

To P. 5 at the end of the section entitled Findings add a bullet:

(h) The general assembly further recognizes that as these changes in Special Education delivery and funding are actualized school districts must maintain their responsibilities as mandated by Federal law to provide and fully fund Special Education services and the provision of a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) for those children with documented disabilities who are found eligible for and are served by an Individual Education Plan.

To Page 13 in the section entitled Special Education Policy and Purpose add the following:

School districts must allocate on an annual basis first dollars from the total Census grant to pay for services specified in the Individual Education Plans of students in the District. Any remaining amounts from the total Census grant in a single year may be allocated to services, materials and other expenses directly supporting learning and social/emotional growth for any students, including but not limited to those served by IEP's and 504 support plans, who are identified as at risk or struggling students and/or are receiving Tier II supports. School Districts are further required to provide an annual account to the Agency of Education and State Board of Education that demonstrates how the Census grant was utilized in accordance with the above.

On Page 20 there is a section entitled "Special Education Reimbursement" that is entirely struck out. Replace this with a section entitled "Census Grant Spending Guidelines". This would be several steps that basically describe a process to ensure accountability for Districts in how they spend their census grant. I don't know the proper dates, agencies, etc. but it would have the following steps:

Annually before school starts a District estimates dollars necessary to support IEPs for the year.

After the Census grant amounts are set the District determines how much they have to spend on non-IEP struggling students ("First dollars")

By mid-Fall the District submits a Census Grant Spending Plan that outlines what they will do with the remainder of their Census Grant ("Remaining Grant")

This is adjusted over the course of the year to ensure that any unexpected special education needs are covered or if fewer dollars are needed for Special Education needs then these can be switched over to be used as "remaining grant dollars"

At year end, the District submits an accounting of how the Census grant dollars were actually used.

P. 36 in the part about the advisory board....

Change the make up of the board to include 2 advocates (this will likely mean taking out some representation that has duplication)

And, add a bullet to the duties the board has:

Advise the development of rules including how Districts should ensure they adhere to the principle of first dollars being allocated to IEP's.

P. 41 in the “nature of the consulting services and reporting” section add a phrase to the end of (b) as follows: The assistance shall also provide guidance to ensure that Districts uphold their statutory responsibility to uphold the provision of FAPE and LRE for children who are served by IEP's.

Finally, I do not like the section of the Bill that lays out qualifications for the consultant to be hired and says several times that it must have experience in developing “cost effective” special education and “managing costs” in special education. The definition of these terms is unclear, and defacto means “less expensive special education”. The emphasis (and language) related to hiring consultants should be to seek those who know about “best practices” in special education. The concept of best practices implies little waste, real results, etc. that as a consequence would result in savings, rather than using cost reduction as a litmus test.