

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 22, 2006, in Room 123-S of the Capitol.

Committee members absent: Pat Apple – Excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Representative Sue Storm
Mark Tallman, Kansas Association of School Boards
Terry Forsyth, KNEA
Dr. Sue Ann Kline, Autism Asperger Resource Center
Lauren Shapiro, parent from Emporia
Gwain January, father of Richard January
Connie Zienkewicz, Families Together, Inc.
Leia Holley, parent from Bonner Springs
Jennifer Schwartz, parent from Lawrence
Barbara Bishop, The Arc of Douglas County
Jane Rhys, Kansas Council on Developmental Disabilities
Michael Donnelly, Disability Rights Center of Kansas
Jane Adams, Keys for Networking, Inc.
Becky Litscher, student at Highland Park High School
Colin Olenick, Overland Park high school graduate

HB 2712–Special Education for Exceptional Children Act

Theresa Kiernan, Revisor of Statutes Office, noted that **HB 2712** was introduced at the request of Representative Sue Storm. She explained that the bill amends a provision within the special education law to make changes in a child's Individual Education Program (IEP). It is intended to clarify that, after the annual meeting for the school year, the parent or guardian may agree to develop a written document amending or modifying the child's current IEP without convening an IEP meeting, even in the cases of substantial changes in placement or material change in services. It provides that the parent's consent to the revised IEP may be by telephone, if it is documented and that documentation is signed by an IEP team member, or it may be provided by FAX or e-mail. It provides that, at the time of the consideration of an amendment or modification to the IEP, the parent shall be informed of the parent's right to an IEP team meeting.

Representative Sue Storm testified in support of **HB 2712**, noting that it would be one more step in bringing Kansas into line with the federal IDEA guidelines. She explained that the bill would change the current law by providing that it is unnecessary to convene a full IEP meeting to make a substantial change in the student's placement or a material change in services. She emphasized that agreement of the parent to the changes in the IEP would still be required. She noted that a number of school districts have believed that they were required to have an IEP meeting or at least a face-to-face meeting between teacher and parent any time a change was made to the IEP. The meetings require a tremendous amount of time, and teachers must leave someone else to cover their class. She pointed out that teachers need more time with students rather than meeting and doing paperwork. (Attachment 1)

Mark Tallman, Kansas Association of School Boards, testified in support of **HB 2712**. He stated that the bill was a simple, common-sense proposal that could make a small but meaningful difference in the time, paperwork, and cost associated with special education. He noted that it would only apply to circumstances wherein all parties agree to make changes in the IEP without a meeting of team. (Attachment 2)

Terry Forsyth, KNEA, testified in support of **HB 2712**. He stated that he supported the change in the IEP process as long as the process is one that keeps parents and educators involved in the IEP and those educators

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 22, 2006, in Room 123-S of the Capitol.

have had the opportunity for a rich and meaningful discussion with parents, thereby keeping the integrity of the IEP process in place as required by federal law. (Attachment 3)

Dr. Sue Ann Kline, Autism Asperger Resource Center, testified in opposition to **SB 2712**. She contended that the bill limited the rights of parents and advocacy groups. In her opinion, the bill did not adhere to the spirit of the law in which parents are encouraged to be active, responsible members of their child's IEP team. She commented that input from every member of the IEP team was as important as the interaction of a surgical team. She emphasized that whole team involvement in the IEP establishes a basis for accountability and quality control, and parental involvement has been found to have a long-term effect on their children's school performance. (Attachment 4)

Lauren Shapiro, a parent from Emporia, testified in opposition to **HB 2712**. She stated that her main objection to the bill related to the wording in Section 1 (4) (A) on page two of the bill. She went on to discuss the reasons that she believes that the federal law on which state law is based does not allow for substantial modifications without an IEP meeting, that the bill defeats the purpose of the IEP team, that administrators may take advantage of parents by encouraging them to agree to a decrease in services, and that the bill was not needed in order to give parents this opportunity to make minor changes in the IEP. (Attachment 5)

Gwain January testified in opposition to **HB 2712**. After his son, Richard, stood in support of all conferees in opposition to the bill, Mr. January noted that he had been an advocate for special education children for 16 years. In his opinion, changing any services through a phone conversation or a short conversation in the hall is not the correct manner to handle IEP changes. He explained that his twin boys have had IEPs since they were in preschool, and he has seen nothing but success in a parent's involvement in IEP meetings. As to the concern about the amount of time teachers are pulled out of their classrooms for IEP meetings, he suggested that the meetings could be held in the evening hours. In his opinion, the bill would single out children in special education, and it would be a step backward in the No Child Left Behind Act. In conclusion, he stated, "Don't make us as parents pay for what administrators feel is taking too much time away from classrooms. Each child's education is just as important as the others."

Connie Zienkewicz, Families Together, Inc., testified in opposition to **HB 2712**. She noted that, under current law, minor IEP changes can be made. She reasoned that a "substantial change in placement and material change in services" was by its own statement, "substantial" and "material." She urged the Committee to not allow IEPs to be modified without the time and attention due them, especially in matters of significance. (Attachment 6)

Leia Holley testified in opposition to **HB 2712** as a parent of two teenagers, an educational advocate, and a former high school teacher. She explained that her youngest son, now 13 years old, had overcome obstacles which were caused by miscommunication and misinterpretation of information by team members. She noted that, had the bill been in effect eight years ago, her son's team would not have been forced to step back and rebuild a team around a first grader who has autism. She emphasized that there is a need for more meetings for students to prevent misinterpretation of information. (Attachment 7)

Jennifer Schwartz, a parent from Lawrence whose daughter receives special education, testified in opposition to **HB 2712**. In her experience, the cornerstone to special education is the support and services of the IEP team. Her concern was that, without the IEP meetings, parents will not have the opportunity to learn about the educational system available to support their child. In addition, she fees that the bill could potentially take away important rights of the students that qualify for special education in Kansas. (Attachment 8)

Barbara Bishop, Executive Director of The Arc of Douglas County, testified in opposition to **HB 2712**. She noted that no one person knows everything needed to help a student with a disability find success. When an IEP is written, all members of the team take part, each providing important information and ideas to make a successful plan. She contended that the proposed changes in the bill made it too easy for students with disabilities to be removed from classes or environments that they share with their non-disabled peers. She commented that paperwork is the bane of modern existence; however, it has an important function when tied to the education process. (Attachment 9)

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 22, 2006, in Room 123-S of the Capitol.

Kim Strunk, a parent of an IEP student, stood in opposition of **HB 2712**, noting that she chose not to testify due to the large number of conferees.

Jane Rhys, Kansas Council on Developmental Disabilities, testified in opposition to **HB 2712**. Her main concern related to the change in current law which would allow an IEP to be implemented by telephone without a substantial number of IEP team members present. She contended that this type of change could result in an uninformed decision that could dramatically change a child's life. She emphasized that parents must be involved in the children's education, especially if their child has a disability. In addition, she contended that the bill would reduce the school's staff's rights and responsibilities to document the need for a change and to explain the proposed change. As to the burden of paperwork placed on special education teachers, she pointed out that, if one goes into the field of education, one can expect a great deal of paperwork. (Attachment 10)

Michael Donnelly, Disability Rights Center of Kansas, testified in opposition to **HB 2712**. He expressed concern that the bill allowed substantial and material changes to be made by telephone, e-mail, or FAX, which would eliminate the requirement for a parent's signature indicating agreement with a change to the IEP. He noted that a substantial change in a child's placement could have a negative effect upon the provision of services in a student's least restrictive environment, and any material change in services could have a significant impact on a child's right to receive a free and appropriate public education. He pointed out that federal IDEA states that placement decisions are to be made by a group, and the least restrictive environment must assure that the parent is a member of the group. The long-standing interpretation of this IDEA provision is that the IEP team is the "group" that makes placement decisions. Therefore, he could not agree with the proponents of the bill that two people conversing by telephone, FAX, or e-mail complies with the IDEA "group" requirement. He contended that the bill made it far too easy to reduce services or move a student to a more restrictive educational setting, and there was a potential for abuse of the informal decision making process. (Attachment 11)

Jane Adams, Keys for Networking, Inc., testified in opposition to **HB 2712**. In her opinion, the bill undermines efforts to foster meaningful parent involvement in support of learning, which is a mandate fo the No Child Left Behind Act. She noted that educational research indicates that students have better grades, stay in school longer, and have better social skills when their parents are involved in supporting their education. Noting that relationships between parents and teachers on IEP teams are fragile to begin with, she maintained that the bill would significantly undermine efforts to engage educators and parents in trusting, respectful relationships. In conclusion, she emphasized that planning with the IEP team and deciding what to try is the core of the delivery of special education services. (Attachment 12)

Beckey Litscher, a deaf student from Highland Park High School in Topeka, testified in opposition to **HB 2712** with the assistance of an interpreter. She emphasized that eliminating the need for teem meetings would take away the rights of the IEP student. She contended that she has the right to discuss her education goals and dreams; therefore, the IEP process should be left alone. (Attachment 13)

Colin Olenick, a special education student who graduated from Shawnee Mission East High School, testified in opposition to **HB 2712**. He contended that the bill would remove a student's right to be heard by the entire IEP team, and it would make it more difficult for significant changes to occur. He noted that his successful inclusion in the mainstream of the school occurred because he was listened to as a self-advocate and the IEP process required the school to respond to his needs. He commented that the process helped him learn how to be responsible. He argued that it is not only cheaper but better for someone to spend an hour planning a student's education than spending countless hours and dollars doing it when they are an adult. He suggested that, instead of passing the bill, Congress should be asked to fully fund IDEA and special education. (Attachment 14)

Senator Vratil called Mr. Donnelly's attention to a document he received in his office which had Mr. Donnelly's name at the bottom as a representative of Disability Rights Center of Kansas. He said, "My concern as I read this is, it has a statement at the top that says, 'This bill would remove the rights of parents and school staff to convene IEP team meetings when making a material change in services or substantial change in placement in a student's IEP. That right would be eliminated.' Is that true?" Mr. Donnelly

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 22, 2006, in Room 123-S of the Capitol.

answered, "The right to an automatic IEP." Senator Vratil responded, "That's not what it says. Is the statement that I just read true?" Mr. Donnelly said, "I don't have it in front of me. If the wording isn't exactly correct, the intent is that the right to an automatic IEP would be removed." Senator Vratil commented, "That's not what it says, and this piece of paper misrepresents the truth, and I encourage people to get out accurate information concerning proposed legislation, but I very much object to misleading and misinforming my constituents."

Written testimony in opposition to **HB 2712** was submitted by the following: Brenda Eddy, Kansas Youth Empowerment Academy ([Attachment 15](#)); Tanya Dorf, Kansas Association of Centers for Independent Living ([Attachment 16](#)); Kathy Lobb, Self-Advocate Coalition of Kansas ([Attachment 17](#)); Josie Torrez, Statewide Independent Living Council of Kansas ([Attachment 18](#)); Karen Jones, Topeka Independent Living Resource Center ([Attachment 19](#)); Patricia Haas, a parent of a child with an IEP and a former teacher ([Attachment 20](#)); Jolene and Jared Rader, parents of a child with an IEP ([Attachment 21](#)); Kim Peach, a parent of a two children with ADHD ([Attachment 22](#)); and Maria Martinez, a parent of a child who currently has an IEP ([Attachment 23](#)).

There being no further time, the hearing on **HB 2712** was closed.

Senator Schodorf called the Committee's attention to the minutes of the March 9 and 13 meetings.

Senator Teichman moved to approve the minutes of the March 9 and 13 meetings, seconded by Senator Pine. The motion carried.

The meeting was adjourned at 2:30 p.m.

There were no further meetings scheduled.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: March 22, 2006

NAME	REPRESENTING
Diane Gjerstad	Wichita Public Schools
SCOTT FRANK	LPA
Bob Mikosic	Independence Inc
Jim Olenick	PARENT
COLIN OLENICK	IEP STUDENT GRADUATE
Becky Litscher	IEP STUDENT SENIOR HHS
Sue Ann Kline	Autism Asperger Resource Center
Jennifer Schwartz	PARENT / KACIL
JESSICA SCHWARTZ	STUDENT
Brenda Eddy	KYEA
Kristen McTavish	Families Together
Lynnea Jones	Families Together Inc
Heidi Hyslop	Parent
Lori Guard	Families Together, Inc.
Constantine Zoniewicz	Families Together, Inc
Jed	Keys for Networking
Jan Rhymer	Kansas Council on Developmental Disabilities
Patricia Hoas	Parent
Kim Drunk	KCDD/Partners in Policymaking

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: March 22, 2006

NAME	REPRESENTING
Lauren Shapiro	Opposing - Parent
Karen Snell	parent
Jessie Torres	SILCK (parent)
Kevin Bacon	KCDC
Kathy MB	SACK
Barbara Busby	The Arc of Douglas County
Jerry Angel	opposing - Parent
Val DeFenu	SQE
Lindsey Douglas	Hein Law Firm
Richard January	myself
Gavin January	Children
Beth Lues	Hoffler Government Relations
Bob Bob Lancaster	Blue Valley USD 229
Joy Esman	my child who has an IEP



TOPEKA

HOUSE OF
REPRESENTATIVES

SUE STORM

REPRESENTATIVE, 22ND DISTRICT

JOHNSON COUNTY

8145 MACKEY

SHAWNEE MISSION, KS 66204

(913) 642-3121

STATE CAPITOL

TOPEKA, KANSAS 66612

(785) 296-7650

(DURING SESSION: 1-800-432-3924)

TTY 785-296-8420

KC AREA LOCAL CALL 715-5000

e-mail: storm@house.state.ks.us

COMMITTEE ASSIGNMENTS

MEMBER: EDUCATION
HIGHER EDUCATION
HEALTH & HUMAN SERVICES
GOVERNMENT ORGANIZATIONS
& ELECTIONS
CHILDREN'S ISSUES
2010 COMMISSION

Testimony on HB 2712
March 22, 2006

Madame Chair, distinguished members of the Senate Education Committee, HB 2712 will be one more step in bringing Kansas into line with the federal IDEA guidelines. This bill clarifies and makes a minor change in our current law.

After an initial IEP or annual IEP meeting, a child's parent(s) and an appropriate representative of the agency providing services could agree on changes and prepare a written document amending or modifying the child's IEP without convening an IEP meeting. That representative could be the special education teacher of the child, a child's speech therapist, social worker, etc.—whichever person is related to the change being made. Agreement of the parent to changes in the IEP is still required, but not a full IEP meeting. This is the clarification of the current law. Under this bill, the change in Kansas current law would be that is unnecessary to convene a full IEP meeting to make a substantial change in the student's placement or a material change in services. "Substantial change" has referred to a change in placement of 25% or more. Under federal law, this is already the case.

Agreement of the parent to changes in the IEP is still required, as always, but an IEP meeting is not required. The required written document could be done by e-mail, fax, or telephone, provided the call is documented by the teacher. Of course, any time a parent believes a face-to-face meeting or an IEP meeting is warranted, that meeting may happen. Some members of the disability community were concerned that parents might not know they could request or even insist on a full IEP meeting. In the House committee we amended the original bill to state that at the time of consideration of a change in the IEP, parents would be informed that they are entitled to an IEP meeting if they so desire.

*Senate Education Committee
3-22-06
Attachment 1*

A number of our school districts have believed they were required to have an IEP meeting or at least a face-to-face meeting between teacher and parent any time a change was made to the IEP, or they had a meeting just to be "on the safe side." That involves a tremendous amount of time--the teacher or several teachers having to leave someone else covering a class, a therapist changing routine sessions with other students, etc.

Please bring Kansas into line with the federal guidelines. We need more time to be with children, rather than meeting and doing paperwork.

Respectfully submitted,


Sue Storm

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **HB 2712**
before the
Senate Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

March 22, 2006

Madam Chair, Members of the Committee:

Thank you for allowing us to comment on **HB 2712**. KASB appears as a proponent of this measure.

This bill would simply allow the parent of a special education child and the school district to agree to substantial changes in placement and services to the child without requiring a meeting of the Individualized Education Program team.

This is a simple, common-sense proposal that can make a small but meaningful difference in the time, paperwork and cost associated with special education. It protects the interests of children, parents and school personnel. It will only apply to those circumstances where all parties agree to make changes in the IEP without a meeting of the team. Additional requirements were added by the House Committee to ensure that parents understand their right to have a team meeting. We support passage of this bill.

Thank you for your consideration.

*Senate Education Committee
3-22-06
Attachment 2*



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Terry Forsyth, Testimony
Senate Education Committee
March 22, 2006

House Bill 2712

Madame Chair, members of the committee, thank you for the opportunity to appear before you today to share our thoughts on **House Bill 2712**. I am Terry Forsyth and I represent the Kansas National Education Association.

Our understanding of the intent of this bill is to simplify the change of placement process for students, parents, and teachers. The bill would also bring the IEP meeting process more in line with the current changes in the reauthorization of the Individuals with Disabilities Education Act. One of the major aims of IDEA is to ease the paperwork and time requirements for parents and all professionals involved in educating students in special education programs. This bill follows that pattern of paperwork reduction.

To change a placement during the course of the school year currently requires bringing together the entire IEP committee to make the change in the IEP. This change would allow parents and a representative of the education agency to have the flexibility to make changes without a formal meeting of the IEP committee. It also provides the parents the opportunity to have a formal meeting if that is their request. We support the bill which simplifies the process. We support the change in the process as long as that process is one that keeps parents and educators involved in the IEP process and those educators have had the opportunity for the rich and meaningful discussion with parents thereby keeping the integrity of the IEP process in place as required by federal law.

Senate Education Committee
3-22-06
Attachment 3

TESTIMONY REGARDING HB 2712
Provided by Sue Ann Kline, Ph.D.

I hold a Ph.D. in special education from the University of Kansas and have been a special educator for 25 years. I am currently the Executive Director of the Autism Asperger Resource Center located at the University of Kansas Medical Center. I serve as a consultant on many IEP teams and attend approximately 40 to 50 different IEPs a year. And...I am apposing HB 2712 as written.

It is important to remember that much of the legislative progress in special education can be attributed to the efforts of parents and advocacy groups. I believe HB 2712 should be rejected because it limits the rights and concerns of these groups.

In the last 30 years, since the Education for all Handicapped Children Act (PL. 94-142), educators have witnessed a growing number of parental programs. These programs were designed to strengthen parental involvement in the education of their child. And in virtually every demographic group, agreement exists with respect to the importance of parent involvement. In response to the question: "How important do you think it is to encourage parents to take a more active part in educating their children?" - ninety-six percent of the public answered "very important". These results were published through the Annual Phi Delta Kappa Gallup Poll of the publics attitudes toward the Public Schools: (Barklay & Boone, 1996). HB 2712 does not adhere to the spirit of the law in which parents are encouraged to be active, responsible members of their child's IEP team.

Parent and team participation is guaranteed through the Individuals with Disabilities Education Act of 1997. This law gives parents an important chance to be heard at each of the critical stages in the development and implementation of their child's special education program. HB 2712 threatens the voice of both parents and educators as key decision makers in this educational process.

Team development of the student's special education related services, supplementary services, program modifications, and teacher supports is meant to help ensure effective implementation of the Individualized

*Senate Education Committee
3-22-06
Attachment 4*

Education Program. Input from every member of the team is as important as every member of a surgical team.

–Every member of the team – the surgeons, the anesthesiologist, the nurses, and other technicians – carries out his or her individual functions expertly.

–When they work as a team, interactions flow among them with best possible outcomes. They are all committed to one goal – the well-being of the patient.

If passed, this bill would allow major educational decisions to be made by telephone, fax, email or even a brief conversation. I believe amending or modifying the child's current IEP, without convening an IEP meeting is like asking the surgeon to work without the anesthesiologist. The essence of a team is a common commitment or mission.

Whole team involvement in the IEP establishes a basis for accountability and quality control. It ensures that decisions are made through consensus and not coercion. When the involvement of the team is ignored, there is a greater likelihood of abuse, misunderstandings and distrust. Education reform initiatives should be based on what is best for the student rather than driven by some other factors such as saving time or money. In this educational climate of "No child left behind" the positive outcomes of teaming should be considered.

Parental involvement has been found to have long-term effects on school performance (Henderson, 1987). Children whose parents are involved in their education have better grades, test scores, long-term academic achievement, attitudes and behavior. Thus, parents are in a particularly good position to contribute to the IEP. When their input is solicited and respected, it furthers the IDEA goal of cooperation between home and school.

To ensure the best educational outcomes for children and youth with disabilities I urge you to reject House Bill 2712. Accountability guaranteed through IDEA is at risk.

My name is Lauren Shapiro and I am here to oppose HB2712 as it is written. The main objection that I have involves the wording of 4A (beginning on line 4, p. 2) which stipulates that subsequent to the annual IEP meeting, a parent and agency representative may "amend or modify the current IEP without convening an IEP meeting, including a substantial change in placement and any material changes in services" and that "parent's consent to the revised IEP may be made by telephone." There are several problems with these phrases.

First, the federal law on which state law is based does not allow for substantial modifications without an IEP meeting. Currently, state law provides further protection than does federal law in that significant changes to the IEP (defined as 25% or more) are not allowed without a team meeting and parental consent.

Second, this bill defeats the purpose of the IEP team, which is to generate a discussion from a variety of people involved in the child's life who will provide different perspectives of the child's abilities and needs in order to make an informed decision about services. In this way, contributions from one member will clarify for other members which tasks they may need to work on with the child in order for him/her to develop skills that aid in his/her academic achievement. For example, a neurosurgeon may indicate during an IEP meeting that a child needs Occupational Therapy (OT) services and the kindergarten teacher may confirm that the child is having difficulty with several basic tasks (e.g., cutting with scissors, holding a pencil), which, in turn, informs the OT of the types of tasks that should be incorporated into therapy.

Third, few parents have an understanding of the IEP process, their rights, or how to serve as advocates for their children. Consequently, administrators may take advantage of parents by encouraging them to agree to a decrease in services, particularly on the phone, not because the child's needs have changed but because of limited finances. Based on my experiences as a parent of a child who receives IEP services and as a C.A.S.A. in Florida, most parents are neither confident of their rights nor comfortable in contradicting suggestions by school personnel to have children's services reduced. Unfortunately, parents are easily intimidated by agency members and will accept their suggestions under the belief that these representatives have their child's best interests in mind. However, this is often not the case. For example, last summer my son and another parent's daughter were supposed to receive extended school services of two, 30-minute sessions of speech according to their annual IEPs. I found out that the children were receiving 2, 10-minute *group* sessions, despite the fact that they were working on different speech goals. The other mother was not only unaware that this change constituted a post de facto change, but that she had the right to insist that the therapist provide the services outlined in the IEP. I convinced her to come with me to ask the director of special services to explain why this change in service had been implemented. The explanation that we received was "less time was required for a child to maintain speech advances than was needed to make speech improvements" However, I informed her that substantial changes to the children's IEP was not permitted without a formal meeting or parental consent, neither of which was done. The role of the IEP team is to help parents, like the mother in my example, to determine in an unbiased way (i.e., based on the evidence) whether a substantial change in services is warranted. The team can help parents understand that services can be decreased when the child's progress has met or surpassed his/her benchmarks and goals or should be increased when no progress has been made towards goals.

Fourth, the current law allows parents to excuse IEP members and not to have a formal IEP meeting via written parental consent in order to make modifications. Therefore, this bill is not needed in order for parents to have this type of opportunity to make changes in the IEP.

Thank you for providing a forum for me to express my concerns. I hope that you will consider what I have said carefully and decide to reject this bill as it is written.

Senate Education Committee
3-22-06
Attachment 5



Families Together, Inc.

Parent Training & Information Centers for Kansas

Home Page:
<http://www.familiestogetherinc.org>

Wichita Parent &
Administrative Center
3033 W. 2nd, Suite 106
Wichita, KS 67203
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 945-7795
wichita@familiestogetherinc.org

Topeka Parent Center
501 Jackson, Suite 400
Topeka, KS 66603
Voice/TDD (785) 233-4777
1-800-264-6343
Fax (785) 233-4787
topeka@familiestogetherinc.org

Garden City Parent Center
1518 Taylor Plaza
Garden City, KS 67846
Voice/TDD (620) 276-6364
1-888-820-6364
Espanol (620) 276-2380
Fax (620) 276-3488
gardencity@familiestogetherinc.org

Kansas City Parent Center
1333 Meadowlark Ln., Suite 103
Kansas City, KS 66102
Voice/TDD (913) 287-1970
1-877-499-5369
Fax (913) 287-1972
kansascity@familiestogetherinc.org

Statewide Spanish Parent Line
1-800-499-9443

Presented to:

**Senate Education Committee
Senator Jean Kurtis
Schodorf, Chairperson**

Presented by:

Connie Zienkewicz
Executive Director
Families Together, Inc.
3033 W. Second, Suite 106
Wichita, Kansas 67203

March 22, 2006

Testimony in regard to HB 2712

Madam Chair and members of the committee, thank you for the opportunity to provide testimony today. My name is Connie Zienkewicz, and I am the Executive Director for Families Together, Inc. Families Together is the Parent Training and Information Center for Kansas. We provide resources and training to families that include a child or youth with a disability. Our staff of information specialists work individually with families and provide workshops to parents and professionals. Families Together, Inc. also provides the training to volunteer advocates who are appointed to represent students whose parents' rights are severed or whose parents are unavailable to advocate for them in special education matters.

As trainers and information specialists for parents and appointed education advocates, Families Together is strongly opposed to Section 1 (4)(A) of HB 2712. This proposal weakens the important role of the IEP team in making significant changes in an IEP (Individualized Education Program).

I have provided you with a short synopsis of contacts made by parents during the first few months of this school year. Daily, Families Together staff members talk with parents across Kansas. As you can see, a majority of the contacts involve school issues. Further, over a quarter of the contacts made to us by parents regarding a school matter specifically involved IEPs, Program Placements, and Related Services. When we work with parents, we strongly urge them to be active, responsible members of their child's IEP team and to respect the value and expertise of all team members. Especially in matters involving *any substantial change in placement and any material change in services*, we believe that all members of the IEP team should be afforded the opportunity to provide input and be privy to the discussions and data used to make such decisions.

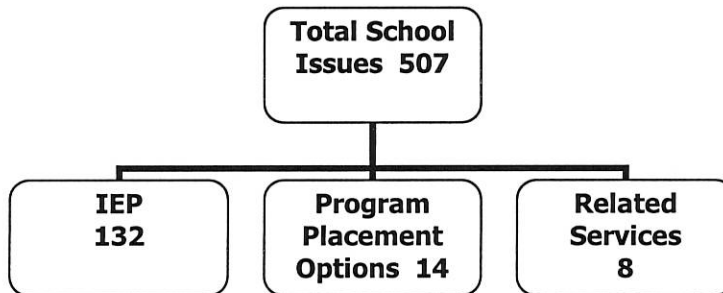
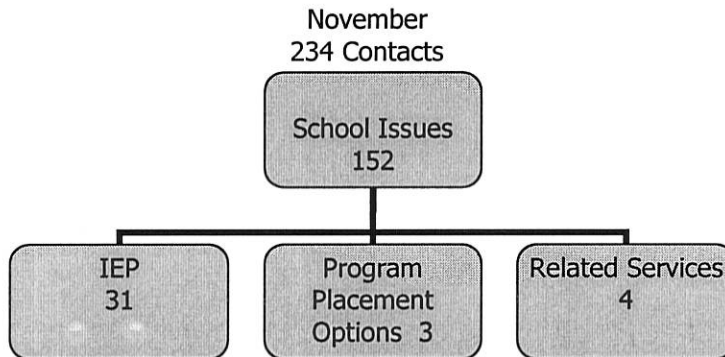
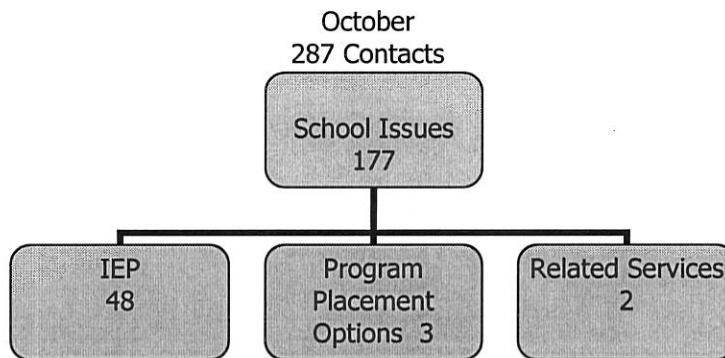
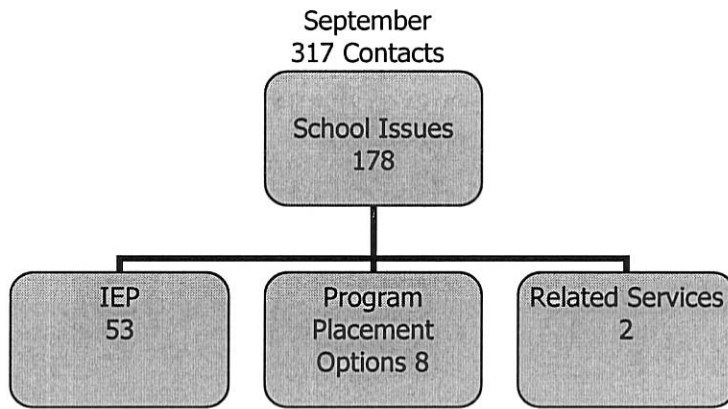
Kansas should be proud that they have continued to respect the IEP team in requiring parental consent for a substantial change in placement or a material change in services. These are **significant** issues that require the participation of the **entire** IEP team. I believe the intent of Congress in allowing a parent and representative of an LEA to amend or modify an IEP was to allow for minor changes with ease and convenience. However, a "substantial change in placement and material change in services" is by its own statement, "substantial" and "material". Please do not allow students' IEPs to be modified without the time and attention due to them, especially in these matters of significance.

Thank you for your time and consideration.

Assisting Parents and Their Sons and Daughters with Disabilities

Senate Education Committee

*3-22-06
Attachment 6*



**House Education Committee
Representative Kathe Decker, Chairperson**

March 22, 2007

Testimony in regard in HB 2712

Madam Chair and members of the committee, thank you for the opportunity to provide testimony today. My name is Leia Holley, and I am the proud parent of two remarkable teenagers. Both JP and Sean have made tremendous progress thanks to some amazing IEP teams.

As my sons approach the age of majority, the changes proposed by HB 2712 terrify me. As a parent, educational advocate and a former high school teacher, I am strongly opposed to HB 2712.

This proposal weakens the important role of the IEP team in making significant changes in the Individualized Education Program (IEP). As my husband and I have navigated the special education maze during the past eleven years, we have learned the hard way the value of an effective IEP team.

Our youngest son Sean, now 13 years old, has overcome many obstacles in his life. Many of these obstacles were due to individuals, including myself, who let adult issues cloud their perspective of his true needs and goals. The majority of these obstacles were caused by miscommunication and misinterpretation of information by team members. Had the proposed changes been in effect eight years ago, Sean's team would not have been forced to step back and push the adult issues aside and rebuild a team around a first grader who has autism.

Fast forward, Sean is now in the 7th grade at Clark Middle School in Bonner Springs. He is a valued part of his school and community. He is a general education student who just happens to have special education needs but also has some amazing gifts to share with his peers. Since second grade, he has had an IEP team who truly understands the value of open, honest and effective communication.

What happens when Sean reaches the age of majority, 18 years old? One person Sean 'trusts' could convince him to make a significant change in placement or material change in services.

As military parents, I have spoken to many families from around the country who could only dream of living in a state where the commitment is to respect the IEP team by requiring parental consent for a substantial change in placement or material change in services. I believe maintaining the requirement for full participation of the IEP team when considering significant changes is vital to both Sean's success and the success of the team as a whole.

Think of the individual students this will affect throughout Kansas. I do believe as a parent it will mean the need for more meetings as there will be less communication between team members thus more room for miscommunication and misinterpretation of information.

Kansas is doing so much that is right when it comes to special education. Please do not change an element in Kansas law that makes the adults step back as an IEP team and look at what the individual child truly needs.

Thank you for your time and consideration.

Leia Holley
824 South 135th Street
Bonner Springs, KS 66012



Senate Education Committee
3-22-06
Attachment 7

SENATE WAYS AND MEANS EDUCATION COMMITTEE

Senator Jean Schodorf, Chair

HB 2712

March 22, 2006

Thank you for the opportunity to provide information for you today in opposition of HB 2712, an act relating to special education for exceptional children act. Our family is gravely concerned about the potential impact of this legislation.

HB 2712 seeks to limit the requirement for IEP team meetings when considering a 'material' change in services or 'substantial' change in placement for a student that receives special education supports and services.

Typically I stand in front of these committees representing Centers for Independent Living in Kansas and the services they provide to individuals with disabilities in our state, through my work with KACIL.

Today, I come to you as a parent of a student who receives special education supports and services. Our daughter, Jessica is 14 and an 8th grader at Southwest Junior High in Lawrence. Jessica has a disability and has qualified for special education services since she began school at age 3.

We believe a cornerstone to special education supports and services is the IEP team. Our team comes together to provide Jessica with the best possible educational opportunities. Throughout the years members of our IEP team have changed, but luckily each year we have a few that remain consistent. We have worked diligently to build this team through trust and respect for each other. Each member has one thing in common, Jessica, and everyone brings their own perspective and expertise to the group and through this we brainstorm and build our plan. I truly believe that each member of our team plays a vital role.

Throughout the years team members have had a variety of thoughts and opinions on where and how services should be provided. At one point there were thoughts that Jessica might be better served in a one on one, individual, restrictive environment (staying in the special education classroom). There were ideas that individual therapies should be done in a pull-out situation instead of in the general education classroom, but as a team we discussed the pros and cons to these placement decisions and determined that the best way for Jessica to learn to function in her natural environment would be to experiment with doing things in the natural environment. This would have been a difficult discussion for the physical therapist or speech therapist to have on their own, but with the IEP team together you had a variety of folks to bounce ideas off of. We have worked hard to build a team approach, and even during times of disagreement, we remind ourselves in the IEP team that the goal is consensus building. The ultimate goal is then the most appropriate educational services for Jessica so that in return she excels and achieves her goals to be a contributing member of her community.

*Senate Education Committee
3-22-06
Attachment 8*

(Just as a side note...I will also report that because our team did decide to maintain services in the general education classroom it has proven to be the best option for Jes. In Junior High she now does all general education classes, she plans to attend college after she graduates from high school; she is honestly a contributing member of her junior high school class, participating in the Drama stage crew for plays, being a manager for the 8th grade girls basketball team, participating in an after school club MAD (Students Making a Difference), etc. Jessica is also involved in a variety of activities in her community, girl scouts, youth group, and volunteers one day a week at an after school program at a local grade school. I wonder if this would all be happening without the full support of a strong educational team.)

Kansas policy and practice has ensured that IEP team meetings are vital components of a student's education plan. Parents are strongly encouraged to be active, responsible members of their child's IEP team and to respect the value and expertise of all team members. IEP team meetings have been a way that I personally have learned about the educational system available to support my daughter. Without these meetings parents would not have that opportunity to learn and understand. Without these team meetings there wouldn't be the environment to truly think about decisions, and ask questions.

In learning about this bill, it was also discouraging for me to learn that the Kansas Department of Education, school board associations, or teacher associations never consulted with families to find out if this would be a good step. There was no environment to work together. I would agree that if possible we would work to decrease the amount of paperwork so that teachers can have more time working with students. I support changes in the Federal law that state that we don't need to require that everyone attend IEP meetings if the issues don't affect the services they provide. I would ask that in the future that KSDE be encouraged to bring together stakeholders to work through suggested changes so that we can come to this legislative body in support of changes, instead of being in opposition of them. I am sure that there might be areas that we will disagree, but we should at least have the discussion.

In conclusion our family stands strongly opposed to HB 2712 and would ask that this committee seriously consider this legislation and the impact it may have on parental input into the IEP process and the potential to take away important rights and responsibilities of the students that qualify for special education in Kansas and their parents.

Thank you for your time

Jennifer and Jessica Schwartz
Lawrence, KS
jennifers@kacil.org
785-550-3740



Building a community
of acceptance.

2518 Ridge Court
Room 238
Lawrence, KS 66046
785-749-0121
Fax: 785-843-3728
www.arc.lawrence.com
Email: thearcdcks@aol.com

To Senate Education Committee
RE: House Bill 2712

Dear Committee members:

For the last 50 years people with developmental disabilities have fought for the right to live, learn, work and play as part of their own communities. With the passage of the Education for All Handicapped Children Act and its reauthorization as the Individuals with Disabilities Education Act, the goal of inclusion of students with disabilities into the mainstream of education was in sight. Now the battle is not should those students be part of the public school system but how will that be achieved.

Paperwork is the bane of modern existence. We all have too much; it takes away from productivity and slows down the progress we want to make. Yet, it has an important function especially the paperwork and meeting times tied to the education process. Special education is a team effort. No one person knows everything needed to help a student with a disability find success. When an IEP is written all members of the team take part; each providing important information and ideas to make up a successful plan. Yes, this is sometimes a cumbersome process; yet it is the only way to make sure that the expertise of all is included in the process.

House bill 2712 would subvert that process. While ostensibly making changes more efficient, it actually makes them less responsive to the needs of the student. IDEA rules already allow for small changes needed to help the student succeed to be made without an IEP meeting. However, it requires that substantive changes take time; time for everyone to understand the issues and bring possible solutions to the table; time for anger at bad behavior or poor performance to turn to an understanding about the bigger issues of supports and student needs.

Cornering a parent in the hallway after a hurried call from an angry principal is not the time or place to discuss a change in the student's placement or make changes in a behavior plan. The parent is worried, embarrassed, concerned. A quick discussion with the special education teacher does not give a parent a chance to understand what options are available. Behavior is communication. What is the student saying? Will a new behavior plan help the student? Does the curriculum need adapting? Is this class too difficult or is the student at the next desk whispering taunts when the teacher isn't listening?

This proposed change makes it too easy for students with disabilities to be removed from classes or environments that they share with their non-disabled peers. It would be wonderful if schools would add supports as easily as they remove them; but it is not the

The Arc
A chapter
of The Arc
of the
United States

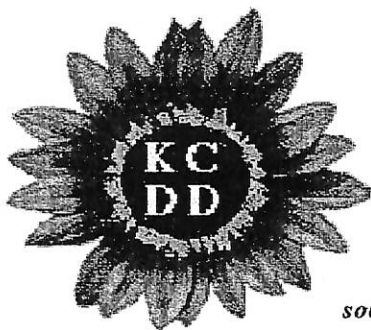

A United
Way Agency

Senate Education Committee
3-22-06
Attachment 9

usual case. We believe that this bill would erode the hard fought rights that our students have gained to be supported in regular classrooms. Good special education is hard work. Our students are worth the time and effort.

Sincerely,

Barbara Bishop
Executive Director



Kansas Council on Developmental Disabilities

KATHLEEN SEBELIUS, Governor
DONNA BEAUCHAMP, Chairperson
JANE RHYS, Ph. D., Executive Director
kcdd@altel.net

Docking State Off. Bldg., Room 141, 915 SW Harrison
Topeka, KS 66612-1570
Phone (785) 296-2608, FAX (785) 296-2861
<http://nekesc.org/kcdd>

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

SENATE EDUCATION COMMITTEE

March 22, 2006
Room 123-S

Madame Chairperson and Members of the Committee, my name is Jane Rhys and I represent the Kansas Council on Developmental Disabilities. I am here as an opponent of House Bill 2712, an Act relating to the special education for exceptional children act; amending K.S.A. 2005 Supp. 72-987 and repealing the existing section. The Council is federally mandated and federally funded – we receive no state funds. Our mission is to provide information to policymakers, promote systems change and innovation, and advocate for individuals with developmental disabilities.

Our main concern is with the change to current state law in which an Individual Education Program (IEP) can be amended by phone, without a substantial number of IEP team members present. The proposed change lets a parent receive a brief phone call, without input from other staff, which could result in an uninformed decision that could dramatically change their son or daughter's life. Our first concern is that if "*any substantial change in placement and any material change in service*" are contemplated (page 2, Lines 8-9), there should be substantial documentation to back up the proposed change. One cannot view this documentation over the phone. I have no problem if there is a small change, my concern is with substantial changes such as elimination of a related service, reduction of hours in general education or in special education, change to a more restricted school, etc.

I currently serve as an Educational Advocate for four young men ages 13 to 16. An Educational Advocate is appointed by the State Department of Education whenever a child's parental rights are severed and the child has a disability requiring special education and related services. Second, as a person who acts as a parent for four students, I do not want parents' responsibilities to be diluted. Parents need to, no; they *must* be involved in their children's education, particularly if the child has a disability. I recognize that not all parents are involved but they should be. Not all school staff are good

*Senate Education Committee
3-22-06
Attachment 10*

educators but they should be. The proposed change says that it is OK to just respond to or make a phone call when a substantial change is proposed. Parents do not have to make any effort to go to the school, look at records, talk to different people, and find out why the change is proposed. Teachers do not have to be present and explain in person why the change is proposed.

Third, I keep hearing about the burden of paperwork placed on the special education and related services teachers. If the teachers were in a good teacher training program, this should not have been a surprise. As a former general and special education teacher, I know that there is paperwork involved when educating a child regardless of the child's abilities or placement. I talked to current general education teachers who take many papers home to grade every night. One teacher is a secondary science teacher with 6 classes and an average of 25 students in each class. He brings papers home every night to grade. A friend's child wrote a five-page essay that was not returned to her for 5 weeks because the teacher had so many papers to grade. The requirements of the federal *No Child Left Behind* and Kansas competencies are also adding to the paperwork burden.

If one goes into the field of education, one can expect paperwork. You may have a summer off (if you are not taking classes yourself to renew your certificate), but you will put in twelve months of work during the nine months of the school year.

In short, we oppose any changes that would reduce a parent's right as well as responsibility to be fully involved with a child's education, and the school's staff's rights and responsibilities to not only document the need for a change, but also be able to explain it and the different steps they took before proposing the change.

As always, we greatly appreciate the opportunity to speak to you and would be happy to answer any questions.

Jane Rhys, Executive Director
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570
785 296-2608
jrhys@alltel.net



EQUALITY ♦ LAW ♦ JUSTICE

Disability Rights Center of Kansas
Michael Donnelly, Director of Policy & Outreach
635 SW Harrison, Ste 100 ♦ Topeka, KS 66603
785.273.9661 ♦ 877.776.1541 (Voice)
877.335.3725 (TDD) ♦ 785.273.9414 FAX
mike@drckansas.org ♦ Telephone Ext. #107

**Testimony to the
Senate Education Committee
Testimony in Opposition to HB 2712**

March 22, 2006

Chairman Schodorf and members of the committee, my name is Michael Donnelly. I am the Director of Policy and Outreach of the Disability Rights Center of Kansas. The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is the officially designated protection and advocacy system for Kansans with disabilities. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of both state government and disability service providers. As the federally designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including children receiving special education services.

DRC expresses concern with the addition of language *“including any substantial change in placement and any material change in services.”*

Further, the Bill as amended by the House allows substantial and material changes to be made by telephone, email or fax. The Bill would eliminate the

current requirement for a parent's signature indicating agreement with a change to the IEP.

DRC agrees that the intention in providing the option of amending or modifying without full team support may be appropriate for such changes as revisiting the benchmarks for a student's goals, or the addition of a service, modification or accommodation. But, movement of an exceptional child for more than 25 percent of the school day, or a 25 percent or more reduction of services is not properly addressed by the parent and one school representative. The 25 percent reference refers to the formal definition of *substantial change in placement [KSA 72-962 (aa)] and material change in services [KSA 72-962 (bb)]*.

It is a child's right to be educated in the Least Restrictive Environment (LRE) and receive a Free and Appropriate Public Education (FAPE) and it is both the parent's and the school's responsibility to ensure those rights. Substantial change in placement can significantly negatively affect the provision of services in a student's Least Restrictive Environment and any material change in services can have a significant impact on FAPE. Either of these changes needs to be done with the assurance that input is provided by all members of the IEP Team and with the full informed consent of the parent. Federal IDEA states that "placement decisions" are to be made by a "group" and that the LEA must assure that the parent is a member of the "group." (20 U.S.C. 1414(e)) Long-standing interpretation of this provision is that the IEP team is the "group" that makes placement decisions. DRC does not agree with the proponents of HB 2712 that two people conversing by telephone, fax or email complies with the IDEA requirement for a "group that makes decisions on the educational placement of their child."

IDEA also contains provisions that require certain expertise on the team making educational decisions: "Among the required members of an IEP team is "a representative of the local educational agency who -- (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (II) is knowledgeable about the general education curriculum; and (III) is knowledgeable about the availability of resources of the local educational agency." 20 USC 1414(d)(1)(B)(iv). The team must include a member from the LEA that can commit resources to the educational plan for a child. Are these requirements met by just a teacher and parent communicating by email and making substantial or material changes to placement or services in the IEP?

The proposal set forth in HB 2712 makes it far too easy to reduce services to a student, or to move a student to a more restrictive educational setting. Is it the intent of the Bill's proponents that additional services and moves to less restrictive settings be made in the same way? For example, if a student's parent approaches his or her child's teacher and requests an increase in speech therapy services from one hour per week to 3 hours per week (material change in service) can the two of them make that decision?

A major concern with the proposal in HB 2712 is potential for abuse of the informal decision making process. Although the IEP team can be overwhelming and intimidating to parents, it does require open discussion about all of the components of a child's IEP. Again, IDEA has protections for the parent to be able to make informed decisions, including a

requirement for prior written notice when the LEA wants to make a change in placement:

“written prior notice to the parents of the child, in accordance with subsection (c)(1) of this section, whenever the local educational agency --
(A) proposes to initiate or change; or
(B) refuses to initiate or change,
the identification, evaluation, or educational placement of the child, or
the provision of free appropriate public education to the child.” 20
USC 1415(b)(3).

Content of the prior notice must include: (A) description of the action; (B) explanation of why; (C) “statement that the parents of a child with a disability have protection under the procedural safeguards of this subchapter and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;” (D) sources for parents to contact for assistance; (E) description of other options considered; and (F) factors relevant to proposal or refusal. 20 USC 1415(c)(1).

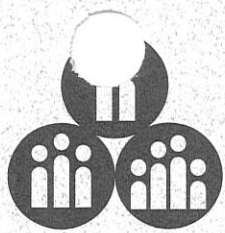
Parents must be informed of why the LEA is recommending the changes and they must know they have the option to decline to consent to informal amendment process and instead insist on a full IEP meeting where the changes can be fully discussed. The purpose of establishing and convening an IEP Team is to provide informed and varied levels of expert input for major decisions regarding provision of individualized instruction. While written input can be an option, it does not allow for discussion necessary for parents to provide informed input and make effective informed decisions.

The system must be navigable by the parent. By omitting the formality of an IEP meeting, the school can too easily make changes to a student’s program

without the parent being aware of how those changes affect a student's rights. While DRC anticipates this would not be done intentionally, it does present an opportunity for abuse if parents do not realize the impact/importance/gravity of the decision they are making in the less formal arrangement.

The current law gives the parent the right to withhold consent to substantial change in placement or material change in services. Those decisions are given higher level of importance than other aspects of the IEP and are therefore given more procedural protection. Thus, the formality of the meeting and input from entire IEP team are required.

Although the proposed change in law seems minor, the affect, and unintended consequences can be major. HB 2712 may result in the violation of students' rights to Free Appropriate Public Education in the Least Restrictive Environment and so DRC can not support the proposed amendment.



Keys for Networking, Inc.

The Kansas Parent Information and Resource Center

The State Organization of the Federation of Families for Children's Mental Health

To: Senator Schodorf and Members of the Education Committee

From: Jane Adams, Ph.D., Executive Director, Keys for Networking, Inc.

RE: HB 2712

March 22, 2006

Thank you for allowing me the opportunity to testify today. I appear as an opponent of House Bill 2712. I believe that the proposed legislation undermines efforts to foster meaningful parent involvement in support of learning, which is a mandate of the No Child Left Behind Act.

In my position as director of Keys for Networking, I manage a non-profit, family-staffed and family-managed advocacy organization that provides information, support, and training to families whose children have serious emotional, behavioral and educational problems. We also provide specialized services for Hispanic families who are newly immigrated from Mexico to help them understand the Kansas education system and secure services for their children with disabilities.

Educational research, notably by Mapp and Epstein, has repeatedly shown that students have better grades, stay in school longer, like school more, and have better social skills when their parents are involved in supporting their education. This is especially important for students with disabilities who need additional support to achieve in school.

Research indicates that successful strategies for involving parents are founded on developing trusting, respectful relationships. The proposed legislation, which appears to facilitate "easy" or "simple" changes to a child's IEP by removing the necessity of convening the entire team, would significantly undermine efforts to engage educators and parents in trusting, respectful partnerships. The legislation makes it possible for IEP team members to be absent from meetings and for changes—even substantial changes to the child's placement and services—to be made without convening the team at all.

Relationships between parents and teachers on IEP teams are fragile to begin with. Teachers often feel imposed on to attend meetings that cut into their already crowded schedules. Parents are afraid of how they will be treated by school staff and of being asked to make decisions about their child's education when they do not feel comfortable asking questions. Many parents are reluctant to be involved with their child's school because of their own negative experiences in school as a child.

These tenuous relationships can be mended with training for teachers in the importance of and strategies for fostering parent involvement and with information and support for parents about how and why they can support their children's learning. Unfortunately, most teachers do not have this training and most parents do not have this information and support. I know this from my experience training special education teachers as an

*Senate Education Committee
3-22-06 Attachment 12*

1301 S. Topeka Blvd. • Topeka, Kansas 66612

(785) 233-8732 • (800) 499-8732 msg line • Fax (785) 235-6659 fax line • www.keys.org

Associate Professor at Washburn and from my current work at Keys for Networking with parents of children with emotional, educational, and behavioral problems.

The proposed legislation undermines the intent to bring families and teachers together for educational planning. For the many families who do not have existing relationships with their IEP team, those who may not even know now who is on the team, this legislation weakens the likelihood that they will be engaged in critical face-to-face planning time to share views and ask questions about the education of their children with very specialized needs. These parents will not know who to call or what to do when their children's needs change, when their medications change—when they have a piece of relevant information that teachers need to work effectively with students with disabilities. There is also no guarantee that parents will receive the communication from the school about proposed changes. What results is a plan with little information about the child's actual needs. Families with limited English proficiency face even greater obstacles to being involved in the planning process.

Planning with the team and deciding what to try is the core of the special education service delivery. It is the core of deciding what methods to use and how to evaluate the success or failure of services. I urge you, please do not endorse HB 2712.

Testimony to the Senate Education Committee

HB2712

Presented by: Beckey Litscher

March 22, 2006

Good Afternoon, my name is Beckey Litscher and I am a senior at Highland Park High School. I have been deaf since birth and have received special education services since elementary school. I have been going to IEP meetings since 6th grade and I never realized how important those meetings are until this year.

Last summer I was selected to attend the Youth Leadership Forum at Washburn University. They have taught me a lot of things that most people wouldn't teach me about. I am glad that they did because they taught me how to advocate for myself. Now I know how to do things right and advocate for what I believe in.

I recently learned about this bill that would eliminate the need for the team meetings when making changes to the IEP. **I THINK THAT IT'S WRONG** because it takes away the rights of the students.

Remember how I mentioned that I never realized how important those team meetings are until this year? After attending YLF, I learned that I am supposed to be an active participant in those meetings because those meetings are about my life and my goals and dreams. At my last IEP meeting, I picked the support people I wanted to be at the meeting and we re-wrote the IEP to include goals for transitioning from high school to the real world. This would not have happened if I had not have had the opportunity to choose these persons to be on my IEP support team.

I believe we should just leave the IEP alone but find ways to encourage youth to become more involved in their IEP and their education. If we can teach students to do this, won't that make us better citizens after we graduate?

Thank you for listening.

Senate Education Committee
3-22-06
Attachment 13

Colin Olenick
7839 Foster #1200
Overland Park, KS 66204
PH 913-383-9524

Hello. Thank you for the opportunity to speak with you today.

My name is Colin Olenick. I graduated from Shawnee Mission East High School in 2003 and I was a student receiving Special Education services because I have cerebral palsy and autism.

I have advocated for myself in my IEP meetings since age 12. For example:

- In Junior High, I was told I shouldn't take PE classes. I told my IEP team that I needed the social aspect of PE class and that I needed to be with my friends and have interaction with other students.
- In another instance, I advocated for an accessible kitchenette unit in the home economics room.
- In High School I successfully advocated to be on the swim team.

Because of my ability to advocate and because of the legal requirement to have IEP meetings when the need arose, I was able to have my full team present, to brainstorm possible solutions and to make the arrangements necessary for these changes to occur.

Without these IEP team meetings this would have been impossible. I believe HB2712 would remove my right to be heard by my entire IEP team and would make it more difficult for significant changes to occur. My successful inclusion in the mainstream of the school occurred because I was listened to as an advocate and the IEP process required the school to respond to my stated needs.

This process also helped me learn responsibility and that I could make changes by taking control and speaking for myself. In transition this is especially important. If this law goes into effect, you will be spending more money, not necessarily in Special Education, but in costs in Medicaid and other community supports.

Everyone on the IEP team during transition, including the person, the parents, the school team and other community supports, need to be on the same page. It is not only cheaper but better for the person to spend an hour in school planning a student's education than spending countless hours and dollars doing it when they are an adult.

What are we teaching students if we do not allow them a real, legally protected voice in their own education, especially during the transition process? The intent of IDEA is to get students out of the hospitals, institutions, out of the closets and make them productive, tax-paying citizens.

If we allow schools to make significant changes in a student's education or transition without the requirement for an IEP meeting, we are throwing away the value of self-advocacy. Students who receive adult services in the community need to have practiced advocacy before they enter services.

Instead of passing this piece of legislation, let's ask Congress to fully fund IDEA and Special Education. Don't undermine years of hard work in inclusion, transition and student success.

Colin Olenick

Colin Olenick

Written Testimony to the Senate Education Committee
Presented by: Brenda Eddy, Executive Director
Kansas Youth Empowerment Academy
March 22, 2006

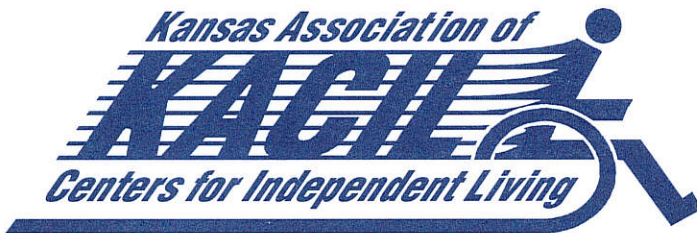
Good afternoon, Chairwoman Schodorf and members of the Committee. My name is Brenda Eddy and I am the Executive Director of the Kansas Youth Empowerment Academy, a non-profit organization with a mission "to empower youth with disabilities through education, mentoring and peer support". Our organization was established to house the statewide Kansas Youth Leadership Forum (YLF). YLF is an intense, five-day leadership and career training program for high school juniors and seniors with disabilities. The YLF curriculum addresses leadership skills, career goals, disability history, resources, self-advocacy and other issues related to self-direction and living independently. To date we have touched the lives of approximately 150 youth. We are a staff of three, two of which are youth with disabilities. We are governed by a board of directors consisting of adult mentors who serve in an advisory capacity. The youth make up 51% of the voting board. We use our board as a 'learning laboratory' to teach citizenship duties such as how to serve on boards and committees. We also offer other programs, as grants warrant. Our Disability Heritage Project is a program where we train older youth with disabilities to go into the schools and speak to younger youth about the positive attributes of having a disability. We believe that exposing young people at an earlier age to positive role models will provide a foundation to build healthier self-esteem.

I am deeply concerned about HB 2712. We are in the business of empowering youth to find their voices and to play an active role in the IEP process – and in society, for that matter. Taking away the requirement to have team meetings when making changes to an IEP is a dangerous precedent. If this is implemented, who gets to decide what is 'substantial' or 'material'? Certainly not the parent or the youth. Which begs the question - 'whose plan is it, anyway?' The schools or the child with the disability? We should be involving youth MORE in the decision making process of team meetings, not requiring less team meetings.

I understand that teachers are busy and expected to do more with less. I'm married to a teacher. However, this bill does not serve the best interest of the child. Please do not allow this bill to pass. It is mis-guided public policy. Thank you.

Brenda Eddy, Executive Director
Kansas Youth Empowerment Academy
517 SW 37th, Suite B
Topeka, Kansas 66611
785-215-6655
brendae@kyea.org

Senate Education Committee
3-22-06
Attachment 15



Jennifer Schwartz
Executive Director

Member Agencies:

Center for Independent Living for Southwest Kansas
Garden City, KS
620/276-1900 Voice

Coalition for Independence
Kansas City, KS
913/321-5140 Voice/TT

ILC of Northeast Kansas
Atchison, KS
913/367-1830 Voice

Independent Living Resource Center
Wichita, KS
316/942-6300 Voice/TT

Independence, Inc.
Lawrence, KS
785/841-0333 Voice
785/841-1046 TT

Independent Connection/OCCK
Salina, KS
785/827-9383 Voice/TT

LINK, Inc.
Hays, KS
785/625-6942 Voice/TT

Prairie Independent Living Resource Center
Hutchinson, KS
620/663-3989 Voice

Resource Center for Independent Living, Inc.
Osage City, KS
785/528-3105 Voice

Southeast Kansas Independent Living, Inc.
Parsons, KS
620/421-5502 Voice
620/421-6551 TT

The Whole Person, Inc.
Kansas City, MO
816/561-0304 Voice
816/531-7749 TT

Three Rivers ILC
Wamego, KS
785/456-9915 Voice

SENATE WAYS AND MEANS EDUCATION COMMITTEE
Senator Jean Schodorf, Chair
HB 2712
March 22, 2006

Thank you for the opportunity to provide information for you today in opposition of HB 2712, an act relating to special education for exceptional children act. I am Tanya Dorf, a board member and Chair of the Legislative Committee of the Kansas Association of Centers for Independent Living (KACIL). KACIL represents 12 Centers for Independent Living (CILs) across Kansas. KACIL is driven by the following mission statement: *To coordinate efforts within Kansas and the United States to the extent that these efforts will further independent living for all. KACIL will advocate for the civil rights of Kansans with disabilities.*

I am also the Executive Director of Independence, Inc. a Center for Independent Living in Lawrence. Centers for Independent Living provide services to people with any disability, of all ages. CILs provide information and assistance to businesses and other entities in the community to increase opportunities for people with disabilities to live, work, and play in all aspects of community life.

KACIL stands in strong opposition of HB 2712, which would eliminate the need for IEP team meetings when important decisions are being made concerning a student that qualifies for special education services. Current Kansas law requires that students and/or parents and schools convene IEP team meetings when considering a 'material change in services or 'substantial' change in placement. HB 2712 would eliminate the requirement for these team meetings. We believe this would lead to uninformed decision making on the part of the student or parents.

KACIL has a long history of promoting and empowering self-direction, consumer control and individual responsibility within our state for people with disabilities, including students that qualify for special education services. If enacted this legislation would take away the importance of working as a team to best support each individual student and subsequently take away informed decision making done by either the student or the parents. This would diminish the opportunity for students and parents to work to understand the system of special education.

Current Kansas education policy and practice has ensured that IEP team meetings are vital components of a student's education plan. Parents are strongly encouraged to be active, responsible members of their child's IEP team and to respect the value and expertise of all team members. HB 2712 would eliminate this policy.

Senate Education Committee
3-22-06 Attachment 15

HB 2712 would allow major educational decisions to be made by telephone, fax, email or even a brief conversation in the school hallway. *This would be extremely detrimental to students with disabilities in Kansas.*

In conclusion KACIL stands strongly opposed to HB 2712 and would ask that this committee consider seriously consider this legislation and not take away important rights and responsibilities of the students that qualify for special education in Kansas and their parents.

Please feel free to contact us for additional information or with questions you may have.

Tanya Dorf
Legislative Committee Chair
KACIL



Self-Advocate
Coalition of Kansas

To: Senate Education Committee
From :Kathy Lobb
Legislative Liaison
Self Advocate Coalition of Kansas

Dear members:

I am concerned that this bill would allow changes to be made to the Individual Education Plan without the involvement of the student. This is especially important for older students; they need experience in making choices. How can they make choices when they live in the community if they don't have the chance to do so while they are students?

The Self Advocate Coalition of Kansas is afraid that if there is no chance for choices there will be no communication with the student. No one will talk with the student about what he or she wants. It makes it harder for them to learn real world choices. SACK believes that every person has the right to a better education; interference from family without regard to the student's wishes will hurt the student. Without meaningful education everyone loses.

Many years ago there was no special education. People with disabilities were not allowed to attend public schools; we went to segregated schools or were placed in institutions. Now we have the right to be part of our neighborhood like our non-disabled friends but we still need help to achieve. Sometimes we have problems with our behaviors and need special help to learn how to relate in the regular classroom. This bill would make it easier for schools to just remove us and send us to segregated classes rather than working to find the supports we need to be successful.

Please do not take away our right to make choices. We want to be sure that we are part of the decisions that affect our education and our lives.

Please contact me if you have any questions.
Sincerely,

Kathy Lobb



2518 Ridge Court,
Room 236
Lawrence, Kansas 66046

Phone: 1-888-354-7225 or
785-749-0121
Fax: 785-843-3728
Email:kssack123@aol.com
Web: kansassack.org

Senate Education Committee
3-22-06
Attachment 17

Testimony
Senate Education Committee
HB 2712
March 22, 2006

Members of the Committee, I am Josie Torrez, giving testimony on behalf of the Statewide Independent Living Council of Kansas (SILCK). The SILCK is mandated by the federal Rehabilitation Act as amended in 1993. We are governor appointed, consumer controlled and comprised of statewide and cross-disability, cross age representation. The SILCK's primary purpose is to facilitate and promote freedom of choice and equal access to all facets of community life for people with disabilities of any age.

HB 2712 revises the Kansas Special Education Law. It would remove the rights of parents to an automatic IEP meeting when making a "material" change in services or "substantial" change in placement in a student's IEP. If this bill passes as amended, it would eliminate that right.

HB 2712 would limit the need for IEP team meetings. Current Kansas law requires that parents and schools convene IEP team meetings when considering a "material" change in services or "substantial" change in placement. This would eliminate the requirement for a team meeting.

HB 2712 would allow major educational decisions to be made by phone, fax, e-mail or even a brief conversation in the school hallway. It does not encourage discussion or informed decision making by parents, or the student, if the student is his/her own guardian at age 18.

Current Kansas policy and practice has ensured that IEP team meetings are vital components of a student's education plan. Parents are strongly encouraged to be active, responsible members of their child's IEP team to respect the value and expertise of all team members. HB 2712 would eliminate that policy.

We ask that you put the rights of students receiving Special Education first, therefore we see no reason for this bill to be passed out of committee.

Josie Torrez
SILCK
Project Coordinator
785-234-6990
josie@silck.org

Senate Education Committee
3-22-06
Attachment 18



Topeka Independent Living Resource Center

785-233-4572 V/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

March 23, 2006

Written Testimony
In Opposition to HB 2712
Senate Education Committee
Submitted by TILRC Public Policy Committee

Dear Honorable Chairperson Schodorf and Committee Members,

The Topeka Independent Living Resource Center (TILRC) is a civil and human rights organization. Our mission is to advocate for justice, equality and essential services for a fully integrated and accessible society for all people with disabilities. TILRC has been providing advocacy and services for over 25 years to people of any age, and regardless of the nature or severity of disability, across the state of Kansas.

TILRC believes that parents are the best protectors of their children's educational rights and should not be excluded, limited or interfered with when considering an IEP which provides their child the tools for accessing knowledge. HB 2712 appears to revise Kansas special education law, by removing a parent's right to an automatic IEP team meeting when making a "material" change in services or "substantial" change in placement.

Children with disabilities and their parents (chosen supporters) should continue to have the right to be involved at all/any level they deem necessary toward achievement of their educational goals. The civil rights of our children to equal education should continue to be preserved.

Thank you for attention.

Karen Jones
Director of Advocacy Services
TILRC South, Wichita

Advocacy and services provided by and for people with disabilities.

*Senate Education Committee
3-22-06
Attachment 19*

Madame Chair Schodorf and Committee:

I am writing to oppose HB2712 which revises the Kansas Special Education Law. If it becomes law, this Bill will remove the rights of parents and school staff to convene IEP team meetings when making a "material" change in services or a "substantial" change in placement in a student's IEP. I am a parent of a child with an IEP. I am also a former public school teacher and school board member within this State. I currently serve both as the Coordinator of Heartland Parent Support Group, located in Salina, Kansas and as a Family Educator for Head Start parents. These experiences have taught me that there are many parents who come to IEP meetings confused and intimidated. They are not aware of their rights and are very cautious about speaking out on behalf of their children for any reason. For these reasons I believe that we need to move with extreme caution before making any decision which results in the removal of any vital protection created by an IEP under state law. While the intent of the legislature appears honorable, we must keep the current guidelines in place without the changes proposed by HB2712. The initial and ultimate purpose of IEP is to protect both the parents of and children with disabilities. Removing this law destroys an essential statutory protective barrier, making our children vulnerable to poor IEP compliance practices that continue in many schools across the State of Kansas. It is one loss too many when one child is not served to the best of our school's abilities. Kansas current policies and practices ensure that IEP team meetings remain vital components of a student's education plan. Parents are strongly encouraged to remain active, responsible members of their child's IEP team while respecting the value and expertise of every team member. This amendment will permit major educational decisions regarding this protected class of citizens to be made by fax, e-mail and even by brief informal, conversations in a school hallway lending itself to little if any degree of confidentiality or reasonable expectation of privacy. I urge you to not weaken the strength of one of our states most essential laws for protecting the sanity and rights of child citizens with disabilities to a decent compulsory public education. It is based upon these objective reasons and substantiated factors that today I respectfully urge your "no" vote and ultimate defeat of HB2712

Patricia Haas
419 S. Rothsay
Minneapolis, KS 67467

*Senate Education Committee
3-22-06
Attachment 20*

**Testimony to
Committee on Education
Senator Jean Schodorf, Chairperson
on HB2712
by
Jolene and Jared Rader
Parents
March 22, 2006**

Thank you Chairperson Schodorf and Committee members for allowing me to provide written testimony in opposition to HB2712. Our names are Jolene and Jared Rader.

We are the parents of a child that has ADHD, and a speech impediment who is on an IEP. We also have a child that has ADD.

We are opposed to HB2712 due to the contents of the bill that states that one of the team members may be excused from attending an IEP meeting if their attendance is not necessary. We feel that this leaves one of the team members uninformed and also puts the education of this child at risk if all the team members are not present. Under the current IDEA guidelines amended in 1997, the IEP cannot be changed without the parents being notified, and having the opportunity to challenge decisions at a hearing. We also feel that the team meeting is valuable in the education of the child that is exceptional due to the fact that it is providing first hand of the child's progress and of their struggles. This gives all the parties involved in the IEP team the opportunity to be able to have a full understanding of the goals that are set on the IEP, and to ask questions about areas that they may not understand also. We also feel that there will be less error in the communication of the goals, struggles, etc., if there is a formal IEP team meeting. HB2712 weakens the parental input in the education of their child that is on the IEP.

Thank you very much for your time. If you have any questions, we may be contacted at 785-726-3562 or 500 #B W. 3rd St., Ellis, KS 67637.

Jolene and Jared Rader.

Senate Education Committee
3-22-06
Attachment 21

**Testimony to
Committee on Education
Senator Jean Schodorf, Chairperson
On HB 2712
By
Kim Peach
Parent of Child with a disability
March 22, 2006**

Thank you Chairperson Schodorf and Committee members for allowing me to provide written testimony in opposition to HB 2712. My name is Kim Peach.

I am the parent of two children with ADHD. One of my children requires extra help in school, and the other one has overcome most difficulties on his own.

I want to let you know the importance of the one on one contact that is given not only to the parents, but to the child and to the staff of the school.

I have sat at an IEP meeting to have a teacher roll her eyes at me for asking a question about the education of my son. That not only alerted me, but also the rest of the education team that there was an issue that needed addressed.

I feel that it is very important to the success of our children that we as parents are not only aware of what the needs of our children are, but the knowledge of the progress that they may have made. As parents we need to have the contact with the teachers so that we may help with the improvements that our child needs to make. We are constantly being told that parents don't do enough with our children, and now HB 2712 is threatening to take away the safety net that has been put in place to make sure that there is always contact on every level of the Education team. This team starts with a child and should end with his or her parents and not in the middle with the teachers. The teachers are only one part of what was defined as the "Education Team".

On the part of the teachers I can only tell you that most of the time their intentions are nothing but good, however we do need to stop and remember that these children are usually in the class room of a particular teacher for nine months. As parents we see the changes and improvements that are being made from start to finish in school. We know what our children need and should be involved in the process of making an IEP.

We can only make informed decisions about our child's education when we are informed. So please don't take away the only means of forcing our teachers and "Education Specialists" to keep the parents informed.

I am always involved in what my child is doing in school, what about the parent that needs to be more involved in their child's schooling? Some parents only show up when it is required and because of that this is one more time that we as a society can force that parent to "be there" for their child. Please don't make that child go unnoticed by their parents.

In closing I want to ask you to be a part of the "Education Team" that encourages all of us to work together to promote the success of our future.

Thank you very much for your time. If you have any questions, I may be contacted at kimp@skilonline.com or my work number is 785-628-8019.

*Senate Education Committee
3-22-06
Attachment 22*

Senate Ways and Means Education Committee
Jean Schodorf - Chair
HB 2712
22 March 2006

I'd like to thank the Committee for allowing the time to hear from me today and why I oppose HB2712.

I am Maria Martinez. I live in Hays with my family and have a son who attends school in Hays. He currently has an IEP. His education is provided in an inculsionary educational setting.

I value education. I value the participation I have in my children's education. I also value making informed choices for my children's education. I have been active in their education since their preschool days and I will continue to do so as they move forward in their academic endeavors.

As a mother and an advocate for my son, I have been diligent in keeping the flow of information that concerns his school day with his teachers as well as with the other therapists and consultants that are part of his IEP team. I will add that I have always considered myself and my son as part of the IEP team. We all are valuable members working together to provide him with a quality education.

Yes, at times I have been stopped in the hallway, called on the phone or had short meetings when his teacher has had a question or I've needed to inform/update them. At times this has resulted in short term or small changes of his daily routine. I have taken time to do this because it's in my son's best interest and I want him to have full opportunity of his school day.

However, when a substantial change is recommended by other members of his IEP team, I want to set aside a time to discuss and ask questions with the team. I want to have opportunity to make informed decisions for my son. The decisions I make with the other IEP team members impacts his education.

HB 2712 will eliminate this process. HB 2712 eliminates the requirement for the school to hold an IEP meeting to have the flow of information and communication with our family. HB 2712 is not a reduction in paperwork. It is a reduction in the ability of all parents to have the opportunity to participate in a discussion with the full IEP team at the time of the recommended change. The proposal to make a substantial change in services should not be reduced to a casual conversation in a hallway or through a call, email, or fax with one part of a child's IEP team. It waters down the value of parents making informed educational decisions for children with disabilities. HB 2712 could make it more difficult for our family to reinstate the original placement or service as well. This builds more barriers for parents.

I want to continue the communication and relationship I have built with the other members of our IEP team. I want to continue to participate in discussions so I can make informed educational decisions for my child.

I ask the Committee to oppose HB 2712 and to consider the negative impact it will have in the education of children with disabilities as well as the opportunities it will reduce for parents.

Thank you for your time today.

Maria Martinez
Hays,Ks
785 624 5918

Senate Education Committee
3-22-06
Attachment 23