

**Senate Bill 57 Testimony
House Education Committee
May 20, 2008**

Good afternoon, Madam Chair, committee members. Thank you for the opportunity to speak to you today about SB 57.

My name is Ann Brennan and I represent the Ohio School Psychologists Association. With me today are Tom Ash, Buckeye Association of School Administrators; Randy Weston, Ohio Association of Public School Employees; Michelle Francis, Ohio School Boards Association; Barbara Shaner, Ohio Association of School Business Officials; Darold Johnson, Ohio Federation of Teachers; Sandy Nokoloff, Ohio Parent Teacher Association; Joan Platz, League of Women Voters of Ohio; and Robert Davis, Ohio Education Association. Robert will deliver a portion of our testimony today and the other representatives will be on hand to help answer your questions.

Our organizations oppose SB 57. We believe strongly in our public education system in Ohio and we do not support the use of vouchers as an alternative for special education students or for any education program.

We understand that supporters of SB 57 and vouchers in general, want to offer more options for parents and students with the hope that all students' needs will be met. In this case, however, we believe that the current system meets the individual needs of students. Furthermore, we believe that SB 57 could result in undermining services for some children. It is our position that the best way to serve special education students is to maintain and strengthen the current public system of education as it relates to special needs.

It is important that we all understand the way special education students are currently served. Parents and students already have options under current law, and ways to obtain relief when they believe the system is not meeting their needs.

All school districts are required to meet the Federal Individuals with Disabilities Education Improvement Act (IDEIA) provisions in serving special education students. Each school district must find ways to serve every qualified student; either by providing the service themselves or by contracting with another provider.

Students qualify for special education services if they have been identified as a student with a disability and there has been an Individualized Education Plan (IEP) developed for them. The IEP is developed in cooperation with the child's parents (or a representative) and a team of experts from the school district. Usually there are several individuals on the team from the district such as the school psychologist, a supplemental teacher, the special education coordinator etc. The IEP is signed by all parties (including parents) before implementation.

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Once the IEP is in place, it is the responsibility of the school district to identify and obtain the resources necessary to fulfill the provisions of the plan. If parents do not agree with the way the school district is serving their child, there are several different processes in place for them to pursue a remedy.

The Ohio Department of Education (ODE) Office for Exceptional Children has several different options for parents, including a formal due process hearing, the formal

complaint process, and the mediation process to address issues that parents have related to special education services for their student. Since 2001, the success rate for these programs has increased. For the 2006-2007 school year, ODE reported a mediation success rate of 85% and only 10% of the requests for due process hearings were fully adjudicated.

In addition, ODE has launched a facilitated IEP meeting program, which was implemented statewide in the 2007-2008 school year. Since the program's implementation in August, 95% of the facilitated IEP meetings have been successful, with both parents and the school districts accepting the IEPs. Over 30 states have similar programs, which seek to resolve potential disputes at the earliest possible opportunity. Additional information on these programs from the Ohio School Psychologists Association is attached.

In addition to these highly effective processes to alleviate parental concerns, Ohio already has a variety of parental choices for meeting the needs of their special education student within the current system.

- Programs and choices through educational service centers
- Career-technical schools
- Intra- and inter-district open enrollment opportunities
- Community schools
- Home Instruction

Our organizations believe that if SB 57 passes, there will be negative consequences. We have concerns about accountability for the dollars spent with private providers through vouchers. It will be difficult to maintain proper monitoring of the expenditures as well as the qualifications of the providers.

Under the current system when school districts contract with another provider, be it another school district or a private entity, the school district has the ability to negotiate the terms of the contract and a price for services. The voucher amounts as set in SB 57 may or may not be the same as the actual costs for services provided by an outside source. The current negotiation process for fees, etc., allows for a free market approach to securing the services. SB 57 undermines that approach in addition to eliminating the opportunity for contract oversight.

Parents should be wary as well. If they choose to accept a voucher under the provisions in SB 57, they relinquish their rights under IDEIA for due process hearings. School districts, in compliance with No Child Left Behind (NCLB) and IDEIA, must provide services in the least restrictive environment and provide access to the same general education curriculum taught by highly qualified teachers. Private providers are not subject to these requirements.

Therefore, students moving outside the public school system would not have access to the general education programs and high academic standards taught in the least restrictive environment available in a school district. Ohio (the General Assembly) has worked hard to strengthen the academic opportunities available to all students. Voucher students would not benefit from these important changes.

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Additionally, parents would become responsible for seeking out the appropriate, qualified providers to serve their children. The expertise of the school district would no longer be

part of the process. The bill also would require the school district to re-evaluate the IEP, even though they would not have the benefit of knowing first-hand the progress of the student or their ability level.

From a financial perspective, our organizations oppose the deduction of the voucher amount from state payments made to traditional public schools. While there are some exceptions, generally, the way the school funding formula and the special education voucher system would work, causes school districts to lose local revenue.

This discussion is different than voucher and charter school deductions for other students. Unlike funding for basic aid where the local share stays the same regardless of the number of students in the district, the local share for special education students is calculated on a student-by-student basis. Depending on the wealth of the district, traditional public schools are required to provide a local share of funding for each special education student. That means that the full weighted amount is not provided by the State. The \$20,000 voucher cap in SB 57 notwithstanding, when the voucher amount is deducted from school district state aid, the local share is included in the voucher amount. This is unacceptable.

Finally, we urge you to consider the special education students who remain in the school district. We believe that privatization in the name of choice, jeopardizes the good of the whole. By diverting dollars for a few, the ability of public school districts to meet federal and state standards is compromised and students' educational experiences will suffer.

Thank you again for allowing us to express our concerns on SB 57. We urge you not to support this legislation. We will be happy to address your questions.