



Dignity. Respect. Advocacy.

Tom Masseau, Executive Director

February 21, 2023

Senate Committee on Education
Sen. Jane English, Chair

Re: Opposition to SB294

Senators,

Disability Rights Arkansas is the Protection and Advocacy Organization for the rights of people with disabilities in the state and we are writing to express our opposition to Senate Bill 294, also known as the Arkansas LEARNS Act. In its current form this legislation presents too many questions about the practical effect it will have on the public schools which so many students with disabilities rely. Additionally, there are problems with how the bill treats school safety, mental health, and transportation among other issues. While the bill is sprawling, and time is limited, we have laid out our prioritized objections to the bill below.

Mental Health Training Requirements for School Resource Officers

In several locations within the bill, the phrase “Youth Mental Health First Aid” is replaced with “youth mental health training.” There is no stated purpose for this modification and its impact could be broadly detrimental. Arkansas is experiencing a mental health crisis, and our students are not immune to the lack of necessary professional resources. School resource officers are neither teachers nor mental health professionals, yet schools routinely rely on them to intervene when students are experiencing a mental health crisis. Without adequate training, the outcomes could be predictably disastrous for students and school personnel. If this course is to be replaced, it is crucial that any training to identify and intervene when an individual is experiencing a mental health crisis be trauma informed and evidence based.

Threat Assessment

The bill employs what has become an emerging trend in schools as a response to campus violence, Behavioral Threat Assessment Teams; however, its focus is misplaced. The bill proposes to ensure that teams, which may or may not include representatives of a child's Individualized Education Plan (IEP) team, are supplied with 15 hours of training to identify and respond to their perceptions of threats. There is no provision that would require a school to increase direct services to students, employ professional behavior specialists, or otherwise improve mental health outcomes for students in school in order to prevent a threat. Instead, the focus is on responding and reacting to threats once those students are possibly experiencing a crisis. This has had the effect of increasing informal and formal removals of students in other states where it is officially employed. Such assessments fail to contextualize relevant factors, causing a disparate impact on not only racial and ethnic minorities, but also children with disabilities. Arkansas students already struggle with frequent removals from school, and this will only needlessly increase those removals.

School Transformation Contracts

This will incentivize public school districts to allow charter school organizations to take over a "failing" school to avoid the sanctions and funding cuts that would come with a D or F ranking, the charter school organization would only have to have obtained a grade of C for the preceding three years to be eligible. Those rankings are opaque to begin with, impacted by factors outside of academic performance such as attendance and community service hours affected by COVID-19. Additionally, those grades have been shown to correlate with the socioeconomic status of the students in the district. There is no language in the bill to address how long these takeovers would last or what would happen if the charter organization fails to improve academic performance. As written, the only thing this policy ensures is that schools would be removed from local control and placed under the authority of a for-profit entity with no guarantee of ties to, or oversight from, the community, perhaps indefinitely.

Voucher System

Vouchers remove public funds from schools already on the brink, a system already in a funding crisis. Instead of adequately funding our current school system, we place that public funding in the hands of private organizations, not subject to oversight and wholly unaccountable to the state. These entities are completely outside of local control and free from the kind of oversight that Arkansans should expect from the people that we trust with our children and our tax dollars.

Regarding student success, in Louisiana, a voucher system was established in 2008 and expanded in 2012. When independently examined, its voucher system caused a negative impact on both English and Math achievement. Regarding accountability, a voucher program in Milwaukee, Wisconsin, resulted in many start-up voucher schools. Over the course of 25 years of the program, 40% of private schools receiving those public funds closed their doors. Regarding parental "choice," approximately 75% of the applicants to Arizona's voucher program were students who had never attended a public school, doing nothing more than devoting public funding to a "choice" that was already available and exercised.

As of 2019, there were 63,395 Students with Disabilities receiving special education and related services in the state of Arkansas. This comprises 13.4% of the total student population and reflects an 18% increase of those children identified as eligible for special education and related services since 2013.

Currently, schools receive an amount based on a "per student" basis. If a school receives \$100 per student, it does not spend precisely \$100 on each individual student. Funding must be equitable. In some cases, children with disabilities can be served at an extremely low cost. Those children might not require a greater expense than a typical peer in order to access a public education. In other cases, children with disabilities require additional support in excess of the "per student" allotment. The predictable effect of permitting the withdrawal of thousands of dollars per student is the reduction of funding that relies on equitable allocation of resources.

So it will be in Arkansas. Many children with disabilities we have assisted attended private schools - even "specialty" schools created for children with disabilities. Both typical private schools and ones established to educate children with disabilities have one remarkable common right - they may take away the parental choice the law purports to establish. Conversely, public schools cannot. They are charged with ensuring all students with disabilities have access to a free appropriate public education. For those children whose needs will not be met by private schools that are exercising their own right to choose, children with disabilities will have only one option - to turn to a system, now with depleted resources.

Transportation

The Transportation Modernization Grant program proposed in this bill does not take into account the needs of children with disabilities and does not do enough to ensure that transportation will be available for all the children of the state, especially those in

rural areas. Ensuring that all transport solutions being funded with state dollars are accessible for students with disabilities should be a condition of these grants, but accessibility is not mentioned at all. Instead, the proposed solutions include ideas like contracting with rideshare companies, which can be notoriously inaccessible for people with disabilities and are much less likely to be available in rural areas. Other proposed solutions include providing funding directly to parents or “engaging neighborhood carpool strategies,” which places the onus on working parents and again completely ignores the idea of accessible transportation.

We strongly feel that any plan to address the educational system in Arkansas must account for the needs of children with disabilities in order to give them every opportunity to thrive and lead meaningful lives. The bill prescribes many new obligations to public school districts but passes on ensuring those obligations extend to their private counterparts. If such onerous obligations are necessary for public schools to supply a quality education, there should be no hesitation to ensure private schools meet the same standards. Instead, the bill assumes, without evidence or assurance, that private schools will meet the challenge of ensuring the constitutional guarantee of a quality public education for our youth. Unfortunately, this bill is more likely to create a two-tiered educational system where only some children will be able to receive a quality education.

We appreciate the opportunity to present our concerns to you and we would be happy to answer any questions you might have. I can be reached at 501-492-5750 or via email at tmasseau@disabilityrightsar.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Masseur', with a long horizontal flourish extending to the right.

Tom Masseur
Executive Director