

Submitter: Kelly Kirk
On Behalf Of:
Committee: House Committee On Education
Measure: SB819

As both a parent of a student who receives special education services and a school psychologist of 17 years, I know that the best supports for students are clear and concise laws. These laws must not only support and protect students, but provide educators with the tools and systems necessary to do their jobs. The requirements outlined in this particular bill would overload and confuse educators and parents and would not actually result in any protective action for the benefit of students.

IDEA already ensures in both statute and regulation that parents have a right to full participation in educational decision-making. It also guarantees a right of the student to a FAPE in the "least restrictive environment" (CFR § 300.112). It requires that the assembled team, including parents, determine educational programming with special education services that prioritizes participation to the maximum extent appropriate with non-disabled peers in regular education settings and with access to the general curriculum (CFR § 300.114). However, IDEA also requires that every public agency must ensure that a "continuum of alternative placements" is available to meet the unique needs of the student (CFR § 300.115). And, ultimately, IDEA provides for a course of action for complaints and due process remedy if parents disagree with any provision of services or placements undertaken (CFR § 300.140).

I agree that districts must be accountable for providing a full range of appropriate support and educational programs for all students. But SB 819 and the original SB 263 do nothing to address the underlying challenges in ensuring we are meeting our expectations under the existing federal and state laws for special education. These longstanding problems are rooted in lack of training time, poor recruitment and retention of a qualified and diverse workforce, lack of expert leadership at the state level, and the dramatic increase of mental and behavioral health concerns among our students. Add to that the expected significant funding cuts we are bracing for starting next year. In the absence of a full repeal of SB 263 without replacement, I suspect that these challenges will only continue to play out in the courts and through the lawyer/lobby class, while our students and staff languish in the middle. The solution is to fully fund the actual cost of special education, provide time and resources to give expert training to educators, focus on implementation of existing federal law, and allow educators to focus on students and not bureaucracy.