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## Written Opponent Testimony

HB 2621 – Relating to the School for the Deaf; Prohibiting the dismissal or transfer of a student who gains access to hearing

Presented to the House Education Committee  
Wednesday, February 16, 2022

By  
Deena Horst and Ben Jones, Legislative Liaisons  
Kansas State Board of Education

Chairman Huebert, Vice-Chairman Thomas, Ranking Minority Member Stogsdill and members of the House Education Committee:

Thank you for allowing our input on HB 2621.

The Legislature has given statutory oversight of both the Kansas School for the Deaf (KSD) and the Kansas State School for the Blind to the Kansas State Board of Education. Under this authority, we directly oversee these schools that support students who are Deaf/Hard of Hearing and Blind/Visually Impaired at their respective campuses as well as provide services in schools across the state.

The circumstances surrounding the formation of this bill were not presented to the State Board of Education, which also serves as the local board for these schools, until after the bill was introduced. We did receive written public comment from a parent regarding this issue at the February 2022 meeting of the State Board. Not allowing the system currently in place to address these issues regarding a particular child creates uncertainty in special education law in Kansas and violates federal law.

The proposed bill would interfere with the decision reached by the Individualized Education Plan (IEP) team that can include the parent, a parent advocate, KSD, the public school where the student resides, and special education personnel. There are steps a parent can take to challenge placement of a student if they disagree with the decision reached by the IEP team. Details are enclosed in the federal Individual with Disabilities in Education Act (IDEA).

Our strong opposition to this bill is that it makes placement decisions that should be made by the IEP team and sets them into statute, which violates IDEA. This concern stems from lines 13-15. No school can dismiss a child from special education services. Only the IEP team can make that decision. Placement at KSD is also an IEP team decision if the student is Deaf/Hard of Hearing. If a student does not have a need for Deaf/Hard of Hearing learning supports, then KSD is not the proper placement as they receive specific special education funds that are targeted to students identified as Deaf/Hard of Hearing.

Thank you for allowing us to voice our concerns on HB 2621.