

Leonard Hall, Neutral in person Testimony on HB2621

My name is Leonard Hall. My position on HB 2621 is neutral, since I am a member of the Kansas Commission for the Deaf and Hard of Hearing. I am speaking as an individual not on behalf of KCDHH.

My question is whether this bill is in conflict with the federal laws on IDEA and whether there are options for the students under IDEA.

I was hard of hearing for many years and lost my hearing. I am wearing now cochlear implants. I am an attorney who has been actively involved in the deaf and hard of hearing community and attended numerous workshops on many subject matters at conventions over the past 40 years. I am not a special education attorney.

Kansas IEP programs identified an average of 730 to 790 students with hearing loss every year over the past 20 years. Kansas School for the Deaf has averaged enrollment of the range of 140 to 150 Deaf and Hard of Hearing students over the past several years. Around 80% of Deaf and Hard of Hearing students are in the local public school systems with good educational programs, such as Olathe, Blue Valley, Kansas City, Kansas, Topeka, Wichita areas and other parts of Kansas. Most of these programs have teachers for deaf students.

The IEP process is outlined by the IDEA, a federal statute. The IEP team does evaluation, gathers information from sources concerning several factors, and using all information, makes a determination that: 1. The student has one or more disabilities; 2. The student is in need of specialized instructions and services. 3. What services are needed and the appropriate placement for such services.

Every deaf and hard of hearing student goes through the IEP process and the IEP team with educators, professionals and parents to obtain all information and factors to make a determination whether the student is eligible for specialized instructions and services at the local school system or KSD in order to receive a free and appropriate education (FAPE) in the least restrictive environment.

All information is considered to take appropriate steps, to support and provide a scaffolding approach to provide the needed individualized and specialized services to allow the student to progress forward in an educational setting.

If the student's disability situation or the student's criteria for special education changes due to technological advances, amplification, natural causes, or medical intervention, including restoration of hearing, the IEP team goes through the same IEP process to determine what services and placement at the local school system or KSD is appropriate for the student's new circumstances in order to achieve and benefit from a free and appropriate education in the least restrictive environment.

In the case of a student with "restored hearing", the goals would likely be to see how well the student does with speech discrimination, spoken language, communication and other factors.

After a period of time, another evaluation will be done to determine how well the student is doing and whether the placement continues to be the best fit.

What are the due process steps under IEP and IDEA if the parents do not agree with the IEP plan.

In summary and in lay person's terms:

1. The IEP team makes the decision on the IEP plan and placement of the student.
2. Either the parents or LEA has the right to appeal the decision by filing a due process complaint to be heard by the due process hearing officer. The complaint shall set out the major differences in the IEP plan.
3. A resolution meeting for the parties shall be held to for the parties to resolve the complaint.
3. After holding the hearing, the due process hearing officer renders a decision.
4. Either party can file an appeal of due process hearing officer's decision to the review hearing officer at the Board of Education. The review hearing officer shall render a decision after impartial review of the due process hearing and provide an impartial decision.
5. The parent can file an appeal to the state or federal district court. The parent is entitled to collect attorney's fee and any other remedies.

There are IEP teams with the responsibility to make thousands of placement decisions of deaf and hard of hearing students to comply with the IDEA across the country every year.

The proposed HB 2621 is in conflict with IDEA and the IEP process as HB 2621 set out the requirement that the student shall not be dismissed from special education services or be transferred out or denied access to attendance to KSD for reason for access to hearing.