



Testimony to the Senate Education Committee

October 30, 2012

My name is Jeff Miller. I am a policy specialist for Disability Rights Texas ("DRTx"), the designated protection and advocacy system for Texans with disabilities. DRTx is a federally funded non-profit organization that advocates for the rights of individuals with disabilities, including students who receive special education services. Thank you for the opportunity to address the committee.

As a result of HB 3, every public high school student in the state of Texas must follow one of three State Graduation Programs in order to receive a diploma. These include the Distinguished Achievement Program (DAP), Recommended High School Program (RHSP), and the Minimum High School Program (MHSP). The state recommends that students enroll in the Recommended or Distinguished programs, because there are potential benefits and opportunities that are available only under these programs. For this reason, the state requires schools to provide parents with a letter outlining these benefits before their child is allowed to take courses under the Minimum plan. However, because of the changes made by HB 3, this is not possible for some students with disabilities.

Under state and federal law, a student's Admission, Release and Dismissal (ARD) committee determines a student's individual education program (IEP). But, currently if the ARD committee makes decisions that place a student with a disability on modified curriculum or substitute a course in a subject area, the student is automatically placed in the minimum high school program. As a result of the changes made to the code in response to HB 3, Texas Administrative Code Chapter 74 regarding the Recommended and Distinguished Achievement High School Programs does not allow for any course substitutions or modifications [TAC 74.61(e)]. Therefore, under the present rules the ARD committee lacks the flexibility to make decisions based on what is appropriate for an individual student with a disability.

This is problematic because receiving a Minimum High School Program diploma may impact a student's ability to be admitted to a higher education institution. Additionally, students with a Minimum High School Program diploma are not eligible to apply for some financial aid programs, grants or scholarships. It should not be assumed that just because a student has an IEP, that he or she should automatically follow the minimum plan. Many students may have a specific learning disability in one content area, but be able to successfully pass all other required courses and ultimately be successful in post secondary education.

The student's ARD committee has the ability to adopt an IEP that modifies curriculum and/or graduation requirements under federal law. Therefore, if a student's ARD committee determines that a student who has participated in modified curriculum or course substitutions should graduate under the recommended high school program, the ARD committee should have the authority and flexibility to determine how the student can achieve the necessary credits as courses to be counted toward this program.

We have already recognized the need for this flexibility with the passage on HB 692 during the last legislative session. This allowed flexibility for a student's ARD committee to allow a student with a physical limitation to substitute another class and still earn an RHSP diploma. We should allow the ARD committee this same flexibility to allow a student to substitute other courses and still graduate on the RHSP if it deems the substitution appropriate based on a student's individual needs.

Thank you for allowing me to testify on this issue.

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