



SB 2351
Senate Education
Tuesday, January 31, 2023
Senator Jay Elkin, Chair

Chairman Elkin and Members of the Senate Education Committee:

My name is Roxane Romanick and I am writing as the representative for Designer Genes of ND, Inc., as their Executive Director. Designer Genes' membership represents 230 individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

At this time and without amendment to the bill, our organization asks for a "do not pass" on SB 2351 from your committee. This is primarily due to the data collecting methodology stated in the bill in Section 1.2.c. where only two specific categories of disability are mentioned. The two categories listed are "student is developmentally disabled" and "student is intellectually disabled". Since the school-age individuals that Designer Genes supports would fall into these categories, we are concerned that the bill is targeting this specific population and it is unclear what would be the outcome of the data collection. The term "developmentally disabled" is not a term used as a category of eligibility for special education under the Individuals with Disabilities Education Act, so the population of individuals that might end up being included in this particular data set is uncertain.

The requirements for not reporting are steep in this bill, but schools also have to consider a breach in students' confidentiality when the "n" is small. They might have one room clearing for a student they classify as "intellectually disabled" and given the student's age, this student could be easily identified. It is unclear from the bill if this information would be accessible to the public.

While I appreciate the bill sponsors concerns over behavioral incidents in our school, I would like to see the bill focus on improving our schools' positive behavioral support strategies instead of better understanding the ways schools can legally seclude, restrain, suspend, and expel students. I am concerned that targeting individuals with intellectual disabilities means increased segregation, decreased inclusion, and a loss in learning opportunities for them.

Thank you and I would be willing to answer any questions.

Roxane Romanick
Executive Director
Designer Genes of ND, Inc.

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