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## House Committee on Education

### Written Testimony on HB 2263

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Superintendent, West Elk and  
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Thank you for the opportunity to appear in opposition to HB 2263, a bill enacting the school district special needs scholarship program act. I am submitting this testimony as president of USA|Kansas and as a special education administrator.

United School Administrators of Kansas (USA|Kansas) believes that the Kansas State Department of Education (KSDE) through its works with special education administrators is making great progress in assuring that all students with disabilities are learning and progressing in the general education curriculum including achieving proficiency or higher on state assessments. KSDE holds districts accountable for ensuring that every student with a disability takes the appropriate assessment and provides technical assistance to district staff if needed.

Administrators have a number of concerns with HB 2263, especially related to federal requirements under the Individuals with Disabilities Education Act (IDEA) and accountability.

First, HB 2263 specifically says a participating private school ***is not required*** to abide by an IEP and allows the state to permit children with disabilities to attend a private school under state law and use public funds while not requiring the private school to provide special education and related services in conformance with the students IEP.

***USA|Kansas believes any school that receives public funds must meet state and federal accountability standards and provide the programs and services required of public schools.*** Public funds should be used to fund Free and Appropriate Public Education (FAPE) as determined by the Individual Education Program (IEP) team.

Additionally, there are some concerns about whether this bill meets the federal and state requirements *and* whether it will actually do anything to service those Kansas children with the

greatest needs. Some of those concerns are outlined below; my colleagues will likely raise additional issues.

- Public schools must provide students with disabilities a “free appropriate public education” in the least restrictive environment. This includes early identification, based on a student meeting eligibility for one of the categories of disabilities and based on the student needing “special education services”.
- Once a student meets both of these requirements, a team of persons with knowledge about the child including (at a minimum) the parents, a person who can explain the evaluation, a special education teacher, a general education teacher or teachers, a building administrator, and the student (where appropriate) meet to develop an individual education program. This plan is to be reviewed annually and must include information about the child’s present level of performance.
- Current state and federal regulations require a triennial re-evaluation to determine if a child continues to be eligible for special education services. HB 2263 appears to provide an on-going opportunity for a parent to enroll a child who may or may not continue to be eligible for special education services as there is no mention of following the current federal regulations related to an annual IEP meeting or triennial re-evaluation.
- There are currently 3 methods for a parent to ask for support when there is a difference opinion between the school and the parent. A parent can: 1) file a “formal complaint” with the Kansas State Department of Education; 2) ask for mediation, or 3) file for due process. The language in HB 2263 allows a parent to withdraw the child and enroll the child in a “participating school” without first requiring that the school and parent meet to work out differences.
- HB 2263 also does not include all of the federally defined categories of disabilities under Section 7, subsection 6 which states: “Certify that the school will not discriminate in admissions on the basis of race, color, national origin or religion”. It does not include “persons with disabilities” or “sex”.

HB 2263 also will create costs for the “department” that must ensure that “participating schools” meet the requirements as outlined in the bill. I see no need to for public school funds to be used to fund “voucher” programs for unhappy parents. ***Schools must remain focused on the needs of the student.***

We encourage you to reject HB 2263. If you have any additional questions, please do not hesitate to contact Cheryl Semmel, USA|Kansas executive director or me.