SPECIAL EDUCATION

WHAT' S "SPECIAL" ABOUT SPECIAL EDUCATION?

Stavros, 2011

What every school person must know:

- According to **OSEP** and **IDEA** as well as **NCLB**, the **LEA** must ensure that every **CWAD** is entitled to **FAPE** in the **LRE** according to the **IEP** or you could be in big trouble with **DPI**.

Acronyms

- CWAD – child(ren) with a disability
- IEP – Individualized Education Plan
- LEA – Local Education Authority
- LRE – Least Restrictive Environment
- NCLB – No Child Left Behind
- IDEA – Individuals with Disabilities Education Act
- RtI – Response to Intervention

Special Education

- Is a ***service*** provided to students
- Is not a ***place*** to send students
- Is not a ***program***

(my) Vision

"Children that learn together, learn to live together"

The educational future of all students hinges on helping students and teachers become better members of a community by creating new visions for students and for schools. Including students in the general curriculum is not only a legal requirement; it is what is morally and ethically right.

8 Laws Affecting Special Education

- Section 504 of the Rehabilitation Act
- Education for all Handicapped Children Act
- Amendment to the Handicapped Children Act
- Individuals with Disabilities Education Act (IDEA)

Laws Affecting Special Education con't.

- Americans with Disabilities Act (ADA)
- Amendments to IDEA
- No Child Left Behind (NCLB)
- 2004 Reauthorization of IDEA

Two major education laws we need to understand

- Regular education
- **No Child Left Behind** (formerly Elementary and Secondary Education Act) (**NCLB**)

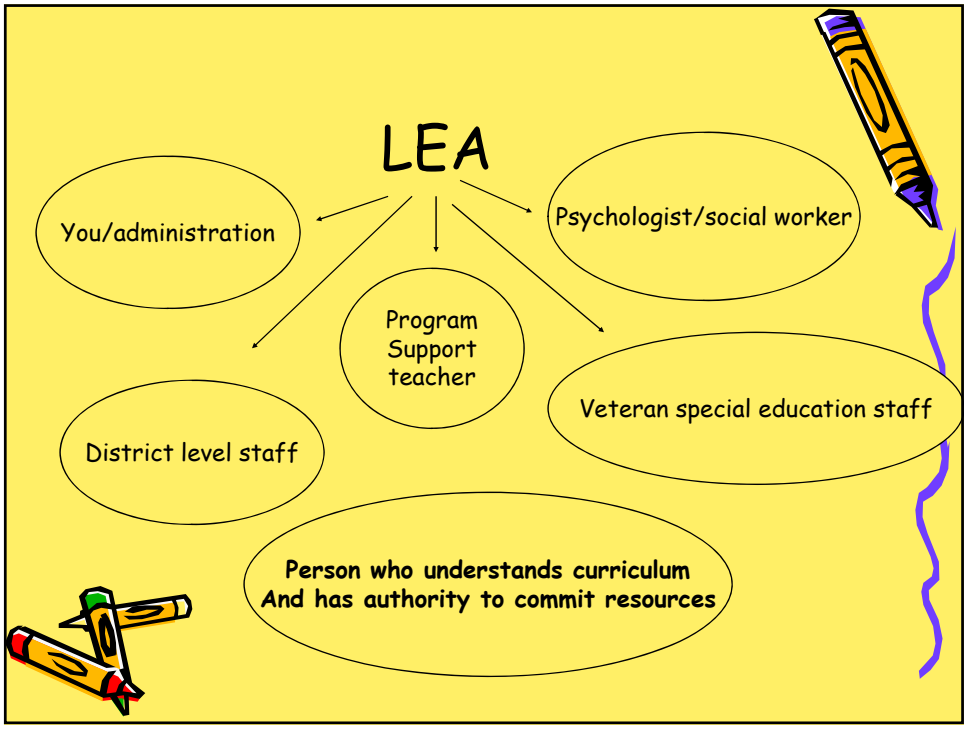
- Special Education
- **Individuals with Disabilities Education Improvement Act (IDEIA)**

Law & Regulations

- Law = "WHAT"
- Rules and Regulations = "HOW"

What are all of *our* responsibilities to these laws ?

- Understand legal requirements of both laws
- Keep up with reauthorizations and changes in both laws
- Know, understand and perform role of Local Education Authority (LEA)



What are our Legal Requirements ?

- The IDEA requires that children with disabilities be educated in regular education classrooms unless,

(and this is the biggie……)

Legal Requirements Continued…

- "the nature and severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily".
- *This means that schools have a duty to try to include students with disabilities in the regular, general education classes,* ***and within their home school.***

What is IDE(I)A (Individuals with Disabilities Education Improvement Act) ?

- Written in 1975, PL-94-142 was meant to give equal access to **ALL** children
- 1990 changed to IDEA
- 2005 changed to IDEIA '04

What is Section 504?

- ***Section 504 is a civil rights statute that prohibits discrimination/harassment on the basis of a disability***

What are the Differences between IDEA and 504 ?

- Section 504 requires accommodations while IDEA requires services
- IDEA provides schools with additional funding, but Section 504 provides no financial assistance
- The definition of a disability under Section 504 is much broader
- IDEA focuses on unique educational needs while 504 looks at comparing the needs of students with and without disabilities

Section 504 Requires:

- "No otherwise qualified individual with disabilities in the United States shall, solely by reasons of her or his disability, be excluded from the participation in, be denied the benefits or, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

(29 USC Sec. 794)

Three Major Changes in IDEA '04

A. Discipline

B. Disproportionality

C. Response to Intervention (RtI)

What about Discipline for CWAD?

- School personnel may order a change in placement of a CWAD to an IAES for not more than 45 days if:

Child carries a weapon to school

Knowingly possesses or uses illegal drugs or sells or solicits the dale of a controlled substance at school

Inflicts serious bodily injury upon another while at school

Discipline continued

- School personnel can suspend a CWAD for not more than 10 school days to the extent they do so with a non-CWAD
- More than 10 days, it is best practice to hold a manifestation determination
- After holding the MD, a new FBA and BIP may be necessary

What is a Manifestation Determination ?

- "Is the conduct in question caused by, or has a direct and substantial relationship to, the child's disability; or
- "Is the conduct in question a direct result of the LEA's failure to implement the IEP"
- If "yes" to both, it is a manifestation of the disability and must do the FBA and BIP

New Protection for Parents and Students

- As of January 09, parents can now sign out their child out of special education and there is nothing a district can do about it.
- 18 year old students have same right

What about Disproportionality?

- Every year, states must analyze district level data for significant disparities by race and ethnicity in identification, placement, and incidence and duration of discipline

Disproportionality con't.

- Finding of significant disproportionality in identification or placement triggers mandatory reservation of 15% of IDEA funds

What is RtI – Response to Intervention ?

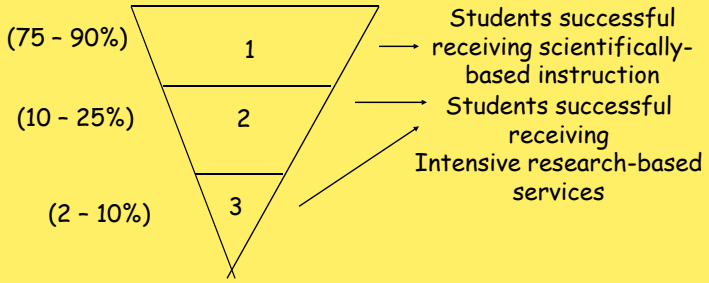
- States cannot require districts to use IQ tests to identify students as LD
- States are encouraged to implement *Response to Intervention* models as one component of LD identification
- Students cannot be identified for special education without documentation that low achievement is not due to lack of appropriate instruction

Where are we now?

- Recently, Elmbrook was sited for *under-representation* for Black-autism and Hispanic EBD….. ???????

Early Intervening Services & RtI

(3 tiers of services*)



(*May include CWADs)

What are the Core concepts of RtI ?

- Refer/test/place VS. Response to Intervention
- Staff must move from believing that the problem lies within the child to believing the problem lies within instruction

Core Concepts of RtI con't.

RtI is about:

- Relationships with children
- Accepting and teaching to cultural differences
- Letting go of "This is how I have always done it" attitude
- Letting go of familiar curriculums/methodologies and matching instruction to the academic needs of students
- Monitoring student progress with ongoing data-based decision making
- Admitting "I don't know how to teach this child and I need help"
- Changing behavior

What is CHILD FIND ?

- School **districts** are responsible for finding children with disabilities living in the school district. We must evaluate children to see if they need special education. We must have policies and procedures for all children with disabilities residing in the district who are identified, located and evaluated. This includes children with disabilities attending private schools.

REFERRALS

- Parents can make a referral for an evaluation if they think their child might have a disability. Other people, like doctors, teachers, nurses or anyone can make a referral if they think the child has a disability. **No evaluation can take place, however, without parents written consent.**

CONSENT FOR SERVICES

- An IEP team will determine if the child meets criteria for special education
- The IEP team consists, at minimum:
  - parents
  - Special education teacher
  - Regular education teacher
  - Local Education Agency representative
  - Support staff such as psychologist, social worker, speech clinician, OT, PT, nurse, etc.

INDIVIDUAL EDUCATION PLAN (IEP)

- **Required pieces:**
- Present level of performance
- Annual goals
- Benchmarks (only for WAA students)
- Types of services needed
- Amount of time, location, duration

SD Elmbrook Breakdown by Disability Areas (including Early Childhood) 12/1/09 – (10)

Autism **(A)**	42
Cognitively Disabled **(CD)**	69
Emotional Behavioral Disabled **(EBD)**	65
Hearing Impaired **(HI)**	6
Deaf-Blind (D/B)	0
Orthopedically Impaired **(OI)**	9
Other Health Impaired **(OHI)**	124
Significant Developmental Delay **(SDD)**	21
Specific Learning Disabilities **(SLD)**	298
Speech or Language Impaired **(SLI)**	236
Traumatic Brain Injury **(TBI)**	1
Visually Impaired **(VI)**	4
- ***TOTAL:***	***875***

What does that mean?

- Many students receive multiple services, but can only be counted once.

New Families?

- Since July 1, 2010, 37 new students with current IEPs have moved into Elmbrook, mostly for the services Elmbrook provides for CWADs
- (This is unprecedented with our WCSEC districts)

What does staffing look like?

What does our Service Delivery look like?

- Early Childhood (EC)
- Elementary
- Middle School
- High School (and Project Strive)
- FVS

What do caseloads look like and how are they determined ?

handouts