Districts the costs of those services. This could lead to our children having less access to the general education classroom. In order to consolidate costs, students accessing special education services may be directed to programs. In such situations, students may be sent to separate programming where multiple SPED services can be met at once. This is a disservice to our kids, as every child deserves to go to their community school, adjacent to their home and their friends. It is also a disservice to the general education classroom, which will then not reflect the true diversity of their community.

We would be happy to meet with you to discuss in detail or provide you with any other information that would be useful. Your veto will provide the legislature with an opportunity to strip policy that harms students and their Districts, and to provide the statutorily mandated funding for our children. This funding will allow all students to have the access they need to succeed. Our kids are worth the investment.

Sincerely,

Laura Robeson,
Mother of Danny, Little Lobbyists

Christina Middleton
Mother of Andrew, Little Lobbyists

Amber Versola
Mother of Carson, Little Lobbyists

Sarah Jahnke
Mother of Crosby, Little Lobbyists

Lesa Childers
Mother of Nori, Little Lobbyists

1. <https://www.kslpa.org/wp-content/uploads/2019/07/r-18-012.pdf>
2. https://www.ksrevisor.org/rpts/Gannon%20V%20Comprehensive%20Analysis_FINAL_10-12-17.pdf
3. https://budget.kansas.gov/wp-content/uploads/Short_Memo_04-20-2022.pdf

Little Lobbyists Action Network 501(c)(4)
is the advocacy arm of Little Lobbyists. We work to ensure that the issues critical to children with complex medical needs
and disabilities have the health care, education, and inclusion they deserve.