

**TESTIMONY ON SB 2268**  
**HUMAN SERVICES COMMITTEE**  
**April 17, 2012**  
**Department of Public Instruction**

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Mr. Chairman and members of the Committee:

My name is Gerry Teevens and I am an Assistant Director of Special Education for the Department of Public Instruction. I am here on behalf of the Department to present information to the committee pursuant to Section 3 of the 2011 Senate Bill No. 2268.

Based on the December 1, 2011 Child Count Data, there were 718 children receiving special education services under the disability category of Autism in the state of North Dakota. A total of 13,123 children were receiving special education and related services in the state at that date.

The role of the Special Education Unit in the Department is to develop and revise, as needed, state policies and procedures related to the requirements of the federal law, *The Individuals with Disabilities Education Improvement Act (IDEA)*. Our unit must also provide technical assistance and monitor local implementation of these policies and procedures to ensure all eligible children with disabilities receive a free and appropriate public education (FAPE).

Within the responsibility for FAPE, the State Education Agency (SEA) assures that each Local Education Agency (LEA) establishes and implements procedures that meet the requirements of the IDEA evaluation procedures for determination of eligibility and placement in Special Education. An eligibility determination for a child under the disability category of Autism is completed by a multidisciplinary team. The team considers medical information and diagnosis as

well as assessment data the team has identified to determine educational eligibility for Special Education. Once eligibility is determined, the multidisciplinary team then concludes whether the student is in need of special education and related services. If the team determines the need for Special Education and related services, the Individualized Education Program (IEP) and placement in the least restrictive environment are developed.

The federal Office of Special Education Programs (OSEP), through Part B of the *Individuals with Disabilities Education Act (IDEA)*, provides formula grants to states to assist them in providing a free appropriate public education in the least restrictive environment for children with disabilities ages 3 through 21 (Part B, Sections 611 and 619). The SEA appropriates IDEA Part B funds to the local Special Education Units annually. These funds may be used for locally identified special education services and activities to comply with federal and state requirements.

Providing teachers with the right tools and training to educate students with autism is essential. In addition to the appropriation of IDEA B funds, the Department also offers an annual opportunity for the Special Education Units to apply for discretionary grants to support locally identified initiatives which may include training needs. Examples of unit proposals that received discretionary grants include professional trainings in TEACHH, an evidence supported strategy for working with children having an Autism Spectrum Disorder (ASD), as well as professional fees for training provided by a Board Certified Behavior Analyst. Another local Special Education unit received a grant to support the enrollment of six teachers in the UND Autism Certificate program.

In addition to the discretionary grants provided by the unit, the traineeship scholarship is also funded. Since 2007 this scholarship has provided funds to support additional training in ASD for thirteen individuals.

One staff member at the Department has teaching experience with students having an ASD. She has the responsibility for Guidelines development and technical assistance related to services for children with Autism. She currently is conducting stakeholder visits within urban and rural Special Education Units to identify professional development needs. Training and education were identified in the state Autism Task Force report as high priority needs.

Currently our office has convened a work group of individuals representing a cross-section of the Special Education Units to write new guidelines and design training for conducting functional behavioral assessments (FBAs) and developing behavior intervention plans (BIPs) to improve their effectiveness.

On a final note it is important to remember that children with an ASD receive services based on the **educational impact of the disability**. As requested by the Legislative Council, two Special Education Unit Directors will provide additional information regarding the programs and services in their units for children having ASD. In addition to the two Directors who will follow me, I will provide members of the Committee with written testimony from the Special Education Unit Director in the Griggs/Steele/Trail Special Education Unit.

Thank you. If there are any questions I will be happy to answer them at this time. Dr. Lynn Dodge, the staff member who holds the Autism portfolio, is present in the audience if there are specific questions you may wish to ask of her.