

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don Crumbaker at
Chairperson

3:30 ~~xxx~~/p.m. on March 16, 1983 in room 423-S of the Capitol.

All members were present except: Representative Lowther, Representative Leach and Representative Kline who were excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes
Ben Barrett, Legislative Research
Dale Dennis, State Department of Education
JoAnn Mann, Secretary to the Committee

Conferees appearing before the committee:

Norma Daniels, State Senator
Ruth Luzzati, State Representative
Joan Strickler, Kansas Advocacy and Protective Services
Virginia Anderson, Kansas Association for Children with Learning Disabilities
Bob Harvey, Kansas Alliance for Special Education
Pat Terick, Kansas Planning Council on Developmental Disabilities Services
Michael Byington, Kansas Association for Blind and Visually Impaired
Onan Burnett, USD 501
Kenneth Rogg, Schools for Quality Education
John Koepke, Kansas Association of School Boards
Dr. Robert Wittman, Legislative Chairman for KASE

SB 177 - Special education for exceptional children, due process hearings, appointment of hearing officers.

Senator Norma Daniels, author of the bill, explained that the bill attempts to bring legislation which would require the State Board of Education to adopt criteria and standards for qualifications of special education hearing officers and to compile a list of these officers. The State Board is required to adopt rules and regulations to implement this procedure and make the rules part of the state plan for special education services. Senator Daniels said the intent of the bill was to raise the qualifications of hearing officers.

Representative Ruth Luzzati, author of HB 2186, said the two bills were identical and she urged strong support of SB 177. A copy of her testimony is attached. (Attachment A)

Joan Strickler, Kansas Advocacy and Protective Services, urged support of SB 177 and said the procedure required in the legislation is designed to upgrade the quality and consistency of hearing officer decisions throughout the state. She said they do not anticipate any fiscal impact to the state to accomplish the provisions of SB 177. A copy of her testimony is attached. (Attachment B)

Virginia Anderson, speaking for Kansas Association for Children with Learning Disabilities, said she was the parent of a handicapped child. She stated their goal is to assure quality education and equal opportunities for learning disabled youngsters. She said the ACLD advocates doing everything possible to avert a due process hearing. However, when resolution of differences is impossible without a hearing, they hope both parties could be assured the hearing officer is well-trained and impartial. A copy of her testimony is attached and made a part of these minutes. (Attachment C)

Bob Harvey, Kansas Alliance for Special Education, felt the bill should be passed for two reasons. The first would be to establish continuity among hearing officers in the state of Kansas. The second would be to provide fair and impartial due process hearings. A copy of his testimony is attached. (Attachment D)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 423-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on March 16, 1983

Pat Terick, Kansas Planning Council on Developmental Disabilities Services, addressed some of their concerns. Their mission is to improve the quality of life, maximize the developmental potential and assure the participation of the Developmentally Disabled citizens in the privileges and freedoms available to all Kansans. A copy of his testimony is attached. (Attachment E)

Michael Byington, Kansas Association for Blind and Visually Impaired, was in complete support for SB 177. He told the Committee that currently, no standards for qualifications of hearing officers exist and hearing officers can be appointed locally from neighboring areas. He felt this situation allows for a most undesirable potential for variation of quality of appointed hearing officers in different parts of our state. A copy of his testimony is attached. (Attachment F)

Written testimony was submitted from John Frye, hearing officer, who was unable to attend the hearing. The testimony is attached. (Attachment G)

Onan Burnett, USD 501, opposed SB 177. He said there may be a slight problem with hearing officers across the state in general but none exists in USD 501 because their officers are trained. Their number one concern is for the child. Mr. Burnett said he had worked with the handicapped since 1959 and he found some parents who don't want their child in special education because of the stigma attached. He concurred with the proponents of the bill in that hearing officers must be well-trained. He suggested an amendment that would make the legislation permissive.

Kenneth Rogg, Schools for Quality Education, said he had been in touch with administrators in his organization and he couldn't find a problem. He concurred with Mr. Burnett that it should be permissive.

John Koepke, Kansas Association of School Boards, opposed SB 177 stating the bill would be transferring rights and privileges of local boards to the State Board of Education. He agreed there were areas of concern in due process hearings but SB 177 is not the answer. He felt one problem is lack of trained hearing officers and that state training ought to be mandated. Mr. Koepke said the bill would not affect many districts and that USD's are doing a pretty good job of conducting due process hearings. He thought there would be a fiscal impact on local school districts and his members opposed SB 177 in its present form.

Dr. Robert Wittman, Legislative Chairman for KASE, expressed opposition to SB 177 as they fail to see any major problems with the current due process procedure. He said their members have, at times, discussed several areas of concern with the due process procedure; however, they do not feel that SB 177 resolves these concerns. A copy of his testimony is attached and made a part of these minutes. (Attachment H)

The meeting was adjourned.

RUTH LUZZATI
REPRESENTATIVE, EIGHTY-FOURTH DISTRICT
SEDGWICK COUNTY
5203 PLAZA LANE
WICHITA, KANSAS 67208



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER, WAYS AND MEANS
MEMBER, LEGISLATIVE POST AUDIT

HOUSE COMMITTEE ON EDUCATION

RE: SB 177

March 16, 1983

Mr. Chairman and Members:

I wish to add my strong support to Senator Daniels on SB 177. It is an exact duplicate of my bill, HB 2186, in this Committee.

You will be told by our good friends, the education lobby, that this bill threatens local control. That is not the case. It makes possible better hearings and procedures which will add to the credibility of local school boards.

You will be told that there is no need to "fix" something that isn't broken. We agree---but, if the process were working properly, we wouldn't be here today trying to improve it.

You will be told that this bill may cost the schools more money. The reverse is true. It's expensive to re-hear cases when on appeal---and there have been 32 appeals to the State Board out of 80 cases in the past five years.

In short, Mr. Chairman, I feel there is strong and documentable reason for you to consider SB 177 favorably, and I respectfully urge you to do so.

REP. RUTH LUZZATI

Kansas Advocacy & Protective Services for the Developmentally Disabled, Inc.



Suite 2, the Denholm Bldg.
513 Leavenworth
Manhattan, KS 66502
(913) 776-1541

Chairperson

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Wichita*

Vice Chairperson

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Kansas City*

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*Harold James
Hugoton*

*Rep. Ruth Luzzati
Wichita*

*James Magg
Topeka*

*W. H. Weber
Topeka*

Liaison to the Governor

Robert Epps

Executive Director

Joan Strickler

TO: The House Education Committee
Representative Don Crumbaker, Chairman

FROM: Kansas Advocacy and Protective Services
for the Developmentally Disabled, Inc.
R. C. Loux, Chairman

DATE: March 16, 1983

RE: Senate Bill 177, Concerning Special
Education Due Process

KAPS is devoted to seeking ways to ensure the protection of the rights of persons with developmental disabilities. As is provided for in the Developmental Disabilities Act, KAPS is one of 54 such agencies serving our states and territories.

We get involved in several ways.

- We receive complaints of alleged violations of rights which we investigate, and then assist people in resolving their problems.
- Upon request, we provide information to assist agencies and service providers.
- We provide information to assist developmentally disabled persons and their families in self-advocacy.

In terms of workload, special education issues have demanded a considerable amount of our staff time and resources. We have worked with parents and students from throughout the state in negotiating differences with the schools, and have worked with and provided information and support to many professional educators and attorneys in Kansas. Through this experience, we have become aware of what, we feel, are serious problems in our state.

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First I would like to clarify what we are talking about when we refer to special education due process hearings. They are not informal mediation sessions between school officials and parents. Special education due process hearings are formalized proceedings specified in state and federal law which involve a prehearing conference to clarify the issues of the hearing and an actual hearing in which witnesses may be subpoenaed. In most instances the school district, and less often the parent, are represented by legal counsel and the proceedings are generally recorded by a court reporter. Appeals of the local hearing officers' decision may be made to the State Board, and of the appeal decision to the District Court. Hearings are formalized and expensive. Local districts estimate their costs at from \$2,000 to \$4,000 or more per hearing.

Hearings may be called by the parent or the district. Since the district cannot evaluate a child or place a child in special education without parental permission, district initiated due process hearings often involve placement and evaluation issues. According to figures released by the Kansas Department of Education, slightly more than 50% of the hearings are initiated by districts against the parents.

At the present time local education boards appoint their own hearing officers. The local education agency is required to maintain a list of persons and their qualifications. No such list is maintained at the state level. There are no standards or criteria set for qualification of persons to serve as hearing officers. There are no training requirements. The vast majority of persons selected to serve as hearing officers are professionals in the field of education who may or may not have received training in procedural due process.

This leads to confusion and mixed quality in hearing officers' decisions. In a number of instances the hearing is completed at the local level only to find, upon appeal, that procedural due process was not afforded.

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There is also some concern at the state level that not all hearings are reported to the state as required.

Concern about special education due process procedures has been growing for some time. The Report on Interim Studies to the 1982 Legislature contained recommendations to change the law to allow for appointment of hearing officers by the State Board.

The Special Education Section of the Kansas Department of Education recently completed a study of the total number of due process hearings reported to the State Advisory Council for Special Education. In a summary of local hearings from 1977 through December of 1982, the Department found a total of 83 hearings reported. On the first page of its report the Department specifically notes that, "If there are more hearings than listed it is because school districts/cooperatives did not report." According to the KSDE, of the 83 hearings reported, 57 decisions at the local hearing level were found clearly in favor of the local school board. Some 8 decisions were found clearly in favor of the parent. The report indicates 13 decisions involved some type of compromise of the positions of the local school board and the parents. There were 4 instances in which the decisions were either missing or unclear. In one situation the hearing was described as dismissed, or withdrawn. Of the 83 total due process hearings reported some 32 decisions were appealed to the State.

While some might see the low number of appeals as indicating satisfaction with the hearing officer's decision, our agency's contact with parents would indicate the opposite. Many parents indicate frustration at a system they view as stacked against them. Also, until the action taken in the 1982 Legislature, the appeal consisted only of a "review" by a reviewing officer who did not deal with the substance of the hearing officer's decision, but only with whether or not due process was afforded. I reference KSDE's description in its report of Hearing Number 9: "The parents appealed to the State Board of Education, but

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subsequently dropped their appeal upon advice of legal counsel when it was discovered that the State Board appeal would review due process only and the introduction of new evidence would not be allowed."

Of the 32 decisions appealed to the State, the hearing officer assigned by the State Board found that due process was not afforded in 11 situations but was afforded in 15. The 6 remaining appeals were, for some reason, withdrawn.

In other words, in Kansas, if you are party to a special education due process hearing, you may well find the hearing invalid because procedural due process was not afforded. This is totally aside from any consideration of the merits of the substantive decision. We see this as a very sad situation for all parties involved. It is time Kansas did something to improve that system.

Senate Bill 177 would amend the due process provisions of the Special Education for Exceptional Children Act by providing that the State Board establish, in consultation with the State Advisory Council for Special Education, standards and criteria for qualification of persons as hearing officers qualified in accordance with those standards and criteria.

When providing for a hearing the local board would notify the State Board of Education. The State Board would provide a list of the names and qualifications of five prospective hearing officers. The local education agency and the parent would each have the opportunity to remove two names from the list. The State Board would appoint the hearing officer from the names remaining.

In situations where the State Board is a party to the hearing, it would make its list of hearing officers available and the parent could select a hearing officer from the list.

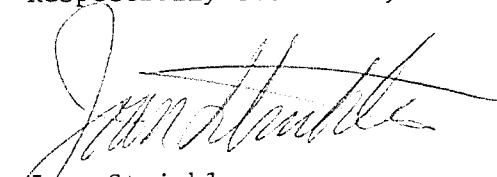
This procedure is designed to upgrade the quality and consistency of

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hearing officer decisions throughout the state. It would also address parent concerns that one party to the hearing (the local board of education) has full authority to select the hearing officer, raising the question of impartiality. This concern is significant when we take into consideration the fact that 50% or more of the hearings are initiated by districts against parents.

We do not anticipate any fiscal impact to the state to accomplish the provisions of Senate Bill 177. Passage of this bill can make an affirmative difference that will benefit parents, schools and children. We believe the issues it addresses, and the remedies suggested, deserve your serious consideration and support.

Respectfully submitted,



Joan Strickler
Executive Director



ACLD

Kansas Association for Children with Learning Disabilities
Box 4424
Topeka, Kansas 66604

March 16, 1983

In support of Senate Bill 177
House Education Committee

I am speaking on behalf of the Kansas Association for Children with Learning Disabilities (ACLD). The Kansas ACLD has over 800 members throughout the state. It is one of 48 state chapters affiliated with the National Association for Children and Adults with Learning Disabilities. We are a volunteer organization of primarily parents and teachers of learning disabled children. Our goal is to assure quality education and equal opportunities for learning disabled youngsters.

The Kansas ACLD supports passage of Senate Bill 177. Special education hearings are defined as impartial due process hearings. To keep those hearings truly impartial for both the school district and the child and parents, it seems reasonable that neither party should have the privilege of choosing the person who will conduct the hearing and render the decision.

Due process hearings for special education were originally designed to be informal mediation meetings. They have evolved into very formal, legalistic, expensive proceedings. For parents, a hearing is also an emotional, traumatic experience compounded by disadvantage in the hearing officer selection.

The ACLD advocates doing every thing possible to avert a due process hearing. However, when resolution of differences is impossible without a hearing, we hope both parties could be assured the hearing officer be well trained and impartial. Senate Bill 177 would provide that assurance.

presented by Virginia W. Anderson
22 Rockwood Drive
Ottawa, Kansas 66067

ACLD IS A NONPROFIT ORGANIZATION WHOSE PURPOSE IS TO ADVANCE THE EDUCATION AND GENERAL WELL-BEING OF CHILDREN WITH NORMAL OR POTENTIALLY NORMAL OR ABOVE AVERAGE INTELLIGENCE WHO HAVE LEARNING DISABILITIES ARISING FROM PERCEPTUAL, CONCEPTUAL, OR SUBTLE COORDINATIVE PROBLEMS, OR BEHAVIOR DIFFICULTIES.

March 16, 1983

KANSAS HOUSE EDUCATION COMMITTEE

RE: Senate Bill No. 177

My name is Robert Harvey and I am representing the Kansas Alliance for Special Education, Inc., regarding Senate Bill No. 177.

We feel that this bill should be passed for two important reasons.

The first reason is to establish continuity among hearing officers in the State of Kansas. Training of hearing officers in the due process procedure is not the same throughout the state; some districts have very good training systems, while others have little or no criteria for their officers. Our children of Kansas, and their parents, and even the school districts need to have these guidelines. They need to be assured that procedures do not change from district to district, they need also be assured that the hearing officer is totally aware of the aspects of each case.

Secondly, while not stating that conflict of interests have arisen in the past, it needs to be said that their possibility is true. School districts should not be the ones to name hearing officers, considering their position in the due process procedure. As a parent I would very much enjoy naming the hearing officer to hear my case. However, I am willing to have an impartial officer.

The State Department of Education can and will establish proper criteria for State Hearing Officers, plus provide adequate training to ensure fair and impartial due process hearings.

This bill will provide the aforementioned needs. We ask for your support.





KANSAS PLANNING COUNCIL

JOHN CARLIN
Governor
RICHARD MORRISSEY
Chairperson
JANET SCHALANSKY
Executive Secretary

on | DEVELOPMENTAL DISABILITIES SERVICES

Fifth Floor North
State Office Building
Topeka, Kansas 66612
Ph. (913) 296-2608

TESTIMONY HOUSE EDUCATION COMMITTEE

On behalf of The Kansas Planning Council on Developmental Disabilities, we appreciate the opportunity to address some of our concerns related to S.B. 177, relating to the appointment of Hearing Officers for the conduct of Due Process Hearings.

The Kansas Planning Council on Developmental Disabilities was created by K.S.A. 74-5501-06 in response to Federal Legislation. The Council's Mission is to improve the quality of life, maximize the developmental potential, and assure the participation of the Developmentally Disabled citizens in the privileges and freedoms available to all Kansans.

The Council is composed of 15 members, one-half of whom are either Developmentally Disabled themselves or are parents or guardians of the Developmentally Disabled.

The Council has reviewed the provision of S.B. 177, and would like to express our support to several aspects of the Bill:

1. New Section 2. This Section allows for the establishment of standards or criteria for qualification of persons as Hearing Officers; and secondly, we support the maintenance of a list of Hearing Officers at the State level--rather than having it done at the local level.

Both of these items will improve the quality and consistency of the Due Process Hearings. These new provisions will do much to relieve the concerns of parents

about decisions affecting their handicapped child's education, as they can be assured that Hearing Officers will be trained and impartial.

Thank you for your consideration of this matter, and the opportunity to share our thoughts with you.

Members
Kansas Planning Council on
Developmental Disabilities

- - -

JS:jmr

Topeka, Kansas
March 15, 1983

Kansas Association for the Blind and Visually Impaired, Inc.

February 18, 1983

TO: Education, Kansas House

FROM: Kansas Association for the Blind and Visually Impaired Inc.
Education Committee, Esther V. Taylor, Chairperson; and Legislative
Committee, Mary Adams, Chairperson, and Michael J. Byington, Lobby

RE: Senate Bill 177

The Kansas Association for the Blind and Visually Impaired Inc., an advocacy organization active in Kansas for over 60 years, stands in complete support of Senate Bill 177.

The right of a child to the most appropriate educational setting and programming is not something which should vary from county to county or district to district. Such a right is assured through federal law, and implemented through state provisions. Therefore, if a disagreement should occur as to what is the best setting and/or programming for a particular child, the due process leading to resolution should be fair and uniform throughout the state. Adoption of Senate Bill 177 would certainly be a step in this direction.

This Bill would direct the State Board of Education, in consultation with the State Advisory Council for Special Education, to establish qualifications necessary for educational due process hearing officers, and would further direct the State Board of Education to maintain a list of available persons qualified as hearing officers. Currently no standards for qualifications exist, and hearing officers can be appointed locally from neighboring areas. This situation allows for a most undesirable potential for variation of quality of appointed hearing officers in different parts of our state.

Placing the State Board of Education in charge of the qualifications and assignment of hearing officers also has the advantage of making the State Department of Education aware that a disagreement exists much earlier in the process. This early notice may, in some cases, give the State Department of Education an opportunity to assist in resolving cases without the necessity of a hearing, or to assist in assuring that all parties involved with the hearing feel its results are productive and constructive.

For the above reasons, we ask that the Bill be reported favorably. We thank you for the opportunity to be heard.

STATEMENT

by

John Frye

RELATING TO APPOINTMENT OF
HEARING OFFICERS IN SPECIAL EDUCATION CASES (HB-2186)

Due to the fact I will be unable to appear at the House Education Committee Hearing, I would submit the following written testimony:

"My name is John Frye, I am Executive Director of the Starkey Developmental Center in Wichita. Starkey Developmental Center, Inc., is a private nonprofit multi-purpose facility which provides educational/training, supportive and residential services to preschool, school and adult age mentally retarded individuals. The agency has been in existence since 1930 and is the oldest community based facility in Kansas serving the mentally retarded. Starkey is accredited by the State Department of Education as a special purpose school, and by the State Department of Social and Rehabilitation Services as a community based work activity program serving the mentally handicapped. Starkey is also accredited by the State Department of Education as an early childhood education center and is accredited by the Commission on the Accreditation of Rehabilitation Facilities and International Association of Rehabilitation Facilities. No individual is excluded from admittance to Starkey on the basis of race, color, creed socio-economic status or religious affiliation.

I served for ten years as a Board member on the Wichita Board of Education, seven years as a member of the State Special Education

Statement by John Frye

Relating to Appointment of
Hearing Officers in Special
Education Cases (HB-2186)

Advisory Council and have served as a Hearing Officer since the beginning of the Due Process for several school districts throughout the state.

I have received the training provided by the Department of Education as well as having served as a Presentor at Hearing Officer Training Sessions sponsored by the Department of Education.

I am convinced, based upon my experience, that a revision in the law is in the best interest of those who may find it necessary to initiate a Due Process Hearing.

Planning educational programs for exceptional children and youth requires both effort and commitment from parents, professionals, and boards of education responsible for the education of children in the state of Kansas.

In the process of meeting this commitment, each party must recognize the right of each to agree or disagree as to how means should be arranged to reach desirable ends. If after all alternative program arrangements have been explored, and parents and district personnel do not agree as to what is best for the exceptional child, Procedural Due Process in the form of an impartial hearing may be used to resolved differences relevant to planning an educational program. Due Process ensures that decisions are reached according to known rules and principles which guarantee

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Statement by John Frye

Relating to Appointment of
Hearing Officers in Special
Education Cases (HB-2186)

fair consideration of divergent views. Procedural Due Process may include a hearing, which is associated with the concept of fairness, allowing participation in decisions or actions by those who will be affected by them. The right to a Due Process Hearing includes the opportunity to protect decisions or actions before, during, or after they are implemented.

Either the parent or school system may initiate a hearing on referral or placement of the student. The hearing must be conducted by the public agency directly responsible for the education of the student, or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. (BEING PAID BY THE SCHOOL SYSTEM TO CONDUCT THE HEARING DOES NOT MEAN THE HEARING OFFICER IS AN EMPLOYEE.)

I believe it is extremely difficult to insure that a local education agency can always select an individual who is impartial. It is a rather easy thing to prove partiality if the hearing officer is an employee of the agency. It is quite another, to prove it if the party believes that the hearing officer has conflicting personal or professional interests. And it is still another matter to attempt to avoid having a case heard by a hearing officer whose record of decisions indicates that he or she is pro-LEA or pro-student.

Finally, it is not completely clear in the regulations, when it

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Statement by John Frye

Relating to Appointment of
Hearing Officers in Special
Education Cases (HB-2186)

requires a local education agency to keep a list of hearing officers, including their qualifications, on file, as to whether they are "QUALIFIED TO SERVE".

I know of some hearing officers in the state who have received no formal training or they have been trained by the local education agency that utilizes their services to conduct a hearing.

I believe it is essential that we bring some degree of order and uniformity to the training and selection process of hearing officers. I believe this bill will do that. Training, selection and impartiality are key concepts to be considered. The State should be the responsible party for implementing these concepts.

The commitment of the State of Kansas to the educational welfare of exceptional children is long standing since 1949 when a special education division was created by the Department of Education; steady progress has been made in extending special educational services to both handicapped and gifted children.

In 1952, only nineteen classes for the mentally retarded were in operation throughout the entire state in the public schools. The year 1981-82, shows in excess of 3,900 classes for all areas of exceptionality.

Each time, you as law makers are faced with a proposed new law in education, you must ask yourself the questions - IS THIS PROPOSED

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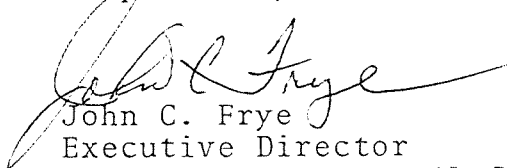
Statement by John Frye

Relating to Appointment of
Hearing Officers in Special
Education Cases (HB-2186)

NEW LAW GOING TO IMPROVE THE QUALITY OF EDUCATION IN KANSAS? IS
THIS LAW GOING TO BE GOOD FOR KIDS? - My professional priorities
have always been "THE CHILD COMES FIRST", the parent second, and
the system third. I believe enactment of this bill will keep
these priorities in their proper prospective."

Thank you for the opportunity to submit this written
testimony.

Respectfully submitted,



John C. Frye
Executive Director
STARKEY DEVELOPMENTAL CENTER, INC.
Wichita, Kansas

MEMORANDUM

TO: Representative Crumbaker and the Members of the House Education Committee

RE: Testimony on SB 177

FROM: Robert D. Wittman, Ph.D., Legislative Chairman for the Kansas Association of Special Education Administrators ^{ASW}

DATE: March 16, 1983

As representative of the members of the Kansas Association of Special Education Administrators, I wish to speak in opposition to SB 177. Our concern with this legislation is that we fail to see any major problems with the current due process procedure. Our members have, at times, discussed several areas of concern with the due process procedure. However, we do not feel that SB 177 resolves these concerns. I will speak to several of these.

1. Inconsistency in the application of the due process procedure.

While there is no tangible evidence that inconsistency in the application of due process procedure exists across the state, there is a perception that because of a lack of appropriate training, some hearing officers are less qualified than others. We too, suspect this is the case and feel that appropriate training will resolve this problem. SB 177 does not require this training. We would support the requirement for training and the inclusion of this area in the compliance monitoring by the State Department of Education. This training, however, should be conducted locally with assistance from the State Department of Education as requested.

2. The impartiality of hearing officers.

School personnel are all desirous of attaining the best hearing possible. It is a very difficult, time consuming and expensive process. The current procedure does not, however, preclude an impartial hearing. Most districts currently involve parents in the selection of hearing officers. We also believe that the quality of hearing officers is enhanced by local selection. Consideration can be given to background, job status and local conditions. We believe that these considerations result in the selection of the best qualified hearing officers and appropriate hearings. I would also point out that there is currently an appeal process for addressing concerns by either party. Our members would not oppose a mandatory checkoff system for the local selection of hearing officers.

In conclusion, the members of KASEA welcome the interest of the Legislature in the special education due process system. However, we believe that current legislation appropriately addresses this area and that, if there is a concern, this concern may be remedied by appropriate enforcement of the current system. Thank you.