



Senate Committee on Education
June 16, 2010

I am Rona Statman, the Director of Family Support Services for The Arc of Texas. The Arc of Texas is the State's oldest and largest non profit organization advocating on behalf of individuals with intellectual and developmental disabilities to be fully included in their communities. I am here today to talk about a free appropriate public education for students with disabilities. Federal and state law require adequate and equitable funding of special education services for over 400,000 Texas School Children. Schools are required to teach students with disabilities with the same vigor and high expectations that we teach all students. **IDEA 2004**, states that, "The purposes of this title are to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services **designed to meet their unique needs and prepare them for further education, employment and independent living.**" (Section 1400(d)(1)(A))

IDEA 2004, found that the education of children with disabilities can be made more effective by having high expectations for such children," educating them in the regular classroom so they can "meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children and be prepared to lead productive and independent adult lives, to the maximum extent possible." (Section 1400(c)(5)(A))

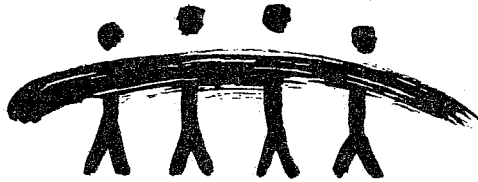
Congress also found that the education of children with disabilities can be made more effective if all school personnel who work with children with disabilities receive "high quality, intensive" professional development and training to ensure that they have "the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible.

The Arc of Texas makes the following recommendations to ensure students with disabilities have equal access to a free appropriate public education that will result in students being prepared for further education, employment and independent living.

Transition Services Recommendations

Recommendation 1

Require that transition planning begin by age 14 for all students with disabilities. This will ensure students entering high school are preparing to reach their transition goals throughout their high school years. TEA and HHSC shall develop and distribute a Texas Comprehensive Transition/Employment Manual. TEA must ensure that local ISDs distribute this manual to



The Arc of Texas

special education students 14 years of age and older. The manual should be updated biannually and posted on the TEA and HHSC agency's web sites. The manual should include, but not be limited to information regarding:

- transition services and the transition process;
- a definition of supported employment/employment services;
- SSI/SSDI and social security work incentives;
- community services for people with disabilities, including Medicaid and Medicaid waivers and non-Medicaid long-term services and supports;
- employment and supported employment programs administered by HHS agencies, TWC, and local ISDs;
- accessing post secondary educational programs and services;
- informed consent of the parent/guardian or adult student if student information is shared with HHS agencies and their service providers;
- rights at the age of majority and guardianship/alternatives to guardianship;
- contacts for all relevant agencies; and
- student and parent/guardian rights, self-advocacy, person-directed planning, and self-determination.

Recommendation 2

TEA, DADS, DSHS and DARS need to collaborate and develop a coordinated interagency effort to ensure students have appropriate agency participation in the Admission, Review, and Dismissal (ARD) committee meetings and that they obtain the information, planning, support, and services they need during the transition process. The agencies should collaborate to offer information sessions to parents and students of each ISD.

Recommendation 3

TEA should ensure each district or co-op designates a transition specialist who is not only familiar with the content of the manual but who can develop relationships and work closely with local agency representatives to ensure interagency coordination for the student during the transition process. Transitional specialist shall also be required to have the knowledge and expertise to provide accurate and consistent information and answer questions of the student and parents about adult services, supports and benefit programs. This person should have the expertise to help guide families, schools and agencies through this process.

Recommendation 4

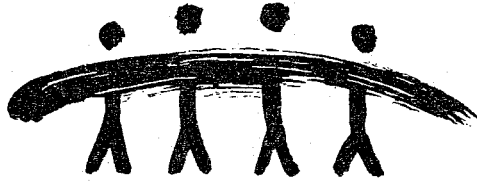
TEA should identify new data indicators to be included in the TEA Performance Based Monitoring and Analysis System (PBMAS) to collect data on students in special education who are receiving employment/supported employment services and students who are receiving support to participate in post secondary education settings and courses.

Recommendation 5

Creating opportunities for people with intellectual and developmental disabilities to be included in their communities and make the choices that affect their lives.

8001 Centre Park Drive, Suite 100 • Austin, TX 78754 • 512-454-6694 • 1-800-252-9729 • fax 512-454-4956

www.thearcoftexas.org



The Arc of Texas

Schools must use appropriately trained staff to provide employment services for students with disabilities. There are no uniform requirements for personnel providing employment services to students with disabilities. TEA should develop minimum qualifications for ISD employment services comparable to DARS minimum requirements.

Special Education Recommendations

1. Statewide Standards for Teacher Certification & In-Service Training Programs

Adopt statewide standards for Teacher certification and in service training programs for regular education teachers at the pre service (university and alternative certification programs) and in service levels to ensure regular education teachers have the skills and expertise to teach students with disabilities to progress in the general education curriculum as required by federal law. Ensure regular and special education teachers who are certified by alternative certification programs complete all coursework and supervised field experiences.

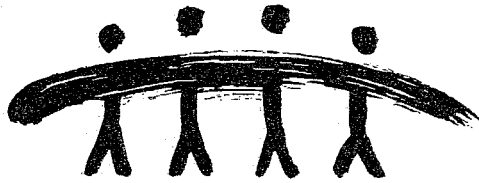
Note: Current university teacher training programs do not require basic standardized pre-service courses and field placement requirements that prepare all teachers to teach and provide support to students with disabilities in the regular classroom. Students graduating from University regular education teacher training programs are not required to take courses that will give them even the minimum competencies required to teach reading effectively, provide instructional accommodations, understand and implement positive behavior/classroom management techniques, and to identify students with disabilities. Students studying to be regular education teachers are not required to have field placements in regular education inclusive classrooms with students with disabilities. Alternative Certification Programs do not require teachers to complete all coursework prior to certification and do not require at least one year of supervised teaching necessary to prepare teachers to teach and provide support to students with disabilities in the regular classroom.

There are no standard statewide in service training requirements for teachers to ensure they have the basic competencies necessary to teach and provide support to students with disabilities in the regular classroom, such as instructional modifications/supports for students with disabilities, writing, implementing, and documenting measurable scientifically based IEPs based on the TEKS.

2. Establish Minimum Certification Requirements for Teachers & Other School Personnel

Establish minimum certification requirements and/or minimum qualifications for special education teachers and other school personnel serving students with disabilities

Currently there are no certification specializations other than for students with visual impairments and auditory impairments. Many schools however designate certain teachers as the Autism Specialist, Behavior Specialist, Transition Specialist without any uniformity to the knowledge and experience of these specialists. There is no statewide requirement for the



The Arc of Texas

coursework and/or training and supervised field experience required for these special education specialists.

3. Statewide Alternative Dispute Resolution System

Develop a statewide Alternative Dispute Resolution System/Continuum that includes a statewide Independent IEP Facilitation Process.

Note: Many school districts have participated in regional education service center training on the IEP facilitation process. Some school districts are providing IEP facilitation from within their district. A few school districts have chosen to provide Independent IEP facilitation when determined to be necessary. However the majority of school districts do not consistently or uniformly offer Independent IEP facilitation as an option for alternative dispute resolution. There are no state policies or procedures to offer Independent IEP facilitation statewide or any other local alternative dispute resolution process. There is no information provided to parents on local or alternative dispute resolution. Most other states offer some form of alternative dispute resolution beyond the IDEA required Complaint, Mediation and Due Process Hearings. The most prevalent of these alternative processes across the country is a statewide Independent IEP facilitation process.

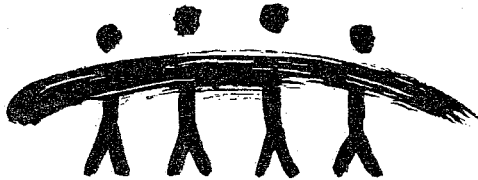
5. Access to Research Based Individualized Positive Behavior Supports and Interventions

Develop a process for students whose behavior impairs their ability to learn including students with Autism Spectrum Disorders to have uniform and consistent access statewide to individualized research based positive behavior supports and interventions provided by trained and supervised certified teachers and behavior specialists to ensure they receive a free appropriate public education.

Note: Currently many families are not able to get the behavior services needed by their children. These services must be provided by trained and supervised personnel. These services can be costly. Many schools do not have the trained personnel to adequately provide these services.

7. Charter Schools

Ensure that Charter Schools that serve students with disabilities: provide instruction in the least restrictive environment, ensure students receive supplemental aids and services and accommodations in the regular education classroom with their non-disabled peers, ensure students have enrolled grade level standards based Individualized Education Programs (IEPs), ensure students progress in the enrolled grade level general education curriculum and participate in statewide assessments, ensure students have access to related services and other school support services (including positive behavior intervention programs, speech, occupational and physical therapy, counseling services, nursing services and any other IDEA related services or other services, ie. the Texas Autism Supplement services or Extended Year services, identified as needed), ensure students are taught by and receive services from



The Arc of Texas

certified highly qualified teachers and related services personnel. Ensure that districts that utilize charter schools as part of their continuum of services continue to provide a continuum of services throughout the district. Ensure that enrollment in a Charter school continues to be parental choice.

8. Discipline and School Wide Positive Behavior Supports

Ensure school districts with disproportionate numbers of students with disabilities in disciplinary settings implement school wide positive behavior supports (PBS).

Note: Students with disabilities are overrepresented in school discipline, including restraint, suspensions and removals. School districts often call the police regarding students' disability related behaviors, as well as issue tickets that require an appearance in municipal court for minor school conduct code violations. Much of this conduct is related to a student's disability and can be appropriately addressed by the provision of appropriate behavior supports and services as required by federal law. Research has shown that a school-wide approach using positive behavioral supports effectively increases appropriate behaviors of all students. When this school wide approach is used in conjunction with trained and supervised personnel using individualized functional behavioral analysis and development and implementation of positive behavior intervention plans for specific students who need these services, PBS can ensure both a free appropriate public education in the least restrictive environment for students with disabilities and provide a school-wide environment that is safe and conducive to learning for all students.

**For more information about these recommendations, contact
Rona Statman at 512-454-6694 or rstatman@thearcoftexas.org.**