

History

- 1700's: Benjamin Rush, advocate for the humane treatment and education of people with disabilities and mental illness



1700-1965

- No federal law for the education of students with special needs.



- Some states had special education laws, while others legally excluded students with special needs from the public school system.

Federal Education Legislation



1965: Elementary and Secondary Education Act

- Part of the War on Poverty
- Federal funding for programs for students with disabilities and other “disadvantaged” children.



2001: No Child Left Behind

- Purpose was to close the achievement gap
 - Accountability
 - Flexibility
 - Choice
 - Teacher quality
 - Assessment
- Tied to Federal funding.



While well intended, this act created more problems than it solved.

Every Student Succeeds Act (ESSA)

- Passed in December 10, 2015
- Full implementation by July 1, 2017
- More emphasis on state control and implementation regarding:
 - Standards
 - Assessment not less than once in grades 3-5, 6-9, 10-12
 - Math
 - ELA/Reading
 - Science
 - Accountability
 - Use of Federal Funds
- Eliminates highly qualified teacher requirement



ESSA and Special Education

- Appropriate accommodations must be provided to students with disabilities
- Alternative Academic Achievement Standards can be adopted for students if:
 - They have significant, cognitive disabilities
 - Assessment aligns with state standards
 - A track for pursuit of a postsecondary education to those who meet the standards is provided.
- Alternative assessment for 1% of students with special needs with significant cognitive impairments only

Special Education Legislation



1975: The Education of all Handicapped Children Act

- First federal law pertaining to the education of students with disabilities.
- Introduced important concepts that are the mainstay of special education today.
- Considered the "bill of rights" for students with disabilities.



Reauthorizations of the Education for All Handicapped Children Act

- 1990: Individuals with disabilities education act (IDEA)
- 1997: Amendments to IDEA
- 2004: Individuals with disabilities education improvement act (IDEIA)



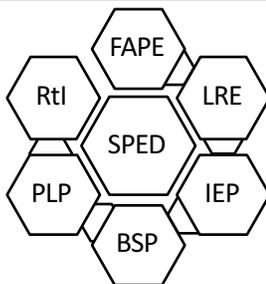
Changes

▪These reauthorizations made changes in such things as:

- Additional eligibilities
- Early intervention
- Transitions plans
- Alignment with Federal Education Legislation
- Discipline for students with special needs



Special Education Basic Concepts



Free Appropriate Public Education F.A.P.E

The concept that "...all children ages birth through twenty-one, in all states and localities, are entitled to a *free and appropriate education* regardless of severity of disability."



Least Restrictive Environment

▪ "To the maximum extent possible," students with disabilities must be educated in the regular education setting.



▪ Can only be removed from the general education setting if the nature and severity of the disability is such that the child cannot be educated in regular classrooms, even with supports and services.

Continuum of Services

- General education classroom
 - Consultation/collaboration
 - Designated Instructional Services (DIS)
 - Resource Specialist support
- Special education classroom part time
- Special education classroom full time
- Special school for students with disabilities
- Non-public school
- Independent Study
- Residential school
- Hospital or homebound placement



Response to Intervention (RtI)

- Early intervention can prevent the need for special education



- All students who struggle, whether identified as having special needs or not, have the right to intervention and support.

Assessment

- May be requested by school or the parent
- Must be made in writing
- Can not be refused solely in order to implement additional intervention under RtI
- Can not be conducted without written parental consent



Timelines

- 15 calendar days to respond from the day a written request is received.
- On the 15th day, the school must either provide a written assessment plan or give significant reasons for denying the assessment request.
- The assessment plan must include all areas to be assessed, the tools to be used, and the type of professional who will conduct the assessment.



Timelines Continued

- 60 calendar days to complete the assessment and hold an IEP meeting from the date they receive a signed assessment plan.
- Parents may request that outside assessments be considered as part of the IEP.
- Parents may request assessment reports be provided to them four days in advance of the IEP meeting.
- Parents must be given a minimum of 10 days notice prior to the IEP meeting.

Timelines Continued

- IEP meetings must be held a minimum of once yearly.
- IEP meetings can be requested at any time. Following a written request, the IEP meeting must be held within 30 calendar days.
- An IEP meeting must be held when a student is suspended or expelled
- Every three years, a re-evaluation should be conducted.



Eligibility



- Must have a disability that impacts ability to access and demonstrate mastery within the general education curriculum without support.
- Diagnosis with a disability does not in and of itself make a student eligible for special education services.

Eligibility Categories Under IDEIA

- Autism
- Deafness
- Deaf-Blind
- Emotional Disturbance
- Established Medical Disability
- Hard of Hearing
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual impairment

Individual Education Plan

- Establishes quality control and accountability in the education of students with disabilities.
- Based on the student's present level of performance
- Goals, accommodations. services.
- Is a legally binding document



Present Level of Performance (PLP or PLoP)

- Uses multiple means of assessment
- Includes specific strengths and challenges in each area to be considered (reading, writing, math, vocational, behavioral, etc.)
- Includes a statement on how the disability impacts his or her ability to access the curriculum.
- Best practice: include current supports in the present level of performance.

Goals

- Based on grade level standards.
- Must include: the conditions under which the goal will be attempted, the student's name, the skill to be achieved, the accuracy with which the goal will be achieved and the way in which goal achievement will be measured.
- Based on the skill that , if it is achieved, will make the most difference in overall grade level achievement
- Parents should receive updates on IEP goal progress whenever reports are sent home for GE students.

Behavior Support Plan

- Federal law requires a Functional Behavioral Assessment (FBA)
- Identifies the reason for a particular behavior
- Replaces negative behaviors with positive behaviors
- Encouraged for IEPs of students whose behavior impedes learning
- Required for students with special needs who have been suspended or considered for expulsion.

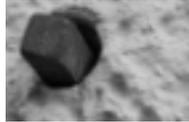




© 1994 BY DANIEL J. CONNORS, ILLUSTRATED BY BETT FICELL
 AFTER A HASTY SPECIAL EDUCATION
 PLACEMENT FOR BEHAVIOR PROBLEMS,
 SCHOOL OFFICIALS WERE EMBARRASSED
 TO LEARN THAT MARTY REALLY DID HAVE
 ANTS IN HIS PANTS.

Accommodations

Changes in course content, teaching strategies, test presentation, location, timing, scheduling, student responses, or environmental structuring that **do not** substantially change the standard or expectation for student performance.



Modifications

Changes in course content, teaching strategies, test presentation, location, timing, scheduling, student responses, or environmental structuring that **do** substantially change the standard or expectation for student performance.



Services

- Audiology services
- Counseling services
- Language and speech therapy
- Medical services (for diagnostic purposes only)
- Occupational therapy
- Orientation and mobility services
- Physical therapy
- Psychological services
- Rehabilitation counseling services
- Social work services
- Transportation
- Adaptive physical education
- Assistive technology
- Individual Academic Support

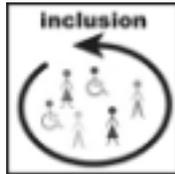
Transition Plans

- Required for all students over the age of 16.
- Includes activities designed to help a student achieve his or her post secondary goals.



- May include outside agencies and may include parental participation in planned activities.
- The final IEP in high school should include information that can be used to suggest services in college or the work place.

Civil Rights Legislation



The Vocational Rehabilitation Act of 1974

"No otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activities receiving federal financial assistance".



Reauthorizations of the Vocational Rehabilitation Act

▪1990: Americans with Disabilities Act



▪2008: Americans with Disabilities Amendment Act

Changes

▪These reauthorizations made changes in such things as:

- Private Sector requirements
- Access to public service, public accommodations, transportation, and telecommunication.
- Redefined disability
- Timeframe for disability
- Reassessment policy



Section 504: K-12

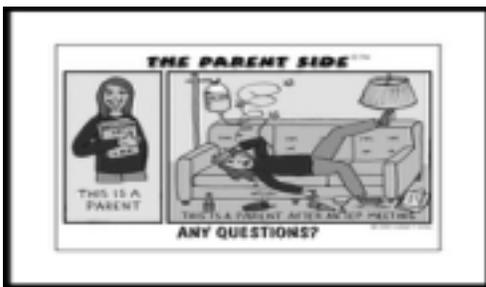
To be protected under Section 504, a student must be determined to:

- have a physical or mental impairment that substantially limits one or more major life activities
- Have a record of such an impairment
- Be regarded as having such an impairment.

Section 504: College

- Students who graduate from high school are no longer eligible for services under IDEIA.
- College students with documented learning and other disabilities can receive accommodations and supports in college under Section 504 through the disability office on their campus.

What we hope to avoid



Parents' Rights and Responsibilities

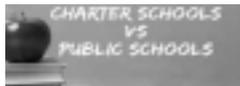
- The right to participate
- The right to be informed about Procedural Safeguards
- The right to prior written notice
- The right to examine all educational records
- The right to consent or to refuse consent
- The right to receive nondiscriminatory assessment
- The right to receive independent educational assessment
- The right to be informed about school discipline

Parents' Rights and Responsibilities Continued

- The right to retain current educational placement during a dispute.
- The right to information on mediation, due process, reimbursement for private placement and attorneys fees.
- The right to notice of the time period in which to make a complaint (two years)
- The right to include additional parties, such as advocates or outside service providers, on the IEP team

Public and Charter Schools

- Public and charter schools are the same under the law.



- They are required accept all students and to provide all services under IDEIA and Section 504 for all students living in their area of residence or, for charter schools, who are enrolled under the lottery system.

Private Schools

- Not required to provide services under IDEIA
- Are required to adhere to Section 504 if they benefit from Federal funding.
- Are not required to make significant changes in program for students with disabilities.



Private Schools Continued

- Children who attend private schools are entitled to “equitable services” under IDEIA.
- Public schools must provide assessment and, if eligible, at minimum, consultation services for students residing in their area of residence who attend private schools.
- Special education and related services may be provided on the premises of private schools, including religious schools.

Private School Tuition Reimbursement

- Tuition reimbursement is available if a hearing officer or court determines that the public school did not offer FAPE in a timely manner.
- Parents who plan to pursue due process for tuition reimbursement must:
 - State their concerns at the IEP prior to exit
 - 10 business days prior to exit write a letter stating concerns, basis for rejecting the IEP, why child will be damaged by placement, intent to enroll child in private school at public expense.

The Role of the Educational Therapist

- ~~Educational therapy is not mandated as a designated~~ instructional services: however, some districts include individual academic tutoring as a service, particularly following due process.
- Educational therapists can provide outside educational assessments.



The Role of the Educational Therapist Continued

- Educational therapists can attend IEP meetings as advocates or outside providers.



- Many private schools employ educational therapists to support their students with special needs, but it is not required by law.

How can we support parents?

- Be informed and up to date on the laws that impact students with special needs
- Inform parents of their rights



Supporting Parents continued

- Talk through issues and goals with parents before suggesting or supporting action
- Assist parents in pursuing their rights under the law as appropriate for their goals for their children.



Knowledge is not power!



Applying what you learned is!

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Easily Accessible Resources

www.wrightslaw.org

<http://www2.ed.gov/about/offices/list/osep/index.html>

<http://idea.ed.gov/>

<http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504-Pubs>

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Open Forum Questions