

HB 2613

February 13, 2018

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to tell you the story of my family's fight for our daughter Brooke Petro's education and why this law is important for her and every blind or visually impaired child in the state of Kansas. Before Brooke was two years old it was clear her vision was not normal. She was diagnosed with a degenerative retinal disease in 2008.

After the initial shock of the diagnosis we began to research what was best for Brooke. We were stunned to find out that according to the National Federation of the Blind, 70% of all blind and visually impaired adults are unemployed, however of the 30% that are employed 90% are Braille literate. It was clear the difference between a productive future for Brooke and a lifetime spent in the welfare system was her ability to read Braille... to be literate.

As we began to meet with our home school district of Blue Valley, we were determined that Brooke would not be left behind her peers and wanted to make sure to address any special educational needs Brooke was going to have. Learning Braille was the obvious first step. We were crushed to hear that Blue Valley would not offer Brooke Braille instruction of any kind. That was the first clue of the fight that would lie ahead.

Because of Blue Valley's refusal to instruct our daughter in Braille, we paid privately for her to attend the Children's Center for the Visually Impaired (CCVI) for preschool. At CCVI, Brooke received Braille instruction daily and started learning contracted Braille (the most efficient form of Braille that uses 180 "short-cuts" to save time and space).

When Brooke finished preschool, we again met with Blue Valley to determine where she would attend elementary school. CCVI and the Kansas State School for the Blind (KSSB) both recommended Brooke receive 500 to 600 minutes with a Teacher for the Visually Impaired (TVI). The TVI is trained in Braille and is vital for the education of a blind child. Teaching a blind child without a TVI is the equivalent of teaching Spanish to a student with a teacher that doesn't know how to speak Spanish. Blue Valley would only commit to 120 minutes of combined time between a TVI and para-professional. We even offered to pay for a TVI to work with Brooke at Blue Valley, but Blue Valley refused.

We had no choice but to enroll her in a private school that would allow us to have a TVI in the classroom for the recommended amount of time. Per this bill that we are discussing today, Blue Valley is still required to provide special education services to Brooke even though she is in a private school. For four years Brooke's Individualized Education Plan (IEP) had her receiving some services from Blue Valley as well as Blue Valley Braille all her non-religious classroom materials.

This agreed upon IEP worked for 4 years. Blue Valley informed us in late 2015 they would no longer provide Braille materials after Brooke's 3rd grade year. The Blue Valley Special Education director told us, "I'm sure it feels like the rug has been pulled out from underneath you." That's an understatement when you tell a parent that their child will not have textbooks or written materials to learn from in school. We attended three different mediation sessions with the district. Ultimately Blue Valley offered us \$7,000 to settle, which we were told was the entirety of the money Blue Valley receives to educate our daughter. This was their offer after the district initially said they spent \$72,000 on Brooke's Braille materials for the previous school year. I attempted to speak directly with the Blue Valley School Board by phone and even appeared at several school board meetings in an attempt to reach a rational solution. The only reaction I received was a statement in passing from Mike Seitz' "we get sued all the time."

During the course of our litigation, a Blue Valley teacher reached out to us. The teacher told me what the district's attorney's instructions were for teachers in cases like ours: "Make things as difficult as possible." They were told to "ignore all communications with the parents. No matter what, don't respond to the parents." Even questions about homework were to be ignored. "We will wear the family down. Eventually they will quit. Eventually they will go away." This is exactly what Blue Valley has attempted to do to our family and no doubt continues to do to countless others.

Today, my wife is Brooke's full time Brailist. She transcribes and formats Brooke's books and work sheets to be printed on our Braille printer. Maps, diagrams, images and math (math requires a separate Nemeth code) are sent to a Braille publishing program in the Michigan Prison system. Lyn also calls Braille libraries all over the country to find Braille novels as well. As a result of her efforts our first year Braille costs totaled \$23,000, which includes the one time purchase of a Braille printer and software that accounted for more than \$6,000 of that total. By contrast, as of November the Blue Valley School District had spent \$145,000 in attorney fees to avoid their legal obligation to provide my daughter's Braille materials. That number will only rise as our legal case continues.

Because she has been given the Braille she needs, Brooke is thriving in her current environment. She reads at an 11th grade level and is considered highly gifted. However there are not many families that can afford to pay for their child's private special education services, braille books and legal fees in an attempt to hold their school district accountable for not following the law.

Currently, Blue Valley lists 49 kids as visually impaired, however only eight are listed as braille readers, and only one child reads contracted Braille. That one child is Brooke. This bill clarifies and eliminates the legal loopholes being used by the Blue Valley school district to avoid providing the services already required under this law and gives families an alternative when they don't.

Sincerely,

Soren Petro, Father of Brooke Petro