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TESTIMONY  
SENATE EDUCATION COMMITTEE  
March 27, 2007  
SB 1000 by Shapiro

The Texas Council for Developmental Disabilities (TCDD) is established by federal law in the Developmental Disabilities Assistance and Bill of Rights Act and consists of a 27 member board, appointed by the Governor, 60% of whom are individuals with developmental disabilities or family members of individuals with disabilities. Other council members represent various state agencies that provide services to people with significant disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives. We appreciate the opportunity to provide comments on SB 1000, relating to the accessibility of services for certain students with autism or autism spectrum disorder.

TCDD believes that students with disabilities who may access publicly funded education through schools accepting scholarships or voucher payments must be accorded individualized appropriate instruction, research-based positive behavioral interventions and supports, access to the general curriculum, and related services in the least restrictive environment. Furthermore, the Council believes that schools that accept state money to educate students must accept any student with a developmental disability who may apply for admission to that school, comply with federal and state education laws that protect the rights of students with disabilities, comply with Section 504 of the Rehabilitation Act that requires any entity receiving federal funds to include people with disabilities in its program, and accept any student at the state payment amount without asking for additional tuition or fees beyond the normal fees required by the student's originating independent school district. SB 1000 does not require private schools to comply with the federal Individuals with Disabilities Education Act nor does it provide for the full cost of the private education, forcing parents to pay the difference between the cost of the private program and the amount of the scholarship.

SB 1000 authorizes the transfer of state funds generated by a student from the school district the student is currently enrolled in to a receiving public or private school. The Council does not support initiatives that would deplete funds from the public education system and ultimately from funds available for the education of students with disabilities. As written, SB 1000 does not address the criteria TCDD believes important to provide students with disabilities a free, appropriate public education.

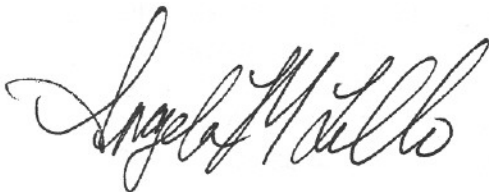
TCDD is also concerned that SB 1000 does not address the needs of students with other disability labels and their needs for resources, support and training. The council believes that all educational programs must be both physically and programmatically accessible to all students; however we can find no provisions in SB 1000 to ensure this universal accessibility

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and inclusion of students with disabilities. Rather, only students with a specific functional diagnosis would be able to participate in the proposed scholarship.

TCDD recognizes the need for improvements in educational services for all students with disabilities and is committed to achieving community integration for all people with developmental disabilities in Texas. Please do not hesitate to contact us if you would like to discuss this issue further. We are also available as a resource to you and your office on this matter and other issues affecting people with developmental disabilities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Angela M. Lello". The signature is written in a cursive, flowing style.

Angela M. Lello  
Public Policy Director

Encl: TCDD Education Position Statement



## Education Position Statement

All people with disabilities in Texas should have the opportunity to achieve their maximum potential for independence, productivity and integration into the community. Education is a lifelong learning process which is vital to attaining a full and complete life. The postsecondary results of an appropriate public school education for students with disabilities should be evidenced by employment, enrollment in postsecondary school, or both within one year of leaving high school.

The Texas Council for Developmental Disabilities believes that all students regardless of individual needs must be provided with individualized appropriate instruction, research-based positive behavioral interventions and supports, access to the general curriculum, and related services in the least restrictive environment. Related services include but are not limited to adaptive, assistive technology; modifications; and supplementary aides. Related services must be designed to ensure students with disabilities receive a free and appropriate public education in the least restrictive environment. The delivery of individually appropriate instruction and related services must be provided by qualified teachers and service providers with administrative support and opportunities for continued/ongoing professional development in all areas of identified need. It is the position of the Council, as well as the policy of the state, that all children should be treated with dignity and respect when addressing behavioral and disciplinary needs of students.

The Council believes that students who may access publicly funded education through charter schools or schools accepting voucher payments must be accorded the same education as noted above. The Council believes that schools that accept state money to educate students must accept any student with a developmental disability who may apply for admission to that school, abide by federal and state education laws that protect the rights of students with disabilities, abide by Section 504 of the Rehabilitation Act that requires any entity receiving federal funds to include people with disabilities in its program, and accept any student at the state rate of payment asking for no additional tuition or fees beyond the normal fees required by the student's independent school district. If these criteria are not met, then the Council adamantly opposes publicly funded school vouchers and charter schools. The Council is opposed to any initiative that would deplete funds from the public education system and ultimately from funds available for the education of students with disabilities.

The Council believes that full inclusion should be approached as a value and underlying philosophy by which we educate all students. We believe that successful inclusion requires that teacher education programs prepare all educators and administrators to work with the full range of students in inclusive settings. Special education is not a separate educational system, but rather a service provided to people with specific needs within the general educational system. Professional preparation programs should emphasize the shared responsibility of all educators and administrators for all students.

*(Continued)*

The Council believes that full inclusion requires the ongoing, shared responsibility of students, parents, guardians, educators, administrators and the community at large.

It is therefore the position of the Texas Council for Developmental Disabilities that all students have a right to learn, play and work with students their own age, with and without disabilities, in the same schools, classrooms and other educational programs attended by their brothers, sisters and neighbors, and that schools, classrooms and programs must be both physically and programmatically accessible to all students.

Reviewed November 3, 2006