



C12 Strategies for Success, Empowering Parents and Staff to Advocate

Wednesday, June 15, 2016, 3:30-5:00 p.m.

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Seville

STRATEGIES FOR SUCCESS IN SCHOOL

Presented by Polly Huffer & Stacey Sharpe
June 15, 2016

INTRODUCTIONS

> Presenters

- > Polly Huffer, CYC-P, Lead Parent Partner, Casa Pacifica, Santa Barbara County Wraparound
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TEST YOUR KNOWLEDGE WITH ALPHABET SOUP

- > LEA
- > IEP
- > SELPA
- > LRE
- > SST
- > IDEA
- > FAA (also referred to as FBA)

BASE OF THE SOUP

- SST
- SECTION 504 LAW/PLAN
- IEP
- EMPOWERING PARENTS
- OBSTACLES TO PARENT INVOLVEMENT

STUDENT STUDY TEAM (SST) MEETINGS

- Your district may call this team by another name, such as: Student Intervention Team (SIT), Student Assistance Team (SAT), Child Guidance Team (CGT), Student Success Team (SST), Child Study Team (CST), etc. The SST is made up of teachers, school administrators, and other specialists, such as: Speech-Language Pathologist (SLP) also known as the Speech/Language Specialist or Speech Therapist, counselors, or the reading specialist. The purpose of the SST is for general education teachers to identify the students' problems and to use all the resources available to the general education classroom to solve them. This may include providing increasing intensive interventions to help the student make appropriate progress. Students should be referred to Special Education only after all other school resources have been considered and appropriately used in a general classroom experience. ⁽⁹⁾
- Parents are strongly urged to utilize the general education intervention process before referring to Special Education; however, parents may at any time officially refer the student, in writing, for an assessment to determine Special Education eligibility. **The SST process is not a required part of the IEP eligibility process.** ⁽¹⁰⁾
- Recommendations from the SST meeting could include a Section 504 Accommodation Plan or a full special education assessment under IDEA.

SECTION 504 IS LAW

- **Section 504 of the Rehabilitation Act of 1973** (Section 504), a Federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (Department). Recipients of this Federal financial assistance include public school districts, other state and local educational agencies, and institutions of higher education. ⁽¹¹⁾
- **The Americans with Disabilities Act (ADA) Amendments Act of 2008 (ADA, AA).** Law was originally written in 1990. This is additional legislation enforced by the Office of Civil Rights. ADA, AA improved the application and compliance requirements of Section 504 in school settings. ⁽¹²⁾

WHAT DOES THIS MEAN?

- **Section 504** protects qualified individuals with disabilities. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. ⁽²⁾
- Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness. ⁽²⁾

SECTION 504 PROTECTS ALL STUDENTS W/DISABILITY

IDEA OR SECTION 504 WHAT'S THE DIFFERENCE?

- **Section 504 Plan Student Only**
 - ❖ Due to substantial mental or physical impairments that limit one or more of the students major life activities, special accommodations to the student's program are required:
 - ❖ A 504 accommodation plan is designed for each student according to individual needs.
 - ❖ Examples of potential 504 handicapping conditions not typically covered by IDEA: HIV, TB, medical conditions - asthma, allergies, diabetes, heart disease. Temporary medical conditions dues to illness or accident, ADD, ADHD, behavioral difficulties, drug/alcohol addiction, other conditions ⁽³⁾

IDEA

(INDIVIDUALS WITH DISABILITIES EDUCATION ACT)

- Individuals with Disabilities Education Act (IDEA) is an education act that provides federal funding for special education. The purpose is to provide financial aid to states in their efforts to ensure a free appropriate education for students with disabilities. A student is eligible to receive special education and/or related services if the multidisciplinary team determines that the student has a disability under one of the [fourteen] qualifying conditions and requires special education services. IDEA requires the district to provide an individual education program (IEP). The IEP provides an 'Appropriate Education' which means a program designed to provide 'Educational Benefit'. ⁽⁴⁾

PURPOSE OF IDEA

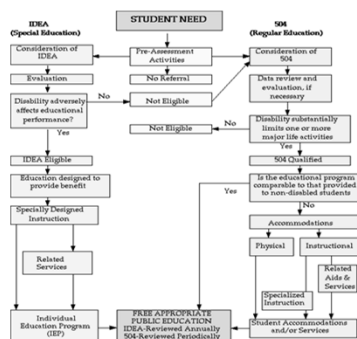
➤ 20, U.S.C. Section 1400(d)(1)(A)(B)

(A) to ensure that all children with disabilities have available to them a free public education that emphasizes special education and related services designed to meet the **unique needs and prepares them for further education, employment and independent living.**

(B) to ensure **the rights of children with disabilities and parents** of such children are protected.....

QUALIFYING CONDITIONS FOR IDEA

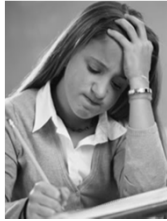
- Autism
- Deaf
- Deaf/Blind
- Emotional Disturbance
- Established Medical Disability (Preschool Only)
- Hard of Hearing
- Language/Speech
- Intellectual Disability
- Multi Handicapped
- Other Health Impairment
- Severe Orthopedic Impairment
- Specific Learning Disability
- Traumatic Brain Injury
- Visually Impaired [5], [9]



STEPS TO SECTION 504 PLAN

When should school staff consider a Section 504 Plan:

- When suspension or expulsion is being considered.
- When a student shows a pattern of not benefiting from the instruction provided.
- When a student returns to school after a serious illness or injury.
- When a student is referred for evaluation but it is determined not to do evaluation under IDEA.
- When a student is evaluated and is found not eligible for Special Education services under IDEA. ⁽⁴⁾



STEPS FOR PARENTS

- If your child has a qualifying condition (mental or physical) and you believe their impairment is contributing to their lack of success in school:
 - ❖ Talk to student's teacher/principal (hopefully they have been talking to you). They may suggest strategies to address the concerns. Often it will be a behavioral concern that affects Casa Pacifica clients; but not always. Initial contact should include educating the teacher and principal of client's health needs. This includes mental health needs.

THE FORMAL SECTION 504 PLAN MEETING

- Parent submits request in writing the need for accommodations or modifications under a Section 504 plan to the school administrator.
- List child's behaviors associated with the disability and how they effect your child's ability to learn.
- Submit written documentation of the disability.
- If the team agrees that your child is eligible, regulations require a plan be developed to include reasonable accommodations and modifications to his learning environment. ⁽⁴⁾

ACCOMMODATIONS/MODIFICATIONS

- **Academic Skills**
 - ◆ Allow for extra time to complete tests
 - ◆ Reduce amount of homework
 - ◆ Classroom seating to improve attention
 - ◆ Preferential scheduling
 - ✓ Assigning students to teachers known to be more empathetic
 - ✓ Time of day a certain subject is taken
- **Motor Activity**
 - ◆ Allow for short breaks
 - ◆ Allow for support outside classroom if needed
- **Impulsivity**
 - ◆ Ignore calling out with raising hand
 - ◆ Immediate praise or reward
- **Support with organization and planning**
 - ◆ Example: second set of text books at home.
 - ◆ Agenda book with parent signature to ensure support with homework. [4]



WHY A FORMAL WRITTEN PLAN?

- The formal plan goes with the student when they move from school to school.
- If a student with a formal Section 504 plan is being considered for serious disciplinary action, such as expulsion, their disability has to be considered when reviewing the behaviors and associated consequences; also known as Manifestation Determination Hearing.

STEPS TO AN IEP

- Referral for assessment either from SST meeting, or parent's written request.
- Written request needs to be given to the appropriate school staff; Special Education Director/Coordinator of the District or school psychologist.
- School has 15 days to return an assessment plan or notify parent that they are denying the assessment.
- If they agree, assessment plan is sent to parent for signature. School staff have 60 days from the date school staff receive the signed assessment plan from parent to complete assessment and an IEP (if client is found eligible); not counting days of major school holidays and breaks between school sessions or terms of more than 5 days.
- School will hold a meeting to review assessments and determine eligibility. **Parent can ask for a copy of the assessment for review prior to the meeting.**
- If the IEP team determines at this meeting that the student has a disability as defined by law and requires instruction/services that cannot be provided with modification of the regular school program, a individualized education program will be written. [5], [6]

ASSESSMENT (EVALUATION)

- An assessment is a comprehensive evaluation by a team of specialists that evaluates how a child is functioning in all areas related to his/her suspected disability. ⁽⁹⁾⁽¹²⁾
- Evaluation may include intellectual, academic, physical, motor, health, assistive technology, speech/language, and **social-emotional development**. The assessment team may include the school psychologist, language, speech and hearing specialist, resource specialist, remedial reading teacher, school nurse, general education teacher, and/or others, depending on the individual student's needs. The specific areas to be evaluated will be specified on your child's assessment plan. ⁽⁹⁾⁽¹²⁾

THE IEP

- In developing the each child's IEP, the IEP team...shall consider
 - Strengths of the child
 - Concerns of the parents for enhancing the education of their child
 - Results of the initial evaluation or more recent evaluation of the child
 - Present levels of Academic Achievement and Functional Performance
 - Measureable Goals
 - Short-term Goals and Benchmarks
 - Statement of Special Education Services ⁽⁸⁾

STEPS TO MEASURABLE GOALS

- Collect baseline data to write child's present levels.
- Select skills and behaviors that will be targeted. Clearly define the observable behavior that will change.
- Establish performance criteria/how progress will be measured (i.e., speed, accuracy, frequency, duration, etc.) ⁽⁸⁾

SMART GOALS

- SPECIFIC
- MEASURABLE
- ACTION
- RELEVANT
- TIME SPECIFIC ^(B)

MORE ON THE IEP

- Statement of Special Education Services
 - Specifically designed instruction to meet your child's unique needs.
- Related Services
 - Services your child needs to benefit from special education, (i.e., speech therapy, occupational therapy, physical therapy, nursing services).
- Supplementary aides and services
 - Services and supports your child receives in general education classes and other settings so your child can be educated with children who not disabled. ^(B)

SERVICES/PLACEMENTS

- General Education
- Itinerant instruction in the general education classrooms
- Resource Specialist Program (RSP)
- Special Day Class
- Instruction in settings other than classrooms where specially designed instruction may occur
- Related Services
- Instruction in the home, hospital or other institution as required
- Non-Public School (NPS)
- Residential ^(B)

LEAST RESTRICTIVE ENVIRONMENT (LRE)

- Schools are required to educate children with disabilities with children who are not disabled, "to the maximum extent applicable."⁽⁷⁾

- The Code of Federal Regulations, Title 34 states:

"Each public agency shall insure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."⁽⁸⁾

TRANSITION PLAN AS PART OF THE IEP

- Transition Services – Are required to be part of the IEP when student turns 16 and updated annually.⁽¹¹⁾

- Prepare child for life after school and can include:

- College and continuing education
- Vocational education
- Integrated and supported employment
- Courses of study and advanced placement courses to prepare for future education.⁽¹⁰⁾

BEHAVIORAL CONCERNS

- The IEP team will look at writing a behavior plan which is the systematic implementation of procedures that results in lasting positive changes in the individual's behavior. Interventions shall only be used to replace specified maladaptive behavior(s) with alternative acceptable behavior(s) and shall never be used solely to eliminate maladaptive behaviors. At this level a formal Functional Analysis Assessment is not necessary.⁽¹²⁾
- A formal **Functional Analysis Assessment (FAA)** may be required.
 - It is an assessment of behavior and then the development of a Behavior Intervention Plan looking specifically at data (measurable and observable), function of behavior, the environment, replacement behavior, positive programming, reinforcement, reactive strategies, emergency interventions and follow-up. This process is more formal than most initial Behavior Plans used to address less serious behaviors. The functional analysis assessment must be conducted by, or under the supervision of, a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions and is authorized by the SELPA as a Behavior Intervention Case Manager.⁽¹³⁾

DISCIPLINE & DISABILITY

- A student with a disability is held to the same standard of conduct as a non-disabled student, however, there are protections.
- Manifestation Determination
 - If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability;
 - or if the conduct in question was the **direct result of the local educational agency's failure** to implement the IEP. ⁽⁷⁾
 - If the behavior was a manifestation...the IEP shall conduct a functional behavioral assessment, and implement a behavior intervention plan. ⁽⁷⁾

OBSTACLES TO PARENT INVOLVEMENT

- Often there are many school professionals who are present to talk about their child.
- Parents can be intimidated by the process regardless of their ethnic/language/social economic status.
- The information shared is complex, parents are with people most likely you do not know them well (or perhaps that is the first time meeting these people); discussing their child.

EMPOWERING PARENTS

- Request that IEP meeting be audio taped.
- Request to review assessment reports prior to the IEP meeting.
- Bring own support to the meeting.
- Ask questions and then ask more questions.
- Ask to review potential placements prior to agreeing to a setting.
- If more time is needed to make decision, you can ask for a second meeting.
- If you don't agree with the schools findings you can ask for an independent education assessment. The LEA may or may not agree to pay for it. ⁽⁸⁾

ADVOCACY RESOURCES

- Special Education Parent Handbook, Santa Barbara County SELPA, Community Advisory Committee
 - www.sbcseelp.org (*many SELPA's have something in print!*)
- Local family resource centers (FRC's)
- Independent Living Centers (ILC's)
- California Rural Legal Assistance
- Disability Rights California
 - <http://www.disabilityrightscalifornia.org/>
- Wright's Law – Special Education Law & Advocacy
 - www.Wrightslaw.com

REFERENCES

- [1] Wrightslaw, Section 504 : Americans with Disabilities Act Amendment Acts of 2008, 12/02/2012
- [2] U.S. Department of Health and Human Services, Office of Civil Rights, Fact Sheet, Your Rights Under Section 504 of the Rehabilitation Act (9-8/June 2000 – revised June 2008) – English
- [3] Rosenberg, Michael, Lynn Castelluci, Special Education Seminars, October, 2007
- [4] Ashley, Susan, PhD., The ADD & ADHD Answer Book, Chapter 4, 2005
- [5] Santa Barbara County SELPA, Special Education Parent Handbook, September 2011
- [6] California Department of Education, www.cde.ca.gov/sp/se/es/caseelpes.asp, June, 2015
- [7] Peter S. Wright, Esq., Pamela Darr Wright, MA, MSW, Special Education Law, Second Edition, 2006, 2014
- [8] Peter S. Wright, Esq., Pamela Darr Wright, MA, MSW, Sandra Webb O'Conner, M.Ed., All About IEPs, Answers to Frequently Asked Questions, January 2010, November 2014
- [9] 20 U.S.C. Section 1401(3)(A)
- [10] 20 U.S.C. Section 1414(a)(1)(B)
- [11] 20 U.S.C. Section 1414(d)(1)(A)(i)(VIII)
- [12] 20 U.S.C. Section 1414(a)(b)(c)