



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue Fairbanks, Alaska 99701-4756 (907) 452-2000
www.k12northstar.org



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Kathie Wassmann
520 5th Avenue
Fairbanks, AK 99701

RE: HB 102

Dear House Education Committee and Representative Keller,

I'd like to first thank you all for the work you do for the students of Alaska.

I'm writing today to express my concern and opposition of House Bill 102. There are many questions that come to mind as I read the bill and try to determine its impact to students' educationally and to districts' financially. I'm unable to find the answers in the language of the bill.

My biggest concern is compliance with IDEA. In the past, when a student moves in to our district to one of FCSA's facilities or other residential treatment facility, our district becomes responsible (as it should) for the IEP and compliance with IDEA. If the district is ultimately responsible, how is oversight of the IEP to happen if on the one hand we are financially responsible but the IEP decisions are made without district representation? If parents become unhappy and feel that the IEP is not being followed, who would be responsible for the cost and burden of due process? The laws and regulations of Special Education are complicated and often in the hands of well meaning yet possibly inexperienced personnel costly mistakes (both educationally and financially) can be significant. In a sense, the bill asks that the districts pay for the students at a pro-rated amount for an educational service that it has no control over.

I am sure that as a legislative body you have considered this, but I find it difficult to understand how the school districts with dwindling funds are expected to pay for students when many times, the students have entered our district after the count date in October. Even if they were in our district on count date, if the student leaves to go to residential treatment, it doesn't mean that all of the costs associated with that student go away. We still are under contractual agreement to pay the teacher, aides, and supplementary services for that student. That cost does not go away. And, in Fairbanks, we supply FCSA with related service providers such as Psychologists, SLPs, OTs and PT services at no cost. We also pay a flat fee regardless of how many students are in attendance at their facility.

I have the following questions: Will the student continue to be enrolled in the public school? If so, would they be enrolled in the home school from which they most recently were enrolled or the district the residential psychiatric treatment center resides in? Making a private entity responsible for educational services is of great concern for us as a district. It seems that it would take the authority of the Individualized Education Plan (IEP) Committee away and turn it over to a private business. It also begs the question of who will be responsible for maintaining the IEP and evaluation documents? There is no mention of involving parents in the decision making process.

In reference to graduation requirements, does this default to the local school district? Who assigns the diploma? If parents dispute the plan in place and it goes to due process, is the school district responsible for defending an education plan it hasn't helped to develop or supervise?

The funding that is in question with this bill goes into the general fund for the school district. This funding goes toward teacher and staff salaries, benefits, maintaining facilities and training. Will these private treatment facilities be bound to following IDEA and federal law when it comes to providing special education services? Is it within the State Constitution of Alaska to turn over public funds to private business? These are questions that seem to be "up in the air," if you will, about the pending legislation.

I would hope that this bill does not get passed through without serious consideration to the questions that have been brought forth. They are legitimate concerns that could have a large impact on districts who are working diligently to make sure that student's are getting the best services possible and services that have been determined by an entire IEP team, not just a private entity concerned about staying in business.

Thank you for re-consideration of passing this bill before details can be ironed out.



Kathie Wassmann
Executive Director or Special Education
Fairbanks North Star Borough School District