

# KASEA

*The Kansas Association of  
Special Education  
Administrators*

**Senate Select Committee on Education Finance  
Sections of the anticipated HB2410**

**Terry Collins, Ed.S., Director of Doniphan County Education Cooperative #616  
on behalf of**

**The Kansas Association of Special Education Administrators (KASEA)**

Honorable Committee Chair and Members,

- K.S.A. 72-987(b) requires that “each IEP of an exceptional child and any amendment or modification of an IEP shall be made by the child’s IEP team.”
- It is clear in federal law that the IEP team has the responsibility of developing, reviewing, and revising a child’s IEP. 34 C.F.R. 300.324. There is no other option for the development of an IEP.
- The proposed legislation removes the authority of the IEP team, and imposes a decision making process for which there is no evidence in the Individuals with Disabilities Education Act (IDEA).
- The United States Supreme Court has states questions of educational methodology are to be resolved by educators (the school district). See, Hendrick Hudson Dist. Bd. Of Ed. v. Rowley, 458 U.S. 176, 102 S.Ct. 3034, 553 IDELR 656 (1982).
- According to the United States Circuit Court of Appeals, a doctor’s opinion is something which an eligibility team must consider, but is not required to adopt. A physician cannot simply prescribe special education and the law does not even suggest that substantial weight be given to a physician’s opinion. See: C.D. v. Marshall Joint Sch. Dist., 616 F.3d 632 (7<sup>th</sup> Cir. 2010).
- ABA therapy is considered a medical benefit. School districts typically do not provide medical benefits unless it is educationally necessary.
- Office of Special Education Programs indicates that in recent years, there has been a growing dispute over the most appropriate way to meet the needs of students on the autism spectrum.
- While there is research that suggests that ABA often times is an effective service to meet these students’ needs, there is also research that suggests that the needs of students on the autistic spectrum may be met through other methodologies.
- OSEP was asked to comment on a growing dispute between ABA supporters and speech and language pathologists. ABA supporters believe that ABA is the service that should be provided to students on the autism spectrum. Conversely, speech and language pathologists believe speech services should be provided at times, but ABA is not a one size fits all service when looking at the needs of students with autism.
- OSEP advised that “ABA therapy is just one methodology used to address the needs of children with [autism spectrum disorder] and remind States and local programs to ensure that decisions regarding services are made based on the unique needs of each individual child with a disability.
- OSEP appears saying that in determining how to meet the needs for each student, there is no magic bullet for specific disabilities.
- Once you legislate or mandate a specific methodology for one disability, it opens the flood gate for legislating methodologies for schizophrenia, bi-polar, depression, dyslexia attention Deficit Disorder, etc. etc. That is why OSEP and the courts recognize methodology is to be determined on an individual basis through the IEP. ABA is only one of many evidence-based methodologies utilized by school districts.

For these reasons, on behalf of the Kansas Association of Special Education Administrators and The Doniphan County Education Cooperative, I urge you to completely remove any portion of HB 2410 that favors one methodology over another and or mandates a specific methodology to be provided by the public school system.

Thank you for your time

