



The Arc of Texas

Senate Education Committee
Committee Hearing
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Austin, TX

Testimony by Mary Jane Williams (Houston, TX)

Hi, My name is Mary Jane Williams. I am here today representing The Arc of Texas. I am also the parent of two children – my son Christopher is 18 and has Autism, my daughter Rachel is 15 with Asperger Syndrome. I am also the Executive Director of a parent organization in the Houston area and we hear daily from a variety of parents about what is happening to their children in schools.

The Arc of Texas believes all children deserve the right to a quality education that prepares them for further education, employment and independent living, the stated purposes of the federal Individuals with Disabilities Education Act (IDEA). For some students with disabilities in Texas this is a reality. Let me share the process that is outlined in IDEA that should be implemented for every student with disabilities. A student receives a comprehensive assessment that assists the IEP team, which includes the parents to determine the services and supports that are necessary. An Individualized Education Program (IEP) is developed and implemented based on Texas Essential Knowledge and Skills; accommodations and supports are provided to help the student be successful; related services and/or behavior plans are developed by people with expertise to ensure the functional needs of the student are addressed. Student progress is measured regularly with routine classroom assessment, as well as annually by the TAKS test. Students are involved in their transition planning before going to High School so that they may possibly reach their future goals of employment, independent living or further education. The student is seen as a valued member of his or her class and is included in extracurricular activities they are interested in. When all of these things occur the student **will** leave school prepared for further education, employment and community living. I know that for my daughter with Asperger's this will be a reality. In 7th grade (age 13) they started planning for her high school course work with the goal of going to college. She is taking classes in order to achieve a recommended, or distinguished diploma which will enable her to go to college. This year in 9th grade (age 15) she was included with other students as they sat down and planned

their course work for the 4 years. This example shows how critical it was for my daughter and for all special education students to begin transition planning well before age 16. Waiting until age 16 is too late.

Unfortunately this vision is not available for **every student** with disabilities in Texas as required by federal law, and is often not the case for students with more significant disabilities or for those whose parents may not know or understand the requirements.

I sit on many Texas Education Agency committees and I know TEA has the best interest of children at heart and are attempting to make changes. Yet for some reason the trickle down to the local level can be limited. While we know some schools do an excellent job, we also know that other schools do not. There is a lack of consistency or equity in the quality and quantity of services available to students with disabilities in Texas. The question successful schools ask is, **what do we need to do to ensure the success of this student?** Yet, in other schools, they may ask very different questions, **does the law require us to do this, how much will it cost, or will the parents know if we do not do this.** These schools often are refusing to provide the same services that another school in their district or another district right next door is providing even though they know it will help the student achieve their goals. Even within the same school, I can say as an educated parent, that my children are more likely to be provided the services they need than a student whose parents may not speak the language, may need to work many jobs to provide for their family, or who do not have the level of education that I do. This is not right and will result in many of us as taxpayers paying for more adult services later on. The current dispute resolution system and monitoring systems are not set up to discover or fix the unfairness and inconsistencies that currently exist in Texas. It is important for Texas to adopt statewide alternative dispute resolution models that provide an accessible, fair and unbiased forum for parents to advocate for their child. We must also add new quality indicators to the state monitoring system. When a school is not meeting the standards there should be required training and technical assistance at an earlier stage in the intervention process.

As I spoke before, IEPs are driven by assessment and every three years schools must decide if the student still has a disability and needs special education. This year we met in **December** to create my son's re-evaluation plan. We usually do not need to do too much because we all agree he still has autism. Due to my son turning 18 at the end of the school year and the expectation that he would be moving into the adult service system, I asked for and the school agreed to do IQ

and adaptive behavior testing. We also agreed to have a Functional Behavior Assessment (FBA) completed as my son was experiencing behavior difficulties in two areas. Functional Behavior Assessments help to identify causes of behavior and make an attempt at finding ways to teach and promote appropriate replacement behaviors. By mid-February, my son's teacher was calling me daily about his behaviors. I kept asking her to ensure that someone was coming in to observe and perform the assessment and was reassured that outside supports had been asked for. The first week in March – he was suspended for three days for a behavior that was in his Behavior Intervention Plan. The third week in March – he was again suspended for an afternoon due to the second behavior in his behavior plan. Yet as of today – a complete functional behavior assessment has not been completed. No effort has been made at teaching him a replacement behavior - Six months of a school year are lost. My son's time is running out. I know my son is not alone in having this experience. How many more children do not receive adequate services because they are not being properly assessed or assessments are not done in a timely manner?

In addition, my son became part of the statistics. While special education students represent approximately only 11% of the overall Texas Public School population, they represented **22 % of students in Disciplinary Alternative Education Placements, 21% in In School Suspension (ISS) and 26% in out of school suspension**. Schools must be required to re-examine students IEPs to determine needed changes in the instruction and supports they are receiving and use qualified behavior specialists to provide functional behavioral assessments to develop positive behavior intervention plans. Teachers need hands on instruction from behavior specialists about how to implement these plans. Many students with disabilities sent to ISS, DAEPs and Juvenile Justice AEPs do not receive appropriate instruction, modifications, supports or related services to implement their IEP. How many others besides my son are being left behind? The current system is supporting that school to prison pipeline.

Many special education teachers do not have the expertise or training to provide the level of service needed by students with significant behavior and other support needs. Regular education teachers arrive at school with little or no knowledge of how to teach kids with diverse learning needs or to support students with specific disabilities in their classrooms. My son has been included in many regular education classes, but his behavior gets in the way of success sometimes. Both his regular and special education teachers expressed concerns and asked for assistance in February. While it would be easier to segregate him, we would not be teaching him anything and I want him to have a job one day. Jobs do not occur in

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isolation – kids with disabilities need to learn how to interact with their typical peers; yet many students with more significant disabilities are excluded from typical environments because teachers do not know how to teach students with disabilities. All teachers need pre service and in service education and training to achieve a basic level of knowledge and skills required to teach students with disabilities. Equally important is the need to ensure successful implementation of IEPs in the classroom. Teachers need hands on instruction and mentoring in the classroom with experienced teachers who have expertise in providing instruction and supports for students with disabilities. Last week I spoke to educators at the Univ. of St. Thomas, and one teacher told how she went through the Alternative Certification program expecting to be a math resource teacher in a large urban school district. Instead she was placed in a middle school self contained classroom with children whose autism was rather significant. No training was provided. This was not fair to her, or to those students. We cannot afford to lose more teachers – we must support them, but they need adequate preparation and help with assisting students with disabilities in the classroom.

I am concerned about other students who have needs similar to my son and who have not received the level of transition planning that my daughter has. Transition planning has been required for more than 10 years since IDEA 1997, yet it wasn't until TEA was required to report on transition plan information and the subsequent outcomes (Indicators 13 & 14), that students have been getting quality transition plans, at least on paper. The TEA APR data shows only 20% of students with disabilities had received an appropriate transition plan. Neither indicator measures whether the transition plan was implemented, what services and supports the student actually received or the outcomes for the student before he leaves school (ie. job, college). **The last Texas Effectiveness Study data that I saw reported that one year after graduation 50% of students who had graduated were not employed or participating in further education or training. They were still sitting at home.** Even in 8th grade when we discussed High School for my son; if it wasn't for me, the school would not have talked about what my son was going to do for four years and how he would get to graduation. The transition paperwork only planned for "one year"....transition planning was guided by the paperwork, not the overall goal of employment or independent living. Despite that he has expressed a desire to work at Home Depot or Lowes driving a fork lift, he is being provided no work experience to allow him to reach that goal after HS. The delay in completing his FBA and the implementation of his behavior plan will have a significant impact on his appropriate behavior ability to get and keep a job. Transition planning needs to be done through student led IEPs and not guided by school district forms developed by lawyers.

Some of the important things we must do to make a true difference are:

- Ensure assessment plans are completed in a timely basis;
- Ensure Individual Education Programs are based on those assessments and the TEKS,
- Adequately implement those plans by giving teachers, the training and supports they need to help students reach the goals outlined;
- Allow student led transition planning to guide the Education program of students entering High School;
- adopt statewide alternative dispute resolution models
- required training and technical assistance at an earlier stage in the monitoring intervention process.
- behavior plans are developed by people with expertise to ensure the functional needs of the student are addressed including hands on instruction from behavior specialists about how to implement these plans.
- require pre service and in service education and training for teachers to achieve a basic level of knowledge and skills required to teach students with disabilities.
- provide hands on instruction and mentoring in the classroom with experienced teachers who have expertise in providing instruction and supports for students with disabilities

Then hopefully students will graduate with the ability to meet their goals of IDEA – further education, employment and/or independent living.

Thank you very much,

The Arc of Texas is the state's largest non-profit volunteer organization creating opportunities for persons with intellectual and developmental disabilities to be included in their communities and to make the choices which affect their lives. Since its founding in 1950 by a group of parents of children with intellectual and developmental disabilities, The Arc of Texas has been instrumental in the creation of virtually every program, service, right, and benefit that is now available to more than half a million Texans with intellectual and developmental disabilities. Today, The Arc continues to advocate for including people with intellectual and developmental disabilities in all aspects of society. For more information about The Arc of Texas visit us at www.thearcoftexas.org.

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