



**Testimony to the Joint Senate Committees on Education and Criminal Justice
Senate Interim Charge #7
October 30, 2012
Texas Council of Administrators of Special Education**

Honorable Dan Patrick and members of the Senate Committee on Education and the Senate Committee on Criminal Justice, my name is Judith Moening, Director of Special Education for North East ISD. I am testifying with approval of my Superintendent on behalf of TCASE, the Texas Council of Administrators of Special Education. TCASE is a professional association comprised of nearly 1,200 members who administer and support special education programs throughout the state of Texas. TCASE and I thank you for the opportunity to testify regarding an evidenced based model used in our district to reduce and meet the state rate of disproportionate school discipline placements for students with disabilities.

District data shows that North East ISD:

- Has met the state target for DAEP placements by steadily reducing the rate over 3 years;
- Has met the state target for out of school suspensions for the past 4 years;
- Is above the state target for in school suspension but is steadily reducing that number.

Strategies used in North East ISD that have contributed to reduced disproportionate discipline placements have included the following:

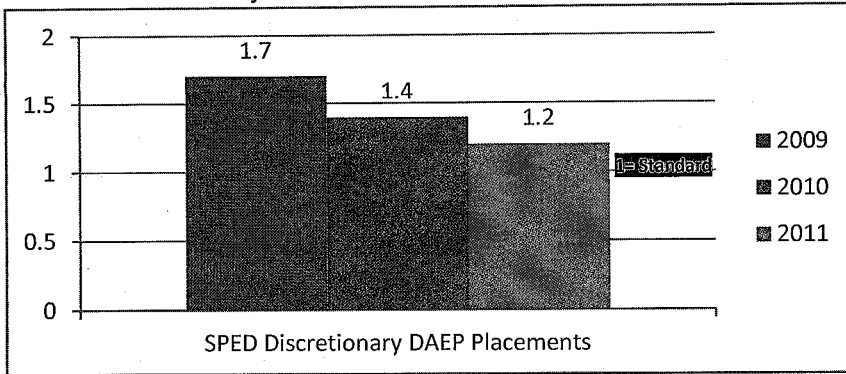
1. Special education collaboration with the district's Pupil Personnel Services (PPS) to jointly look at campus requests for placement at DAEP;
2. Implementation of a formal process with PPS to require campuses to use a full continuum of services including at least 3 ARD meetings, development of an functional behavior assessment and behavior implementation plan as well as the use of additional services in the classroom prior to considering assignment to a DAEP;
3. Discouraging campuses from using OSS and moving more toward ISS. This was primarily due to high numbers of OSS overall and the belief that students needed to be in school rather than at home or on the street. Meanwhile the district was not collecting ADA funds for those students while in out of school suspension;
4. Consistent implementation of special education Redirection program that provides support and social skills instruction to students with disabilities who have behavioral issues. This was a TEA Promising Practice 6 years ago and has had a significant impact on ISS, OSS and DAEP numbers for SPED students. Some campuses assign a Redirection student to the Redirection room for a day rather than to ISS. Redirection replaces cluster behavior programs. All students are served on their home campus. Redirection at elementary also provides some support to the RTI process when behavior is the issue of concern.
5. District wide implementation of PBS (Positive Behavior Supports) for the past 6 years.

Evidence based strategies are available and used by school districts to reduce disproportionate discipline placements for students with disabilities. TEA regularly monitors district's discretionary placements for students with disabilities and districts are required to develop and implement improvement plans if their data is significantly off target.

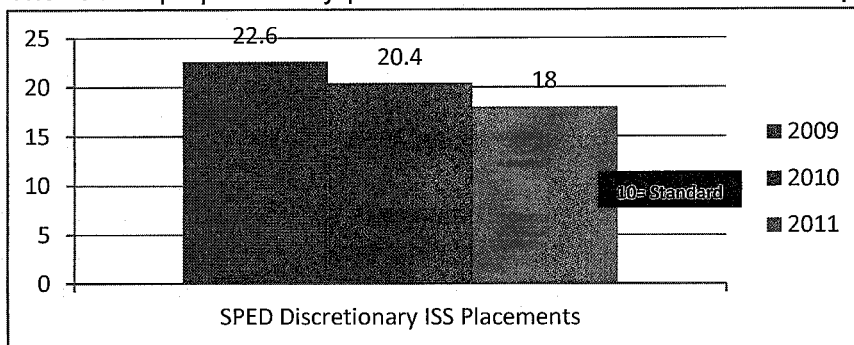


Districts across the state are steadily reducing their disproportionate discipline referrals as evidenced by statewide longitudinal data below.

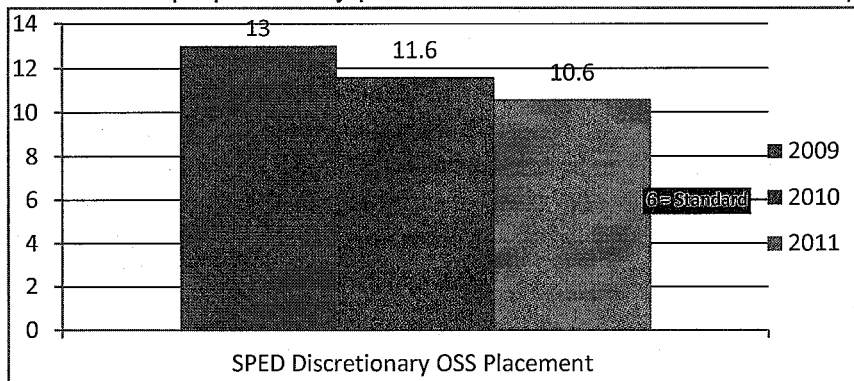
The DAEP disproportionality placement rate of students served in special education has **steadily declined** and is 2 tenths away from the state standard.



The ISS disproportionality placement rate of students served in special education has **steadily declined**.



The OSS disproportionality placement rate of students served in special education has **steadily declined**.



Data Source: Texas Education Agency Performance Based Monitoring State Reports
http://www.tea.state.tx.us/index2.aspx?id=3134&menu_id=2147483683

If TCASE or I can answer any questions or provide any resources, please feel free to contact me, Judith Moening at 210-407-0185 or the TCASE Director of Governmental Relations, Janna Lilly, at 512-474-4492.