

3/18/13

Written Testimony: HB 2400

House Standing Committee on Education

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Honorable Chair Kelley and members of the Committee,

Both as a local Director of Special Education and as the Kansas CAN representative---  
(Children and Youth Action Network for the Kansas Council for Exceptional Children), I  
am providing opposition to HB 2400.

As noted with my prior testimony concerning vouchers—Kansas CEC and I am opposed  
to scholarships for the following reasons:

1) Public accountability is notably lacking for private schools, whereas local  
education agencies are held accountable by federal and state laws and regulations.  
Public schools must adhere to requirements for highly qualified staff, but private schools  
typically are not held to these requirements. Private schools are not obligated to  
participate in the regular assessments toward measuring student achievement, nor are  
they even bound to the requirement of an individualized education program (IEP).  
Further, no on-going general supervision of the educational program is conducted by  
the state and local education agency, thus providing no assurance that special  
education and related services are being fully provided. Lastly, the regular reporting on  
individual student progress is not required.

2) Though they may not at first realize it and may in fact be told otherwise,  
parents in effect discard their due process and other rights by accepting these types of  
scholarships. Several civil rights laws, including, IDEA, Section 504 of the  
Rehabilitation Act, and the Americans with Disabilities Act (ADA), guarantee a host of  
long- standing protections for families that can be invoked on any and all aspects of  
educational programming, including mediation, due process hearings, state-level appeal,  
“stay put” guarantee, discipline timelines, on- going evaluations, and assurance of  
alternative placements when required. Though private schools receiving scholarships  
payments may simply be declared in compliance with the procedural guarantees of  
IDEA and related civil rights laws, the absence of public accountability, public  
supervision, and public oversight effectively negates such an assertion.

3) A fundamental tenet of IDEA is the requirement of education within the least  
restrictive environment (LRE), starting with the absolute presumption of the general  
education classroom and proceeding to a continuum of service options only when  
demonstrated to be necessary. Since private schools are not subject to this tenet, the  
potential for in-school segregation of children and youth with special learning needs  
predictably accelerates.

4) Additionally private schools are allowed to pick and choose whom they will

enroll, and which children they will retain even after initial enrollment. This process clearly demonstrates the concern surround provisions for equal access.

5) And, finally and perhaps most importantly---Public education funds should fund public education, not private education. **There is a lack of fiscal protections to guarantee that public education funds are not diverted to scholarships at the expense of the children and youth remaining in the public schools.**

Thank you for allowing me this opportunity to provide written testimony on the important topic.