The Role of the Regular/General Educator in Special Education

UTAH STATE OFFICE OF EDUCATION
SPECIAL EDUCATION SERVICES SECTION

School's Student Selection Process

- Federal law prohibits schools, including charter schools that receive federal funds from having selective admissions policies
  - Can't "counsel out" by discouraging enrollment of students with disabilities
  - Can't ask parents to waive special education services to attend
  - May not deny admission to qualified students on the basis of disability or cost of services

Are “the Basics” in Place?

- School staff have a basic knowledge of IDEA, especially in the areas of child find, LRE, and discipline
- LEA/School has adequate staff members/contracted services to meet numbers/needs of students with disabilities
  - Personnel development
  - Assessments
  - Special Education Director v. Special Education Teacher
- LEA/School budgets for special education services, including high-cost services
- LEA/School develops educational programming to ensure that all students, regardless of ability level, will be included
- LEA/School understands child find responsibilities (identifying, locating, and evaluating eligible students)
  - Training
- LEA/School ensures that a Free Appropriate Public Education (FAPE) and the Least Restrictive Environment (LRE) is available
- LEA/School establishes written policies and procedures for students with disabilities

Child Find

- Consistent with requirements of IDEA (300.111) and State Rules (II.A(1-3)), each LEA shall ensure that all students with disabilities ages 0-21 residing in the LEA who are in need of special education and related services are identified, located, and evaluated
- For charter schools residing in the LEA is not the issue, but all students enrolled or seeking to enroll is

FIND means:

- Search out and find
- Educate staff on signs that a student might have a disability
- Educate playground supervisors, teachers, principals, parents, neighbors on signs that a student might have a disability
- Be alert but not paranoid

Clues that a Child Might Have a Disability

- Parents tell a teacher or principal that they suspect child has a disability
- Student is struggling academically, functionally, socially, and/or emotionally
- Teacher tells principal child may have disability
- Another person expresses concern and/or refers student for evaluation
- Classroom and school interventions haven't helped

Educational Performance

- Academic achievement
- Functional performance
- Developmental markers
- Emotional regulation
- Social relationships
- Communication

Regular/General Education Requirements

- Provide high quality "Tier One" instruction
- Provide differentiated instruction
- Provide high quality ELL instructional strategies
- Provide RtI/MTSS according to LEA procedure
- Provide or refer for "Tier Two" instruction and intervention
  - History of failed classroom interventions and/or programs
    - Interventions correctly implemented
    - Data collected and analyzed
    - Proved ineffective
    - Before referring student for special education evaluation
    - Applies to some preschoolers

Evaluation and Eligibility

- Special Education eligibility requires:
  - Student has a disability
  - Disability adversely affects educational and functional performance
  - Requires special education and related services
- Disability and Diagnosis are not synonymous
  - Team must consider outside evaluation, including diagnosis
  - Team does not have to accept outside evaluation findings
- If student is an ELL, team must determine language is not reason for poor progress

IEP Reminder

- IEPs that say “consultation with regular education teacher” or “monitoring” as sole service are not appropriate
  - Where is the specially designed instruction?
  - If student does not require it, he/she is not eligible under the IDEA
- If student only needs consultation, may be 504 eligible

IEP Team Membership

- Not less than one regular/general educator is a required member of the IEP team
  - Unless the LEA and parents agree in writing to excuse the individual(s)
- In the IEP meeting, the regular/general educator is responsible to:
  - Contribute information about the student's information present level of functional/academic performance
  - Contribute information about core/general curriculum for the student's age/grade level
  - Contribute to writing appropriate goals
  - Contribute to discussion of appropriate supports needed
  - Contribute to discussion of appropriate placement
- A signature on the IEP means the individual attended, it does not mean he/she agrees

Special Education vs. Accommodations

- Special education = adapting, as appropriate to the individual needs of an eligible student, the content, methodology, or delivery of instruction… so that he or she can meet the educational standards that apply to all students

- Accommodations = adjustments to the environment, instruction or materials

- Accommodations are just one part of special education

Supports for School Personnel on Behalf of the Student

- The IEP must describe the supports for school personnel that will be provided on behalf of the student in order for the student to advance toward attaining the annual goals, to be involved in and progress in the general curriculum and to participate in extracurricular and other nonacademic activities
- Supports for school personnel are those that would help them to more effectively work with the student; these supports for school personnel are those that are needed to meet the unique and specific needs of the student
  - Information on a specific disability and implications for instruction
  - Training in use of specific positive behavioral interventions
  - Assistance with curriculum modifications
  - Behavioral consultation with school psychologist or other behavioral consultant
  - Transitional support services

LRE Continuum

- Every LEA must have a continuum of placement options available
  - Although charter schools' small size often makes this a challenge, they must meet this requirement
- Options start from as close as possible to same age peers and regular classroom with the general curriculum
- Placement decisions are determined by the IEP team, not based on school-wide model

Service Delivery Models

- Personnel who can deliver special education services
  - Special education teacher
  - Related Service provider

IF PROPERLY TRAINED & SUPERVISED

  - Paraprofessional
  - Regular education teacher

Special Education Case Manager

- Student must be assigned to a licensed special education teacher who does case management and preferably does work with the student at some time
  - Case manager needs to:
    - Review progress data
    - Provide lessons, adaptations, interventions
    - Ensure all school staff who interact with the student understand and implement the provisions of the IEP
    - Ensure that IDEA requirements are met including timelines, annual review, IEP goal progress reports to parents, reevaluation

Discipline

- All students have the right to a safe & orderly learning environment
- All students must be accountable for their behavior
- If a student's behavior and disability are related, that student is held accountable in a different way
- Behavior that interferes with the learning of the student or others must be addressed in IEP
  - IEP Team must consult Least Restrictive Behavior Interventions (LRBI) Guidelines: http://www.schools.utah.gov/sars/DOCS/resources/lrbi07-09.aspx

Discipline and the FAPE-Free Zone

- A student under an IEP may be excluded from school for up to 10 days in the same way and for the same reasons any student would be for an infraction of the school's code of conduct.
  - No educational services (FAPE) required
  - Not a change of placement
  - No manifestation determination required
  - No functional behavior assessment or behavior intervention plan required

Discipline and Long-Term Removal

- Student is removed for more than 10 days
- Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals.
- IEP team must have a meeting
  - Manifestation Determination
  - FBA/FuBA and BIP
  - Review IEP and make any needed changes
  - Consider if more assessment data is needed
    - Review additional data
  - Placement (Interim Alternative Educational Setting if IDEA safe school)

FERPA Confidentiality

- Parents have the right to examine their child's education records (these rights transfer to the student upon reaching age 18)
- Parents or students can request that records be amended if incorrect
- IDEA contains confidentiality requirements that include those in the Family Educational Rights and Privacy Act of 1974 (FERPA)
- FERPA prohibits the improper disclosure of information from education records
- Schools must notify parents and eligible students annually of their rights under FERPA
  - The actual means of notification is left to the discretion of each school

FERPA Confidentiality

- Information from education records may not be disclosed to third parties without obtaining the prior written consent of the parent or eligible student over eighteen years of age
  - Exceptions:
    - School officials with legitimate educational interest
    - Other schools to which a student is transferring
    - Specified officials for audit or evaluation purposes
    - Appropriate parties in connection with financial aid to a student
    - Organizations conducting certain studies for or on behalf of the school

FERPA Confidentiality

- Exceptions (continued)
  - Accrediting organizations
  - To comply with a judicial order or lawfully issued subpoena
  - Appropriate officials in cases of health and safety emergencies
  - State and local authorities, within a juvenile justice system, pursuant to specific State law

[the] **school, when reporting a crime committed by an IDEA eligible student, shall ensure copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the crime is reported, to the extent permitted by FERPA.**

(Utah Special Education Rules)

Educational Records

- Records (information) collected, maintained, or used by school
- Examples:
  - Grades
  - Anecdotal notes
  - Test scores
  - IEPs
  - Disciplinary notes
  - Correspondence
  - Medical records, and other information
  - Photographs, films, and videos

Utah FERPA

- Utah Code 53A-13-301 through 302
- The state FERPA law is an expansion of the Hatch Act/Grassley Amendment that is found at the end of the federal FERPA law
- Issues that require parental consent prior to discussion with students:
  - political affiliations and philosophies
  - mental or psychological problems
  - sexual behavior, orientation, or attitudes
  - illegal, antisocial, self incriminating, or demeaning behavior
  - critical appraisals of close family members
  - religious affiliations or beliefs
  - legally recognized privileged relationships (priests, doctors)
  - income, unless required by law

Resources for Regular Educators

- USOE Tiered Reading and Math documents
  - http://www.schools.utah.gov/curr/main/default.htm
- Differentiating Instruction
  - The Teacher's Toolbox for Differentiating Instruction by Linda Tilton
- ELL
  - WIDA Standards
  - The SIOP Model
- Paraprofessional Training
  - Para Pro: Supporting the Instructional Process by Sprick, Garrison, and Howard

Special Education Resources

- LEA special Education Police and Procedure Manual
- USOE Special Education website
  - http://www.schools.utah.gov/sars/
- Utah Special Education Rules
  - http://www.schools.utah.gov/sars/Laws,-State-Rules-and-Policies/Rules-and-Regulations.aspx
- Utah Personnel Development Center website
  - http://www.updc.org