

## **Judge rules Anchorage must continue busing deaf student**

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PALMER — A judge in Palmer said the Anchorage School District must continue its bus service for a deaf middle-schooler from Big Lake in a case that highlights the complications of special needs education.

Katelyn Reese has attended the Alaska State School for the Deaf and Hard of Hearing from her first day of class. The school for the deaf was the best place for her to develop, according to her Individual Education Plan (IEP), a plan developed for each special needs student by parents and educators.

The school for the deaf is run by the Anchorage School District, and the district provided a bus for her from Wasilla Middle School to Russian Jack Elementary, where the elementary classes were held. As soon as Reese graduated to middle school, the district discontinued the bus service.

She lived with relatives in Chugiak and Anchorage, but her mother felt she was too far away from her home and family values. She moved back to Big Lake, and her parents are now driving 180 miles a day to take her to and from the school for the deaf at Hanshew Middle School.

“The district said there was a policy from the state that they didn’t bus middle-schoolers [to the school for the deaf],” said Meg Allison, Reese’s attorney with the Disability Law Center.

The family went to the IEP board to reinstate the bus route, but the IEP turned them down.

Once in court, Superior Court Judge Vanessa White ruled in favor of Reese overturning the opinion of the hearing officer. According to the court ruling, the discontinuation of the bus route violates her IEP, and the IEP is a right reserved to Reese under the federal Individuals with Disabilities Education Act.

The Anchorage School District is appealing the ruling and asking for the stay on the decision in the meantime. The discontinuation of the bus service is not about age, but about funding, according to ASD superintendent Carol Comeau.

Due to a change in transportation funding last year, the state no longer offers a blanket reimbursement to the district for all its transportation costs. If the ASD has to reinstate the route, they will get no additional help from the state.

“We have to hire a driver and an attendant to communicate with the student, plus pay for the mileage. It ends up being about \$80,000 for both ways for one school year,” said Comeau.

According to Eric Fry, spokesman for the Department of Education and Early Development, the state did reimburse the district for all transportation costs when Reese began her schooling.

“That was changed,” said Fry. “Now the state gives the district a certain amount of money per student. For the Anchorage School District, the state gives \$384 times the average number of kids who are enrolled during the month of October minus any correspondence students.”

This figure is based on real transportation costs, according to Fry.

“The money they get from the state should come very close to their actual expenses. But if it doesn’t, then they have to find the money in their general funds,” said Fry.

“We do not believe the taxpayers of Anchorage should have to pay for a student to be bussed into our district,” said Comeau.

The school for the deaf is a state school operated by the ASD, and the school enrolls students from all across Alaska. Districts are paid by the state for each student with special needs, and the state pays the ASD \$2,576,038 for the 44 deaf students it enrolls, according to Fry. An additional \$966,400 goes to the Department of Health and Social Services to operate the boarding facilities for the school for the deaf.

“The students who attend the school for the deaf who are not from the municipality of Anchorage either live with foster families, relatives who live in Anchorage, or at the Student Learning Center run by the non-profit group ARC,” said Comeau.

To be clear, she points out, “we have no objection what so ever for the student to be in the Alaska State School for the Deaf and Hard of Hearing. Our objection strictly relates to who pays for how she gets there. We believe it is the responsibility of the state, the parents or the Mat-Su School District. Parents all over the state have their kids going to this school. We are just concerned with who pays.”

The burden will not fall on the Mat-Su Borough District because the district provides their own services to the deaf. The services have come a long way since Reese first chose to go to the school for the deaf, according to Catherine Esary, spokeswoman for the MSBD.

But it is not likely that Reese will be returning to her local district. Everyone involved agrees that the school for the deaf is the best place for her to study.

“We try to meet the needs of every student who comes in to Mat-Su,” said Esary, “but there they have a culture for deaf students. Sometimes that’s more choice, especially as the kids get older.”

“[The MSBSD] has never been deemed an appropriate place for her,” said Allison. “Everybody agreed [the school for the deaf] was the appropriate place for her.”

Beyond all the budget talks, Allison said, this is really about the 13-year-old girl. The Judge agreed.

“As the judge stated in her ruling, there cannot be an issue about cost. They have to provide the service. It’s not the student’s problem. Money is not an excuse to not provide it. I am quite dismayed about all the focus on cost. It’s really about a young girl getting the services she needs,” said Allison.