

TESTIMONY ON SB 2048
EDUCATION COMMITTEE
January 5-6, 2016
by Valerie Bakken, Special Education Regional Coordinator
328-2720
Department of Public Instruction

Madame Chair and members of the committee, my name is Valerie Bakken from Bismarck. I am a Special Education Regional Coordinator and the Special Education Preschool Coordinator for North Dakota's Department of Public Instruction (NDDPI). I am providing information on behalf of the NDDPI Special Education office.

First, I would like to share information about the department that I work in. The NDDPI Special Education office works specifically with prescribing rules and regulations for Special Education, assisting school districts in the development and administration of Special Education Programs, and ensuring that Federal programs and laws are being carried out. The state of North Dakota as of December 1st, 2014 had 1,823 students between the ages of 3-5 years of age currently on an Individualized Education Plan (IEP). As defined in federal regulation §300.22 an IEP means "*a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §300.320 through §300.324.*" The purpose of an IEP is to ensure that individuals with disabilities have appropriate educational planning to accommodate their unique instructional needs, and that their needs are met in an appropriate learning environment.

The Individuals with Disabilities Education Improvement Act (IDEA 2004) requires that free appropriate public education (FAPE) be made available to all children and youth with a disability, ages 3 through 21. IDEA 2004 identifies and defines the specific disability categories that would make a child eligible for the IEP process. The following are the disability categories:

1. Intellectual Disability	7. Autism
2. Hearing Impairment	8. Traumatic Brain Injury
3. Speech or Language Impairment	9. Other Health Impairment
4. Visual Impairment	10. Specific Learning Disability
5. Emotional Disturbance	11. Deaf-blindness
6. Orthopedic Impairment	12. Non-categorical delay (ages 3-9 only)

See Attachment 1 for the process flow chart of how a student is determined eligible for special education services.

Of the 1,823 students between the ages of 3-5 years of age that were currently on an IEP the breakdown of their primary disability categories is as follows:

Intellectual Disability:	10	.05%
Hearing Impairment:	29	1.6%
Speech Impairment:	815	44.7%
Visual Impairment:	7	0.4%
Emotional Disturbance:	1	0.1%
Orthopedic Impairment:	14	0.8%
Autism:	84	4.6%
Traumatic Brain Injury:	4	0.2%
Other Health Impairment:	56	3.1%
Specific Learning Disability:	1	0.1%
Deaf-Blindness:	1	0.1%
Non-Categorical Delay:	801	43.9%

Despite the primary disability category label under which a student qualifies for special education services, there is no accurate measurement or data that can display the increasing difficulties North Dakota teachers are seeing in regards to behavioral and mental health issues in their classrooms. Being there is no such data at this time, I therefore gathered information from our professionals in the field.

Nineteen early childhood special education professionals from across the state, along with myself as the facilitator, have formed the Early Childhood Special Education Advisory Committee. This committee's purpose is to assist NDDPI with the implementation of new federal policies and/or regulations in the field of early childhood special education as well as to discuss and bring attention to current issues pertaining to the field. In preparation for my testimony today, I contacted several of the committee members to inquire as to the challenges and needs they were seeing in their areas of the state.

The school professionals I was able to reach out to are individuals that provide services in Amidon, Beach, Belfield, Billings County, Bowman County, Jamestown, Halliday, Hettinger, Edgeley, Killdeer, Lonetree, Ellendale, Marmarth, New England, Kulm, Richardton-Taylor, LaMoure, Scranton, Litchville-Marion, South Heart, Medina, Twin Buttes, West Fargo, Montpelier, Wahpeton, Drayton, North Border, St. Thomas, and Valley/Edinburg. The question I posed to those individuals was: What type of challenging behaviors are you seeing in your preschool setting? The professionals reported to seeing the following behaviors: some preschool children are observed as being withdrawn, emotionally stressed, sensory seeking, physically aggressive (hitting, kicking, biting, scratching, and pinching), verbally aggressive (swearing), and anxiety stricken. Also mentioned was that some preschoolers have been observed to be manipulating situations, having melt-downs, throwing temper tantrums, having a

lack of social connectivity with other kids, not being able to focus/attend, and displaying oppositional behaviors towards adults and peers.

Several of the professionals focused on the importance of supporting the families of these children to ensure the continuity of supports to be more of a collaborative effort between schools and homes - a wraparound effect. Others expressed concern and asked for assistance in working alongside parents who may have mental health needs of their own. In addition to collaboration with families, some professionals shared that they are working closely with other entities such as: other special education professionals, their Social Services offices, and local agencies.

Three other challenges that were expressed include: despite being exceptional teachers, teachers are not feeling equipped to work with the intense challenging students they have in their classrooms; the lack of professional resources in their areas are causing delays in services; and the inconsistency of expectations for the students.

There is a growing recognition to better address the mental health and behavioral needs of children and youth, however this cannot be done by one system or one agency alone. Madame Chair and committee members, this is a thousand piece puzzle and we currently have a handful of the pieces. With your support through policies, collaboration with other North Dakota entities, and continuance in assuring North Dakota teachers are equipped with what is needed to be a stronger educator, who can address the behavioral and mental health concerns of children are the other puzzle pieces needed. We all want the same outcome— accessible and available behavioral and mental health services for our youth.

Madame Chair and committee members, this concludes my testimony and I would be happy to answer any questions from the committee at this time. Thank you.

Attachment 1- ND Special Education Process for Children and Youth (NDDPI Special Education Guidelines: Resources for working with Children, Youth, and Young Adults with Emotional Disturbance in North Dakota pg. 20)

Figure 2
ND Special Education Process for Children and Youth
Ages Three Through 21

