

**Written Testimony In Opposition to House Bill No. 2263  
Kansas House Education Committee  
February 18, 2013**

**The Shawnee Mission School District is in agreement with The Kansas Association of School Boards, The United School Administrators of Kansas, and the Kansas Association of Special Education Administrators in recognizing The Kansas State Department of Education holds districts accountable for assuring appropriate programs are in place for students with disabilities. We stand with these organizations in opposing this bill. Kansas public schools are held to high state standards in terms of methods of student evaluation, placement, instruction, progress, and reporting to both parents and state and federal agencies on compliance with both federal and state laws which protect students with disabilities. This bill does not hold to those same high standards and we are opposed to lowering standards and removing procedural safeguards for students with disabilities.**

**The Shawnee Mission School District opposes HB-2263 in that it circumvents federal and state regulations requiring Kansas school districts to provide a Free, Appropriate, Public Education (FAPE) to students with disabilities. We are in opposition as:**

**HB 2263 circumvents federal regulations regarding IEP's and public schools.**

- This bill circumvents the federal regulation and allows a public school to not "abide by an IEP" which is not providing a FAPE for students with disabilities.

**HB 2263 ignores 34 C.F.R. 300.148 and uses public funds to pay tuition to a private school.**

- 34 C.F.R. 300.148 does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a FAPE available to the child and the parents elected to place the child in a private school or facility.

**HB 2263 denies our school districts' due process rights.**

- 34 C.F.R. 300.148 says Local Education Agencies are not required to pay the costs of education at a private school or facility if it has made a FAPE available to the child. The school district has a due process right to defend its position in a hearing and to have a right to appeal to the court system.

**HB 2263 jeopardizes federal funding.**

- § 300.100 Eligibility for assistance. A State is eligible for assistance under Part B of the Act for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets the conditions in §§ 300.101 through 300.176.

**HB 2263 permits discrimination against children with disabilities and handicapping conditions.**

- HB 2263 states a school must certify that the school will not discriminate in admissions on the basis of race, color, national origin or religion but not on disability.

**The Shawnee Mission School District urges you to not move forward with HB-2263. Thank you for allowing me the opportunity to testify in opposition to this bill today.**

**Deborah Meyer, Director of Special Education Services**