

TESTIMONY OF MICHAEL YUDIN, ACTING ASSISTANT SECRETARY
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES (OSERS)

U.S. DEPARTMENT OF EDUCATION

Before the

House Oversight and Government Reform Committee, Subcommittee on Government
Operations

On

"Examining the Federal Response to Autism Spectrum Disorder"

May 20, 2014

Chairman Mica, Ranking Member Connolly, and Members of the Committee, thank you for the opportunity to provide you with information on the role of the Department of Education in providing services and supports to individuals with autism spectrum disorder (ASD), and other activities directed at improving our knowledge of ASD, methods of instruction, vocational rehabilitation services, and the skills and qualifications of persons who provide educational and other services.

Background

The medical categorization of autism and autism-related conditions was recently modified by the American Psychiatric Association (APA) in their revised Diagnostic and Statistical Manual (DSM-5). In the new DSM-5, the APA has combined multiple autism and autism-related categories and their diagnostic criteria from the DSM IV into one broader category of autism spectrum disorder. For the purpose of my statement today, when describing programs administered by the Department, please consider autism and ASD to refer to the same diagnostic category.

Individuals with Disabilities Education Act (IDEA)

The Department's primary role in supporting services to individuals with autism is through our funding, administration, and monitoring of special education programs under the IDEA. Autism is among the disabilities specifically enumerated in IDEA for defining a child with a disability.

Under Part B of the IDEA, all eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment possible. As you know, children with autism often have complex needs and require intensive supports. In order to ensure that their needs are met, all children with disabilities receiving services under Part B of the IDEA have an individualized education program (IEP), developed by a team of stakeholders, which must

include their parents. In students' IEPs, the team includes an assessment of the individual strengths and needs of the student, appropriate goals for the student, and the necessary supports and accommodations for that student to be successful.

Given that the majority of students with disabilities spend most of their time in regular education settings, identifying the necessary supports and accommodations for those students and ensuring that teachers have the proper training to implement those supports and accommodations is critical. IEPs may also identify related services for particular students with disabilities, including speech language pathology, psychological services, counseling, occupational therapy, or school health services that may be particularly important to students with autism.

For older students, IEPs will also include transition services. While these services are important for all students with disabilities, they are especially important for students with autism, who may experience greater difficulties in community living and obtaining competitive employment.

In addition to the services offered under Part B of the IDEA for children ages 3 through 21, Part C provides support for screening and early intervention services for children from birth through age 2 who have or may have disabilities or health problems, or a developmental delay. Early screening is critical to earlier identification of developmental concerns and access to services and supports, which can enhance children's learning and development, minimize developmental delays and disorders, and result in more positive outcomes in school and life.

Under Part C, families and teams of service providers develop individualized family service plans (IFSPs) that outline the necessary supports for children and their families. Services provided in conjunction with IFSPs under Part C are a valuable resource for parents, families, and children in helping identify children who may have autism and providing these children and their families with the early supports they need.

The Departments of Education and Health and Human Services recently partnered to launch Birth To 5: Watch Me Thrive! This initiative is a coordinated effort to encourage developmental and behavioral screening and support for children, families, and the providers who serve them.

The initiative includes: 1) a compendium of research-based screening tools that meet specific validity and reliability criteria; 2) User's Guides, designed for providers from multiple sectors that describe the importance of developmental and behavioral screening, how to talk to parents, how to select the most appropriate screening tool for the population served, and where to refer a child for services if a developmental concern exists; and 3) resources on general early child development and strategies to support children with developmental delays or disabilities.

Under the IDEA Part D programs, the Department also supports children with autism through training teachers and related services personnel, providing support for technology development, providing technical assistance to providers, and helping parents and families

access necessary information about the IDEA, their child's diagnosis, and how to navigate the educational system.

Grant Programs

From 2009 to 2013, the Department of Education funded 50 grants that focused on preparing personnel to support children with autism. Forty-one of those grants supported the training of individuals who will provide direct services to children with autism, such as speech-language pathologists, behavior specialists, school psychologists, and special education teachers. In total, during those five years, this program supported the training of approximately 2,700 personnel in providing services to children with autism. Nine other grants supported the training of educational leaders and faculty at the doctoral level. The 70 scholars supported under these grants will conduct research on autism and best practices and provide leadership at the local and State levels in supporting students with autism.

For faculty and staff already in service, the Department supports grants under the State Personnel Development Grant (SPDG) program to address state identified professional development needs. Currently, three states have identified a professional development need related to children with autism. Specifically, these grants focus on: (1) inclusion of children with autism in the general education environment; (2) literacy and behavior; and (3) early intervention and elementary education service providers.

Nationwide, the Department also supports over 110 parent centers that provide training and assistance to families of children with disabilities, including children with autism. Parent Centers provide a variety of services including one-to-one support and assistance, workshops, and publications. Centers in each state are also typically familiar with state and local autism resources, service providers, LEA-specific educational practices, and support groups.

The Department-funded National Professional Development Center on Autism Spectrum Disorders (NPDC) has over the last six years, provided resources, professional development, and technical assistance to help address state-identified needs for personnel in special education, related services, early intervention, and regular education. The Center helps personnel that work with infants, toddlers, and children with autism; and ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving children with autism and their families.

The IDEA Partnership has also developed the Autism Spectrum Disorder Toolkit, which contains materials and resources to assist individuals, organizations, and other stakeholders in understanding Autism Spectrum Disorder and implementing appropriate interventions and supports for individuals with autism.

The Center on Positive Behavioral Interventions and Supports (PBIS) gives schools, school districts, and States capacity-building information and technical assistance on identifying,

adapting, and sustaining effective school-wide disciplinary practices and provides resources on how to address and reduce challenging behavior.

Data from the Office of Civil Rights show that students with disabilities are more than twice as likely to receive an out-of-school suspension as their non-disabled peers and we know that students with autism may be at increased risk of bullying and harassment or may present behavioral problems of their own, often connected with communications difficulties or problems reading or processing social cues and responses from other students.

The PBIS framework provides a school-wide approach that has been shown to have success in reducing the incidence of these problems. Additionally, the Department has issued guidance to States in the form of Dear Colleague letters, most recently on August 20, 2013¹, to ensure all school districts provide all children with positive, safe, and nurturing school environments in which they can learn, develop, and participate.

Vocational Rehabilitation (VR)

Programs authorized under the Vocational Rehabilitation Act also play a role in assisting individuals with ASD. The Department's VR State Grants program supports VR services to individuals with disabilities, including eligible individuals with ASD, through formula grants to State VR agencies. These agencies provide a wide range of services designed to help persons with disabilities prepare for and engage in gainful employment.

The VR State Grants program is a required partner in the one-stop service delivery systems under section 121 of the Workforce Investment Act (WIA). Program services are tailored to the specific needs of the individual through an individualized plan for employment (IPE). The program may provide a variety of services, such as vocational evaluation, counseling, mental and physical restoration, education, vocational training, job placement, rehabilitation technology, and supported employment services. Priority is given to serving individuals with the most significant disabilities. Autism is identified in the Rehabilitation Act as a significant disability. Thus individuals with autism and other significant disabilities receive priority for services if a VR agency must implement an "order of selection" due to resource constraints.

In FY 2013, State VR agencies reported that slightly over 10,000 of the 341,000 individuals whose service records were closed that year after receiving services had a primary or secondary impairment as a result of autism, 57 percent of whom obtained an employment outcome. As compared to all individuals served by the VR program, individuals with autism are slightly more successful in obtaining employment as compared to the employment outcome rate of 53.6 percent for all individuals.

¹ <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

Individuals with ASD are also provided assistance through protection and advocacy and client assistance programs authorized by the Rehabilitation Act and administered by the Department. Activities conducted under the Protection and Advocacy of Individual Rights program include support of State protection and advocacy systems to protect the legal and human rights of individuals with disabilities of all ages through individual advocacy and legal representation, as well as systemic advocacy designed to bring about changes in policies and practices for the benefit of groups of individuals with disabilities.

Research

The Institute of Education Sciences (IES) is the primary education research arm within the Department. Within IES, the National Center for Special Education Research (NCSE) supports research on the development, implementation, and evaluation of interventions that are intended to improve education outcomes for students with ASD. NCSE has funded roughly 35 research projects focused on children with ASD. Projects funded by NCSE include interventions that target social and communication skill impairments that are core features of ASD, transition support for children entering preschool and for adolescents leaving high school, assistance for families and teachers working with children with ASD, and the development and testing of technology applications to support learning of students with autism.

The National Institute on Disability and Rehabilitation Research (NIDRR) is a component of the Office of Special Education and Rehabilitative Services in the Department of Education. NIDRR supports research and related activities that generate new knowledge and promote its effective use to improve the outcomes of people with disabilities in the areas of community living, employment, and health and functioning.

In the last few years, NIDRR has funded 10 grants that focused on issues related to autism spectrum disorder, including several grants to identify methods of facilitating the transition of youth and young adults with autism to employment or post-secondary education. NIDRR's funding has also supported several awards that examine how technology (such as online instruction) can be used to help individuals with autism live successfully in the community. NIDRR has a strong programmatic interest in community integration which is particularly important to individuals with autism and their families.

Neither IES nor NIDRR conduct strictly medical or biomedical research on autism.

Interagency Collaboration

The Office of Special Education and Rehabilitative Services (OSERS) represents the Department of Education on the Interagency Autism Coordinating Committee (IACC), authorized by the Combatting Autism Act. Through this Committee Federal agencies share information on their autism research to advance our body of knowledge and avoid the potential for unnecessary duplication of research.

Conclusion

I appreciate the opportunity to share with you a summary of the Department of Education's activities with respect to autism. I would be pleased to respond if you have any questions.

Biography of Michael K. Yudin

Acting Assistant Secretary for Special Education and Rehabilitative Services

Michael K. Yudin is currently the Acting Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS) at the U.S. Department of Education. He serves as the principal adviser to the Secretary on matters related to the education of children and youth with disabilities, as well as employment and community living for youth and adults with disabilities. The mission of his office is to provide leadership to achieve full integration and participation in society of people with disabilities by promoting inclusion, ensuring equity, and creating opportunities for people with disabilities.

Yudin also served as Principal Deputy Assistant Secretary for the Office of Elementary and Secondary Education (OESE). In this role, he helped lead the formulation and development of policy designed to promote academic excellence and ensure equitable opportunities for educationally disadvantaged students in K-12 education. Yudin served as Acting Assistant Secretary for Elementary and Secondary Education from June 2011 to May 2012.

Prior to joining the Department, Yudin spent nine years in the United States Senate, serving as legislative director for Senator Jeanne Shaheen of New Hampshire, senior counsel to Senator Jeff Bingaman of New Mexico, and HELP Committee counsel to Senator Jim Jeffords of Vermont. In these roles, he assisted in developing, promoting, and advancing a comprehensive legislative agenda related to education, children and families, disabilities, and poverty. Working for senior Members of the HELP Committee, Yudin helped draft, negotiate, and pass various pieces of legislation, including the *No Child Left Behind Act*, and *IDEA 2004*. He also worked on the reauthorizations of the *Rehabilitation Act of 1973*, *Head Start*, the *Carl D. Perkins Vocational and Technical Education Act of 2006*, and the *Higher Education Act*.

Before joining the Senate, Yudin served as an attorney at the Social Security Administration and at the U.S. Department of Labor for nearly ten years. In these positions, he provided legal advice on various policy initiatives, including social security, disability, employment, and welfare reform. He also served as director of employment policy for two leading national disability organizations: the ARC of the United States and United Cerebral Palsy (UCP).