

remember reading about all the...all the court decisions in different states throughout the United States before we passed 1059, and those cases and Legislatures being called into special sessions to solve the result of those court decisions was all about providing equitable education to students throughout the state. My question to Senator McKenzie is, how do we assure that special education students get equitable treatment across the state if we're going to have every school system using the waiver process in different ways? And I'd just like, for the record, for you to say a little bit about that, Senator McKenzie.

PRESIDENT ROBAK: Senator McKenzie.

SENATOR MCKENZIE: Senator Schimek, I'd be happy to respond to that. One of the ways in which we guarantee equity of service is the evaluation process that every school system and every program is required to do. Let me give you an example, if I can take just a little bit more time. Currently, in Rule 51, we have case load guidelines. Now what's happening is in certain districts, especially large ones, they are actually, in some cases, exceeding the case load guideline, and they have to submit a waiver for that. But you also submit a waiver if you're way below the case load, which happens in smaller rural districts. So we have attempted to establish some guidelines, but even those guidelines can't always guarantee that you're going to have the ratio of teacher to student that you want to have. It really falls back on the parents' involvement in the IEP, the requirements that we have in the IEP and nothing will allow us to waive that, that is a federal requirement. That is driven, in many cases, by the parents' involvement and the other professionals who are there that write the plan for the child. We don't know exactly whether there are inequities across the state in terms of services. We do know that some...some...

SENATOR SCHIMEK: You mean right now.

SENATOR MCKENZIE: Right, some schools provide more service than others. We've never had an equity measure in special education, that's one of the recommendations in whatever we do to move to a block grant approach, or a revised approach is to be able to look for some equity in what we are able to provide. That really is driven by case law, the advocacy groups, the federal requirement more than the state statute, and again the IEP that guarantees that the program be designed to meet that child's