

To: Kansas Senate Education Committee

From: David P. Lindeman, Ph.D.

957 23000 Road. Parsons, Kansas 67357

(Although I am indicating two affiliations my comments only represent my opinion)

Director, University of Kansas-Life Span Institute at Parsons

Member, Kansas Interagency Coordination Council for Early Childhood

Re: Senate Bill 44

Date: 4 February 2013

Senator Abrams & Members of the Senate Education Committee

First and foremost, I would like to thank you for this opportunity to submit written comment regarding SB 44. I am writing regarding your deliberations and the decision that the Education Committee will make in moving this bill forward.

This bill will have significant effects on the educational system and the special education system in particular. It also has the potential of affecting young children with identified disabilities and their families and the decisions made regarding children's individual education plans (IEP).

I urge you to consider not moving this bill forward or at a minimum consider a significant rewriting of a number of the requirements of this bill. Below are concerns I have regarding this bill:

1. Although this bill is designed to establish best practices of instruction in general education (line 15) it also refers to individualized education programs (lines 11 & 12), a cornerstone of special education. We have the system in place for children with learning challenges and our special education services have appropriate regulations and policy with defined protection provisions for children and families. We do not need additional laws for implementation of these services. This bill would appear to begin the development of a parallel system of requirements.

2. Our special education system has a system of checks and balances. Parents currently have procedures for requesting an assessment and services and there is a system in place when there is a disagreement for appeal, mediation, and due process.

3. In the special education system, parents have the right to request an evaluation independent of the school system. It is perplexing that Kansas would require school districts to simply accept the diagnosis of a third party (lines 5 -7), be required to label a child (line 11), and initiate prescribed instruction (line 22) irrespective of the individual needs of a child. This bill appears to set in place the foundation for parents to demand schools to pay for these outside evaluation services and further a potential adversarial situation when parents and schools should be working in concert for the benefit of the child.

4. It is unclear what line 19 means. If the "student qualifies and needs remediation". Qualifies for what - Special Education? The decision for the provision of special education is a two-step process – 1) being eligible and 2) the child's team determining

that special instruction is needed for the child to benefit from their education. This applies only to special education and not to Rti or the development of a 504 plan.

5. The language related to response to intervention (line 18) has similar conceptual basis to what Kansas is calling "multi-tier system of support" (MTSS). Should law in Kansas reference the work of the Kansas State Department of Education and refer to MTSS?

6. Line 22 -- For children in special education, a law that specifies a set number of minutes per day for instruction runs counter the Individuals with Disabilities Education Act (IDEA) and the child's team making the determination of appropriate services and amount of services.

7. Line 21 -- For children in special education, a law that specifies the location (outside of the regular classroom) runs counter to the Individuals with Disabilities Education Act (IDEA) and the child's team making the determination of the appropriate setting for the delivery of special education services. Additionally, this runs counter to the Least Restrictive Environment (LRE) provisions of IDEA.

8. Line 22 — For children in special education, a law that specifies the type of intervention (multi-sensory phonetic methods) appears to run counter to the Individuals with Disabilities Education Act (IDEA) and the child's team making the determination of appropriate research-based strategies to use with individual children.

9. Identification of dyslexia at the preschool (pre-kindergarten) level is not appropriate. We do not have assessments that would meet the intent of this law. There may be some early indicators but we don't want to label a child as dyslexic at the preschool level and it would serve no purpose in using the term in a preschool child's IEP (see lines 11-12 and then 25).

10. Lines 28-33 – Additional study is needed to examine how the requirements for teacher training programs under this bill would complement or make more complex the existing standards for Kansas teacher training programs.

11. It appears that with this law, schools do not have any recourse if they do not agree with the diagnosis from an outside party (line 5 – 9) and that they are directed to implement prescribed instruction (lines 17- 19) without appropriate determination of need by the school. This seems to set up the potential for an adversarial situation between the school and parent without an identified process for mediation and discounts the professional expertise of educational professionals in our school systems.

Again, thank you for consideration of my comments.