

Cowley County Special Services Cooperative

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Date: March 15, 2013

From: Ronald L. Sarnacki, Ph.D., Director of Special Education

To: Honorable Representative Kelley and Members of the House Ed. Committee

Re: Opposition to HB 2400

Cowley County Special Services Cooperative and the six school districts it represents in south central Kansas **oppose** the use of public funds for nonpublic schools or schools not required to serve all students and schools that do not have to comply with the same rules and regulations as public schools under locally elected boards. We believe the following issues are not in the best interest of students with disabilities.

1. HB 2400 appears to circumvent federal regulations regarding IEP's.

HB 2400 allows students participating in this program and the nonpublic schools that they attend to automatically waive the right to special education services provided by any school district. A participating nonpublic school is not required to abide by an IEP.

2. HB 2400 in essence takes away money from public schools and gives it to nonpublic schools.

By allowing tax credits to foundations in the form of the educational scholarships they grant, this bill actually takes the Base State Aid Per Pupil away money from the school district that a student would ordinarily attend, and, because the student now attends a nonpublic school instead of the public school, the bill passes that money on to the foundation in the form of a tax credit. Therefore, HB 2400 is really using public money to finance nonpublic schools.

3. HB 2400 does not establish rules for monitoring the progress of students with disabilities.

When a student with a disability attends a public school in Kansas, there are federal and state requirements for monitoring a student's progress. HB 2400 has no provision for this. In fact, it even waives access to a special education for any student with a disability who attends a nonpublic school. What accountability system for monitoring student progress is in place for nonpublic institutions taking advantage of using public monies to finance a nonpublic education?

Public schools in Kansas are doing a good job educating students with disabilities. Students in our Cooperative and students with disabilities throughout the state are demonstrating increased learning on both formative and summative assessments at the local and state level. Students with disabilities in Kansas are receiving a free, appropriate public education (FAPE) in the least restrictive environment (LRE). This is required by federal and state law. HB 2400 has no accountability system for monitoring the progress of students with disabilities. HB 2400 proposes to take away money from public schools and give it to nonpublic schools. HB 2400 proposes to waive IEPs for all students with disabilities (magically, these students will no longer require special education services once they enter the nonpublic school setting). Cowley County Special Services Cooperative and the six school districts it represents urge you not to move forward with HB 2400. Thank you for the opportunity to present written testimony.