

KANSAS ASSOCIATION OF SPECIAL EDUCATION ADMINISTRATORS

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Date: February 7, 2013

From: Kansas Association of Special Education Administrators

To: Honorable Senator Abrams and Members of the Senate Education Committee

The Kansas Association of Special Education Administrators, the United School Administrators of Kansas, and the Kansas Association of School Boards believe that the Kansas State Department of Education is making great progress in assuring that all struggling readers, including those with dyslexia, are learning to read utilizing scientifically research based instruction and materials.

It must be noted that identifying a child as dyslexic, learning disabled, intellectually disabled, emotionally disturbed etc. etc., is not of paramount importance. In fact, the Diagnostic and Statistical Manual of Mental Disorders IV has removed the term Dyslexia. Researchers and practitioners have found that merely labeling a child dyslexic is “considered to be an obsolete diagnosis with no prognosis.” **Meeting the needs of the child, regardless of label, is the major concern.**

Current research {Schaywitz, Lyon} indicates that no one instructional methodology rises significantly above the others. Reid Lyon said “in all of our clinical trials we have never found one instructional approach that’s equally efficacious and beneficial for all kids with difficulties.”

The work of the National Reading Panel summarized decades of reading research and identified key reading skills that need to be taught and learned to decrease the prevalence of reading difficulties. These skills work regardless of the student’s diagnostic label or the methodology used.

- Phonemic awareness
- Phonics
- Fluency
- Vocabulary
- Comprehension

As an initiative of the U.S. Department of Education’s Institute of Education Sciences (IES), the What Works Clearinghouse (WWC) was created in 2002 to be a central and trusted source of scientific evidence for what works in education.

According to International Dyslexia Association “**there is no substantial body of scientific research supporting the efficacy of the multisensory component in structured-language reading instruction.**”

The WWC substantiates that fact. **There is no scientific evidence that supports multisensory instruction.** The Clearinghouse also verifies that no study of the Orton-Gillingham method meets the criteria to be included as scientifically based research.

Regarding SB 44, it is simply illogical to mandate that every student in the State of Kansas with a learning disability receive instruction with unproven methodologies like multisensory instruction and the Orton-Gillingham methods.

- All local school districts are already required to conduct ongoing public notice, screening, general education interventions, **and** evaluation to ensure that Kansas children birth to age 5 with disabilities, and children from kindergarten through age 21 with exceptionalities are identified appropriately.
- Schools are already accountable with respect to student achievement through the Kansas State Assessment process that currently reflects the performance of 99.8% of the students in Kansas.
- Dyslexia is already recognized under IDEA as a disability and all struggling readers have access to a full range of services, including special education if needed.
- School districts in the State of Kansas are already serving children diagnosed with dyslexia. In addition to receiving quality reading instruction in core classes, they are already being referred to the appropriate building team such as the Student Intervention Team (SIT), Problem Solving Team, 504 team, The Multi-Tier System of Supports (MTSS) and/or the Individual Education Planning (IEP) team.
- General education interventions and special education services are no longer mutually exclusive. **Children with dyslexia may already be served without being identified as eligible for special education services.**
- The standard in Kansas for **all** students is: Know how to read, providing a solid and rigorous foundation; and how to comprehend and understand the conceptual aspects of reading.

The Kansas Association of Special Education Administrators urges you not to move forward with SB 44. Thank you for the opportunity to speak here today.

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Legislative Chair, KASEA
Director DCEC #616



The Special Education Report

Volume 1:1

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Basic Special Education Facts

Kansas Association of Special Education Administrators (KASEA)

KASEA is a state-wide professional organization representing special education administrators. Through KASEA, special education administrators share and promote effective instructional practices, work to integrate special and general education processes, and advocate for the rights of students and families dealing with disabilities.

History and General Information

In accordance with federal legislation enacted in the 1970s, and reauthorized in the current Individuals with Disabilities Education Act (IDEA, 2004), Kansas law requires ALL students who meet the definition of one of the categories of exceptionality and, as a result of that exceptionality, need special education and related services, are entitled to a Free and Appropriate Public Education (FAPE). In addition, Kansas special education regulations stipulate students that meet the definition of gifted are entitled to FAPE. An Individualized Education Program (IEP) is developed for each eligible student; the parent/guardian is an essential part of the IEP team. The IEP team determines the specialized instruction necessary for the student to access and make progress in the general education curriculum. Services must be delivered in the least restrictive environment (LRE); that is, the instructional setting most closely resembling that experienced by typically developing peers.

Governance

Each Kansas school district provides special education services through one of three governance structures:

1. *Stand-alone* – The district provides services on a “stand-alone” basis under the governance of the local board of education. Most services are directly provided utilizing district personnel, with contractual arrangements, as necessary, for services that cannot be provided within the district. The stand-alone structure is, in most cases, utilized by the larger school districts including Wichita, Kansas City and Topeka.
2. *Cooperative* – The district is a member of a special education *cooperative*. In this structure, the boards of education of any two or more school districts enter into an agreement for the purpose of providing special education and related services for children with exceptionalities on a shared-cost basis. In many instances, one district (often the largest) serves as the lead agency, with its board of education setting policy and accepting responsibility for hiring/firing personnel.
3. *Interlocal* – The district is a member of a special education *interlocal*. In this structure, the boards of education of any two or more school districts enter into a school district interlocal cooperation agreement. In many instances, each member district appoints a board member to an interlocal board of directors; this interlocal board functions as an independent board of education, with a negotiated agreement specifically established for special education personnel, along with policy established by the interlocal board.

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Funding

Kansas statute stipulates the Legislature will annually set aside monies necessary to fund 92 percent of excess costs – those costs not offset by other sources to include Federal funds. Currently, state funding is at 80 percent of excess costs. State funding is distributed in accordance with the *Special Education Reimbursement Guide to State Categorical Aid* to include three areas:

- ✓ Transportation Costs – Each district is reimbursed for 80 percent of *transportation* costs related to special education;
- ✓ Catastrophic Aid – Each district is reimbursed 75 percent of allowable costs where expenses related to a particular child are considered to be *catastrophic* - that is, so expensive an individual district would be unable to absorb the costs with usual levels of state support; and
- ✓ Special Teacher Reimbursement – This is based on the number of qualified special education personnel employed by the district, cooperative, or interlocal.

Dispute Resolution Process

Parents/guardians of students with exceptionalities are afforded extensive rights to ensure these students receive services to which they are entitled in accordance with state and federal law. Written notification of parental rights is provided to all parents/guardians of students who are evaluated for and/or qualify for special education services. Rights include methods for resolving disputes that occasionally arise. Dispute resolution processes include the right to file a *formal complaint* with the Kansas State Department of Education (KSDE), request *mediation*, and initiate *due process proceedings*. These three processes are not often used in Kansas, with problems usually solved within the IEP Team.

Kansas Association of Special Education Administrators (KASEA) Legislative Platform

Recognizing the critical importance played by both state and federal legislators, KASEA members are politically active and work to provide comprehensive and timely support for legislators as key decisions are made. The KASEA legislative platform is as follows:

1. Kansas special education mandates should mirror those in federal Individuals with Disabilities Education Act (IDEA) statutes and regulations.
2. Public funds should be used to fund Free and Appropriate Public Education (FAPE) as determined by the Individual Education Program (IEP) team.
3. Any changes in the current special education funding formula should first be researched and considered by KASEA.
4. Special education should be funded at 100 percent of excess cost.

For further information

Please contact Dr. Betty Amos, KASEA president, (Betty.Amos@usd305.com); Terry Collins, KASEA legislative liaison (tcollins@ksdcec.org); Mark Tallman, KASB associate executive director for advocacy (mtallman@KASB.org); or Tom Krebs, KASB governmental relations specialist (tkrebs@kasb.org).

The Special Education Report is sponsored by the Kansas Association of Special Education Administrators with support from Kansas Association of School Boards (KASB) and United School Administrators of Kansas (USA|Kansas).

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Dyslexia

History & Background

Dyslexia is a condition related to reading difficulties and is specifically named in the Individuals with Disabilities Education Act (IDEA), Kansas Special Education for Exceptional Children Act and Kansas Administrative Regulations under the definition of *specific learning disability*. As such, for students with dyslexia who need special education services, all the protections and services of the IDEA, Kansas Special Education for Exceptional Children Act and Kansas Administrative Regulations apply.

In recent years advocates for students with dyslexia lobbied for legislation specific to this particular condition. Proposed legislation attempts to mandate specific instructional and professional development programs most recently would open the door for non-educational personnel to “prescribe” special education services in lieu of adherence to eligibility determination processes that are required by state and federal law.

Kansas Association of Special Education Administrators (KASEA) Position

KASEA is opposed to legislation that attempts to address learning needs for students diagnosed as having a particular condition. Reasons for this position are as follows:

- ✓ Students who have met the definition of one of the categories of exceptionality, such as specific learning disability which includes dyslexia, and, as a result of that exceptionality need special education and related services, may currently receive those services through established state and federal laws.

- ✓ It is **not** recommended to have legislation specific to one type of condition. To exemplify, it is helpful to move to a different disability category within special education – emotional disturbance. Under the umbrella of emotional disturbance, special education services may be provided for students with a diagnosis of schizophrenia, bi-polar disorder, post-traumatic stress disorder, or attachment disorder if, as a result of that exceptionality, the student needs special education and related services. To have a separate law for each condition would result in over-regulation, increased financial burden, and likely conflict with state and federal law.
- ✓ Current special education regulations provide extensive due process rights for parents of students with disabilities, along with processes for dispute resolution.
- ✓ State and federal law already require identification of any student who may be in need of special education services.
- ✓ Kansas laws and policies must comply with Federal statutes and regulation and not conflict with what is required by the IDEA. Federal IDEA regulations specifically stress that states must strive to minimize the number of rules, regulations, and policies to which the local education agencies and schools located in the state are subject under Part B of the IDEA.

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KASEA Positions (continued)

- ✓ When a student meets the definition of one of the categories of exceptionality and, as a result of that exceptionality, needs special education and related services, these services are outlined in an Individualized Education Program (IEP). Parent involvement is an important part of the process in determining eligibility and services.
- ✓ Schools are already held accountable with respect to student achievement through the state assessment process, a process that fully includes students with exceptionalities.

Definitions

- Specific Learning Disability – A disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- Dyslexia – Specific learning disability neurological in origin, and characterized by difficulties with accurate or fluent word recognition and poor spelling and decoding abilities.

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