

## The Arc of Texas

Senate Education Committee

March 3, 2009

SB 38

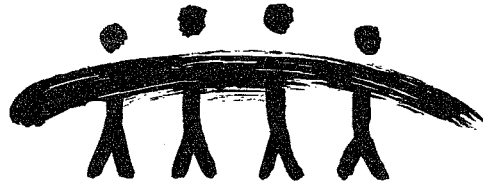
Good Morning, I am Rona Statman, Director of Family Support Services for The Arc of Texas, a statewide non-profit organization that advocates for people with intellectual and developmental disabilities to be fully included in their communities.

- ◆ All children with disabilities have the right to receive a free appropriate public education including the provision of special education and related services that will prepare them for further education, employment and independent living. They have the right to receive an education in the least restrictive environment with appropriate supplementary aids and services, to progress in the general education curriculum, and to receive scientific research based instruction and related services from highly qualified teachers.
- ◆ SB 38 will require local school districts to report to TEA and include on their school report card the number of students with disabilities placed in, In School Suspension, Suspension from School, Placement in Disciplinary Alternative Education Programs (DAEPs), and Placement in a Juvenile Justice Alternative Education Program.
- ◆ This bill is important to make school administrators, school boards, parents and community members aware of the schools discipline policies, actions and data for students with disabilities.
- ◆ Currently many school districts have a disproportionate representation of students with disabilities in disciplinary placements. According to TEA data (2007 Comprehensive Annual Report on Texas Public Schools – Report to the 80<sup>th</sup> Legislature from the TEA) For the 2005-2006 school year, Students in special education made up 12.2 Percent of the School Population but students receiving special education services made up 21.5 Percent of assignments to Disciplinary Alternative Education Programs According to the Texas Appleseed School to Prison Pipeline report, for the school years 2001-2006 , 294 school districts had disproportionate referrals of students receiving special education services to DAEPs for 2-5 years in a row and 121 districts had disproportionate referrals of students receiving special education services for 4 and 5 years in a row. Texas Appleseed also reported that 63 school districts had over 20% of discretionary referrals to DAEPs of students receiving special education services and 34 districts had 30% or more of their referrals to DAEPs from students receiving special education services.

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

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- ◆ **Research has shown that implementation of school wide positive behavior intervention and support training can reduce the total number of referrals to disciplinary settings including students with disabilities. Region 4 ESC has provided this training to hundreds of school campuses (not districts) and has data to show the dramatic effect this training has on reducing the number of referrals to DAEPs when the program is implemented with fidelity. The training and implementation of School wide Positive Behavior Interventions and Supports takes several years.**
- ◆ **SB 38 should result in more schools that choose to implement school wide positive behavior interventions and supports and a reduction in disciplinary referrals.**
- ◆ **SB 38 should result in TEA requiring districts with consistently poor discipline data report cards for students with disabilities to develop corrective action plans and to implement school wide positive behavior interventions and supports and individualized interventions.**
- ◆ **In addition to school wide positive behavior interventions and supports, students with severe behavior disabilities must be given individualized interventions including a Functional Behavioral Analysis and a positive Behavior Intervention Plan that are developed and supervised by board certified behavior analysts. Many school districts do not have access to this degree of expertise.**
- ◆ **The majority of students with disabilities spend all or most of their school day in general education classes; As more students with disabilities are served in the regular education classroom we must address the need to provide training for teachers to prepare them to provide appropriate instruction, classroom management and positive behavioral support and interventions to their students. Most regular education teachers have received little or no training in teaching students with disabilities in the regular education classroom.**
- ◆ **We must ensure highly qualified teachers use scientific research based best practices in meeting the academic, behavioral and functional goals for all students with disabilities.**