DOCUMENT RESUME

ED 459 524 EA 031 474

AUTHOR	Patterson, Jean
TITLE	School Leader's Guide to Special Education. Essentials for Principals[TM].
INSTITUTION	Educational Research Service, Arlington, VA.; National Association of Elementary School Principals, Alexandria, VA.
PUB DATE	2001-00-00
NOTE	115p.; "With Nancy Protheroe."
AVAILABLE FROM	National Association of Elementary School Principals, 1615 Duke St., Alexandria, VA 22314-3483 (Order #ESE, $24.95). Tel: 800-386-2377 (Toll Free); Fax: 800-396-2377 (Toll Free); Web site: http://www.naesp.org.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	Administrator Guides; *Administrator Responsibility; Elementary Secondary Education; *Leadership; *Principals; Regular and Special Education Relationship; *School Law; *Special Education; Teaching Methods

ABSTRACT

This guide is intended to help school leaders make sense of special education as they blend knowledge of effective education practice with knowledge of the law to develop and maintain the best program for all students. Because knowledge of the law is a must for today's principals, the law is used to provide a structure for discussion. Information is included about how to implement it effectively. For example, the chapter on discipline contains information on schoolwide discipline models that have been used successfully in many elementary schools. Each chapter has practical material that can be adapted easily for use in the school, such as parent information pieces and forms. There is also material to help the school leader provide leadership when forging connections between regular- and special-education school staff, resulting in enhanced support for all children in the school and for each other. Critical concepts are highlighted throughout the book to aid in focusing on especially important information. This guide ends with a list of online resources for teachers, parents, and administrators and a glossary of legal terms. (Contains 89 references.) (RT)

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Essentials for Principals

School Leader's Guide to Special Education

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School Leader's Guide to Special Education

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Dr. Jean Patterson is Assistant Professor of Educational Administration at the Wichita State University in Kansas. She currently teaches in a master's program for aspiring school administrators as well as in a doctoral program for practicing school administrators. While writing this *Essentials* publication, she was engaged with her doctoral students in a field study of special education programming in five rural districts, a project identified collaboratively between the university and local districts.

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Foreword

In the introduction to this *Essentials* publication, the author characterizes special education as an "often confusing, demanding, and stressful" aspect of the job of today's principal. NAESP wholeheartedly agrees with this assessment, and thus decided to assist principals by providing them with this practical, easy-to-use resource.

The *Essentials for Principals* series was created by NAESP to provide research-driven guidance on issues of vital importance to practitioners. Each publication in the series is prepared by Educational Research Service, the independent, nonprofit organization that serves as the authoritative source of objective research and information for education leaders. This second publication in the series—*The School Leader's Guide to Special Education*—blends research and experience about what constitutes good practice with a discussion of legal issues, making it a valuable resource for both new and experienced principals.

As a school leader, you are uniquely aware of how special education both affects and is affected by the school's general education program. This *Essentials* guide recognizes the importance of that relationship, and addresses critical issues from the perspective of the school as one community. For example, a chapter titled "Enhancing the Special Education/ Regular Education Connection" discusses instructional practices that have whole-school implications. Another chapter provides information on schoolwide approaches to discipline in addition to guidance about discipline of students with disabilities.

As we stated in the first publication in the *Essentials for Principals* series, our goal for the series is to produce materials that are used on a continuing basis, rather than being read once and put on a shelf. For this reason, we have included information for you to share with teachers and parents, and materials that you could easily modify and use in your school. In addition, there is a listing of free online resources for you and your staff to use as you study and improve various aspects of the school program that affect students with special needs.

NAESP, along with its development partner in this project, Educational Research Service, knows that your informed leadership is critical to the success of your school's special education program. This *Essentials* guide demonstrates our commitment to developing practical, research-based tools that help you to provide that leadership.

Vincent L. Ferrandino
Executive Director
National Association of Elementary School Principals

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About this *Essentials for Principals* Publication

This *Essentials* guide is intended to help school leaders make sense of an aspect of their job that is often confusing, demanding, and stressful—special education. In providing leadership for the special education program in their schools, principals must blend knowledge of effective educational practice with knowledge of the law in order to develop and maintain the best possible program for all students.

Since knowledge of the law is a must for today's principals, this guide uses the law to provide a structure for the discussion. In addition, it includes information about how to effectively implement the law. For example, the chapter on discipline contains information on schoolwide discipline models that have been used successfully in many elementary schools. Also embedded in each chapter are practical materials that you can easily adapt for use in your school, such as parent information pieces and forms.

An important component of this publication is the chapter on "Enhancing the Regular Education/Special Education Connection." As more and more children previously educated outside regular classrooms have been "included," educators have found that both regular and special education staff can provide valuable and much-needed support for all children in the school—and for each other. The principal can provide critically needed leadership in this area.

Two unique features in this *Essentials* guide are intended to provide special assistance for you and your staff. First, critical concepts are highlighted throughout the book to help you focus on especially important information. Second, online resources for teachers, for parents, and for your personal use are listed at the end of the book. These provide a wealth of valuable sources of additional, no-cost information for your school staff to use as it focuses on specific aspects of the special education program.

The Principal's Role in Managing the Special Education Program

What Is Special Education?

> The term special education, as defined in the [Individuals with Disabilities Education Act], means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The provision of specialized instruction necessitates that educators adapt the content, methodology, or instructional delivery of the general education curriculum in ways that allow students with disabilities, if appropriate to their needs, to learn in large groups, small groups, or individually in a variety of settings (Clark 2000, 56).

"I never realized how complicated this would be. If I don't get a handle on it soon, they'll fire me and find a principal who can do it right!" exclaimed a new principal agonizing over the dilemmas encountered in managing special education programs. Principals across the country are feeling the pressures of changing special education policies and practices, especially since recent amendments to federal special education law place greater responsibility on general education to meet the needs of students with disabilities. Students with disabilities must now have access to the general curriculum, participate in state and local assessments, and receive instruction in the regular classroom to the fullest extent possible.

In addition, the widespread implementation of school-based management has shifted more responsibility for special education programs from the central office to the school in many districts. This means that the principal, along with the school council, faculty, and staff, is now responsible for programs that previously were viewed as belonging to special education teachers and special education administrators. Unfortunately, most state principal certification programs do not require much

knowledge about special education beyond a minimal exposure to the law, and only five states have any principal certification requirements related to students with disabilities (Kaye 2000).

Finally, our school populations are increasingly heterogeneous, which can bring a new set of concerns and issues for school communities. School staffs ask themselves: How can we accommodate the wide range of student abilities and interests? What approaches would help us to meet these needs? How can we be sure that the approach we're using is legal? And, a key question for this *Essentials* guide, how can the principal provide effective leadership for efforts to successfully educate all children in the school?

Trends in special education are not merely based on a particular philosophical orientation; on the contrary, they are directly driven by requirements stated in the Individuals with Disabilities Education Act (IDEA). The most recent amendments to IDEA do, perhaps, reflect a societal shift in attitudes toward persons with disabilities—a growing expectation that their participation in the mainstream of life will be the norm rather than the exception. They also reflect a considerable and growing body of research that supports the benefits of the more inclusive practices that schools and districts throughout the nation are implementing.

This book is based on two assumptions. The first assumption is that students with disabilities should be viewed as valued members of the school community. The second assumption is that the principal must provide the leadership in creating a school community that includes all students. This focus on the whole school intentionally counters common special education practices that tend to fragment schools into special programs assigned to professionals with expertise in working with students with particular characteristics. The information presented in many of the following chapters transcends special education and applies to the entire school.

The purposes of this book are to demystify the complex legal issues surrounding special education, to provide principals with research on best practices for serving students with diverse learning styles and abilities, and to provide strategies for implementing inclusive programs.

The following chapter, "What Does the Law Really Say?" provides an overview of pertinent special education laws and issues. The legal requirements for special education can be complex, confusing, and downright frustrating. Over the years, interpretations of the law have been challenged and resolved through the court system, and schools have had to respond quickly to what often seem like constantly changing requirements. Although principals certainly cannot be expected to demonstrate expertise about the intricacies of special education law, they do need a working knowledge of the issues that affect their school on a daily basis.

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The remaining chapters in this book are organized around the components of the 1997 IDEA amendments that directly affect schools and the principal's role and responsibilities in the areas of determining eligibility for special education services; developing and implementing the Individualized Education Program, enhancing the regular education/special education connection, assessing students with disabilities, handling behavior problems, and encouraging parent involvement. Suggestions and strategies for schoolwide practices are offered that comply with both the letter and the spirit of the law.

Finally, the book ends with a list of online resources for you, your staff, and parents of children in your school.

Notes, Reminders, and Ideas:

What Does the Law Really Say?

Some issues addressed in this chapter:

- Who is eligible for services under IDEA?
- What is the IDEA-required process for identifying and serving students with disabilities?
- What are FAPE, LRE, and "related services"?
- What rights do students and their parents have?
- How do "504" and "ADA" impact schools?

Before 1975, students with disabilities could be denied entry to public schools. That changed when Congress enacted public law 94-142, the Education for All Handicapped Children Act (EHA). This federal law guaranteed that all students, regardless of their handicapping condition must be provided a free appropriate public education (commonly referred to as FAPE) in the least restrictive environment (LRE) possible. In 1990, the law's name was changed to Individual with Disabilities Education Act, or IDEA. The IDEA was most recently amended and reauthorized by Congress in 1997.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 are civil rights legislation that also protect individuals with disabilities from discrimination. Their implications for schools are briefly discussed in this chapter.

Eligibility under IDEA

To be eligible for services under IDEA, a student must meet two criteria. First, the child's disability must fit within one of the categories of eligibility described in the legislation:

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- Mental retardation
- Hearing impairments (including deafness)
- Speech and language impairments
- Visual impairments (including blindness)
- Serious emotional disturbance
- Orthopedic impairments
- Autism
- Traumatic brain injury
- Specific learning disabilities
- Other health impairments

Attention deficit disorder and attention deficit hyperactivity disorder have been added as conditions that *could* render a child eligible under the "other health impairment" category (IDEA Final Regulations).

A 1997 amendment to IDEA now permits states to also include children ages three through nine who are "experiencing developmental delays" and who are in need of special education and related services.

As the second criterion for services under IDEA, the child must need special education and related services because of the disability. IDEA defines special education as "specially designed instruction" to meet the unique needs of a child with a disability. Related services are those required to help a child with a disability to benefit from special education services.

It is important to note that not all children with physical or mental impairments satisfy IDEA's two-part eligibility criteria. The law does *not* assume that every student with a disability needs special education or related services.

Furthermore, there is no specific category for children with Attention Deficit Disorder (ADD), diabetes, cancer, or other chronic health problems. These children might qualify under one of the other categories or as Other Health Impaired (OHI), but only if their illness substantially limits their strength, vitality, or alertness and adversely affects their educational performance, and thus they require special education and related services (Dayton and Arnau 1999).

The Special Education Process under IDEA: An Overview

Step 1. Child is identified as possibly needing special education and related services through the "Child Find" process, a referral from a teacher or other school professional, or a request from parents.

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Step 2. Child is evaluated. The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE), and they can ask that the school system pay for it.

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Step 3. Eligibility is decided. A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide whether the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

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Step 4. Child is found eligible for services. If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the Individualized Education Program (IEP) team must meet to write an IEP for the child.

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Step 5. Individualized Education Program (IEP) meeting is scheduled. The school system schedules and conducts the IEP meeting. School staff must:

- ☐ contact the participants, including the parents;
- ☐ notify parents early enough to make sure they have an opportunity to attend;
- ☐ schedule the meeting at a time and place agreeable to parents and the school;
- ☐ tell the parents the purpose, time, and location of the meeting;
- ☐ tell the parents who will be attending, and that they may invite people to the meeting who have knowledge or special expertise about the child.

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Step 6. IEP meeting is held and the IEP is written. The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If the child's placement is decided by a different

group, the parents must be part of that group as well. Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

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Step 7. Services are provided. The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child in keeping with the IEP.

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Step 8. Progress is measured and reported to parents. The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. These progress reports must be given to parents at least as often as parents are informed of their nondisabled children's progress.

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Step 9. IEP is reviewed. The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes in the IEP goals and the student's placement.

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Step 10. Child is reevaluated. At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to determine whether the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant it or if the child's parent or teacher asks for a new evaluation.

Source: *A Guide to the Individualized Education Program.* U.S. Department of Education, Office of Special Education and Rehabilitation Services (Lisa Küpper, editor). 2000.

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Identification and Evaluation of Students

As a first step, IDEA requires that states identify children through its "Child Find" provisions. The law mandates that all children with disabilities residing in the state who are in need of special education and related services must be identified, including those children attending private schools, and regardless of the severity of their disabilities. Some children are identified through mass screenings such as vision, hearing, and other basic tests administered to all school children.

In addition, parents, school personnel, or other persons who suspect that a child needs services under IDEA may refer the child for an evaluation to determine whether he or she is eligible for services.

Parental consent for evaluation must be obtained before any individual evaluations may be conducted. However, parental refusal does not mean the school district is absolved of its responsibility to provide a FAPE for children with disabilities. More importantly, parent consent for evaluation is *not* consent for placement or related services.

In cases where parents refuse to give their consent, the principal may use counseling or mediation to encourage parent cooperation. In more difficult cases, due process proceedings may be initiated to obtain permission from a hearing officer. This step may be necessary to ensure that a child receives needed services and to protect the school from future liability for failing to provide the child with a FAPE.

Eligibility evaluation must include a variety of assessment tools and strategies using technically sound instruments to assess the role of physical, cognitive, behavioral, and developmental factors in the child's disability. No single measure or procedure may be used to determine that a child has a disability. For example, an intelligence test alone cannot be used to determine that a child has a cognitive or learning disability. Any tests used in assessing a child's eligibility for special education services should have been validated for their intended purpose—they must measure what they say they are going to measure—and only qualified personnel are permitted to administer them. Tests must not be racially or culturally biased, and if possible they must be administered in the child's native language. Data obtained from these formal assessments are used in conjunction with information obtained from parent and classroom assessments to determine whether the child has an IDEA-eligible disability and whether he or she needs special education and related services.

Free Appropriate Public Education (FAPE)

The meaning of free appropriate public education is highly subjective and has been the source of many of the legal battles and court decisions to define the parameters of what is "appropriate" under the law.

The right to a free appropriate public education includes special education and related services that are free and without cost to parents or students, are provided through an appropriate educational program under public supervision and direction, and conform to the child's IEP. Some advocates have argued that the statute requires schools to provide educational services on demand and regardless of cost to meet any demonstrated educational need that would maximize the potential of every student. However, past legal decisions have not gone to that extreme.

The court case that set the standard for FAPE was the U.S. Supreme Court's 1982 decision in *Board of Education v. Rowley*. The Court could have decided that Congress meant for schools to maximize the potential of each child with a disability or to eliminate the effects of the disability as much as possible. Instead, the Court applied a less-stringent standard, and held that schools only need to provide services sufficient to "permit the child to benefit educationally" (Dayton and Arnau 1999).

Least Restrictive Environment (LRE)

The 1997 amendments to IDEA emphasize that for most children, special education is *not a place*, but a set of services to support children with disabilities in order for them to succeed in general education classrooms. Children are to be placed in regular classrooms and educated with nondisabled peers to the maximum extent appropriate. However, the phrase "full inclusion" does not appear in the legislation, and IDEA prohibits a "one-size-fits-all" approach to special education placement.

The current law is clear: the regular education environment is the preferred setting, and the continuum of service alternatives should begin there before other options such as pullout programs or a self-contained classroom are considered. Although some students may require more restrictive placements than the regular classroom in order to provide them with a FAPE, more restrictive placements are appropriate *only* when education in regular classes cannot be satisfactorily achieved even with the use of supplementary aids and services.

In addition, unless the IEP requires other arrangements in order to provide a FAPE, children are to be placed in the schools they would attend if they were not disabled, or as close as possible to their homes.

If a child's medical condition requires lengthy hospitalization or treatment at home (generally more than 30 days), the local district is required to develop an IEP and to provide appropriate educational services through a qualified teacher.

There is another critical point that was clarified in the 1997 amendments to IDEA. More restrictive placements are also appropriate when the safety of the student with a disability or that of other students is threatened, or when the student with a disability is so disruptive that the education of the other students is significantly impaired.

Related Services

Under IDEA, "related services" that are needed to enable a child with a disability to benefit from special education are also required. They may include, but are not limited to:

- transportation;
- parent counseling and training;
- speech-language pathology services;
- audiology services;
- psychological services;
- physical therapy;
- occupational therapy;
- school health services;
- recreation, including therapeutic recreation;
- social work services;
- rehabilitation and counseling services;
- orientation and mobility services;
- medical services (requiring a physician) *only* for diagnostic and evaluation purposes; and
- early identification and assessment of disabilities in children.

Because of the high financial cost and administrative burdens often associated with providing some related services, they are often a source of conflict between parents and school districts. The U.S. Supreme Court addressed this issue in a 1984 case, *Irving Independent School District v. Tatro* (468 U.S. 883, 1984). The parents of an eight-year-old girl with spina bifida requested that school personnel provide clean

intermittent catherization (CIC) as a related service. To prevent kidney damage, the child needed CIC every three to four hours, including during the school day. The procedure takes only a few minutes, does not require medical expertise, and can be learned by a layperson in less than an hour of training. The Court held that CIC was not a medical service for diagnostic and evaluation purposes, but was a required related service the child needed to benefit from special education.

However, the Court also recognized that the "related services" schools are required to provide included only those services necessary for the child to benefit from special education. In other words, if a particular medication or treatment may be administered to the child at times other than the school day, then the school is not required to furnish the service. The Court also ruled that school must provide medical services only if a nurse or other qualified person can perform them, but not if a physician must perform them (Dayton and Arnau 1999).

In a more recent decision, *Cedar Rapids v. Garret F.* (119 S. Ct. 992, 1999), the Court applied the two criteria established in the *Tatro* decision (the requested services are necessary for the child to benefit from special education *and* the services are not excluded as medical services that would require a physician's services for purposes other than diagnosis or evaluation) to determine whether a district must provide requested health services as related services under IDEA. In *Garret F.* the parents requested one-on-one nursing care for a student who was confined to a wheelchair and dependent on a ventilator. The Court held that the school district must provide the requested services as related services under IDEA, because they were required for the student to benefit from special education and a physician was not required to perform them (Aspen's Administrative Development Group 2000; Dayton and Arnau 1999).

Procedural Protections for Parents and Students

To protect the rights of students with disabilities, IDEA provides procedural due process requirements. Notice and hearing rights are provided throughout the process and include these safeguards:

- Parents of a child with a disability must be given the opportunity to examine *all* records relating to their child, including notes from IEP meetings, evaluations, disciplinary notices, progress reports, and reports from service providers (Seltzer 1998).
- Parents must be given the opportunity to participate in all meetings about their child's identification, evaluation, educational placement, and the provision of a free appropriate public education. Parents must be informed that they may obtain an independent educational evaluation (IEE) of their child.

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- The district/school must have procedures to protect the child's rights when the parents of the child are not known.
- The child's parents must be given written prior notice when the school proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education. This notice must include:
  - a description of the action the school proposed or refused;
  - an explanation of why the school proposed or refused to take the action;
  - a description of other options that the school considered and the reasons why those options were rejected;
  - a description of each evaluation procedure, test, record, or report the school used as the basis for the proposed or refused action;
  - a description of any factors relevant to the school's proposal;
  - a statement that the parents of the child with a disability have protection under procedural safeguards, and if this is not an initial referral for evaluation, an explanation of how they can obtain a description of the procedural safeguards; and
  - sources for parents to contact and obtain assistance in understanding the provisions of the law.
- The district/school must ensure that written material is in the parent's native language unless it is clearly not feasible to do so.
- Parents must be given the opportunity for mediation. Mediation is entirely voluntary, is less formal than a due process hearing, and is handled by a neutral person who is trained to mediate conflicts. The mediator assists the district/school and parents in finding the best solution to their problem. Some parents prefer mediation because it seems less adversarial and includes more collaborative problem solving (Yell and Shriner 1997).
- Parents must be given the opportunity to present complaints regarding any matter relating to the identification, evaluation, educational placement, or provision of a free appropriate public education for their child. School districts must create a "hearing request form" so that parents can ask for a due process hearing in writing (Seltzer 1998).

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Mediation

Offering mediation as a first option for addressing parent complaints is another new feature of the 1997 IDEA amendments.

Some states have used mediation for years, and all school districts are now required to make information about mediation available to parents. The collaborative approach of mediation may help parents work more in partnership with the principal and teachers toward quickly seeking solutions to their problems and concerns. The use of mediation is expected to reduce the amount of time and money spent in litigation that has historically been associated with resolving disputes between schools and parents of children with disabilities. However, mediation is optional; parents do not have to agree to mediation before they request a due process hearing. Furthermore, principals cannot use mediation in order to stall or delay a parent's due process request (Yell and Shriner 1997).

Section 504 of the Rehabilitation Act and the Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 are both civil rights laws that prohibit discrimination on the basis of an individual's disability. The Office of Civil Rights administers both laws. Section 504 and Title II of the ADA both prohibit discriminatory assignment of students with disabilities to segregated classes or facilities. These laws apply to elementary, secondary, and post-secondary schools. In elementary and secondary schools, students with disabilities may be assigned to separate facilities or courses of special education only when this placement is necessary to provide equal educational opportunity for them. However, any separate facilities and the services provided in them must be comparable to other facilities.

In addition, students may not be excluded from participating in extracurricular activities and nonacademic services on the basis of disability. These activities and services may include, but are not limited to: counseling; physical education and recreational athletics; transportation; health services; recreational activities; school-sponsored special interest groups or clubs; student employment; and referrals to agencies that provide assistance to persons with disabilities (U.S. Department of Education and Office of Civil Rights 1998).

Section 504

Section 504 of the Rehabilitation Act of 1973 protects both children and adults with disabilities from discrimination in institutions receiving federal funds. As

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recipients of federal funds, public schools must comply with the mandates of Section 504. To qualify for protection under Section 504, an individual must be a "handicapped person," which is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Persons who qualify under the protections of Section 504 may not be discriminated against in programs receiving federal assistance and are entitled to "reasonable accommodations" to facilitate their participation.

Students can receive related services under Section 504 even if they are not provided any "special education" services. However, IDEA funds may not be used specifically to serve children who are only eligible for 504, but who do not otherwise qualify under IDEA.

Remember that there is a two-part test for eligibility under IDEA. The student must fit within one of the categories of disability described in the legislation *and* must need "specially designed instruction" to meet the unique needs resulting from the disability.

Therefore, the provisions of 504 are sometimes used as a basis for providing services for students who have learning difficulties, but who do not have an IDEA-eligible disability. However, there are no federal funds available for 504, which means state and local districts have to assume financial responsibility for providing services under Section 504.

Students identified as needing services under Section 504 must have a plan developed. Although a written document is not mandated, it is recommended, and an IDEA-type IEP may be used as the 504 plan. Section 504 requires parental notification regarding identification, evaluation, and/or placement. Again, although written notice is not required, it is recommended. Unlike IDEA, Section 504 only requires notice, not consent, for evaluation; however, it is recommended that schools obtain parental consent.

Since adhering to IDEA procedural safeguards will meet or exceed 504 notification mandates, it is recommended that schools follow these safeguards (Henderson 1995).

Testing conditions may need to be adapted or modified to accommodate students who qualify under Section 504. These might include alternative locations for

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exams, extended time, oral exams, and other reasonable accommodations. (See the chapter "Students with Disabilities and Large-Scale Assessments" for explanations of testing adaptations and modifications.) However, schools are not required to change the nature of their programs to accommodate individual students. As under IDEA, students who qualify for 504 protections may not be suspended, expelled, or otherwise punished for manifestations of their disability (Dayton and Arnau 1999). (See the "Behavior Problems" chapter for an explanation of IDEA's discipline requirements.)

Americans with Disabilities Act (ADA)

Section 504 of the Rehabilitation Act protects persons with disabilities from discrimination in institutions receiving federal funds. Congress enacted ADA in 1990 to expand protections for individuals with disabilities in employment, public accommodations, telecommunications, and other areas. Many ADA provisions are similar to those of Section 504, but provide even broader coverage. ADA prohibits discrimination against persons with disabilities in both the public and private sectors, regardless of whether they receive any federal funds.

Although most provisions of ADA are already covered under IDEA and Section 504, there are a few additional situations where ADA impacts school operations. Schools are required to make public accommodations, such as athletic stadiums, auditoriums, and other facilities barrier-free for persons with disabilities attending school events. All new school construction must comply with ADA's barrier-free architectural design requirements.

There are no funds attached to ADA, although limited tax credits may be available for removing architectural or transportation barriers. Many federal agencies do provide grant funds to support training and provide technical assistance to public and private institutions.

(Note: A Glossary of Legal Terms defining many of the terms used in this and other chapters begins on page 103 at the end of this publication.)

Notes, Reminders, and Ideas:

Determining Eligibility

Some issues addressed in this chapter:

- **How is the decision made to evaluate a child?**
- **What information must be collected?**
- **Are schools required to collect this information again for "triennial" evaluations?**

The referral and evaluation processes are the beginning points for possible entry into special education. The intent of the formal assessment and evaluation procedures outlined in the 1997 IDEA amendments are to ensure that:

1) special education services are provided to those who really need them;
2) decisions to provide services are fair and defensible; and
3) implementation of evaluation requirements across states and districts is consistent.

Since PL 94-142 was first passed 25 years ago, the numbers of students being referred and placed into special education, particularly those identified as learning disabled, have continued to rise. This situation prompted several changes in the law. Significantly, new amendments say that decisions about whether or not a student is eligible for special education cannot be made primarily because the student is not performing at grade level in reading or math or has limited proficiency in English. This provision is designed to force school personnel to consider *all* factors that might be affecting a student's performance, so that students will be less likely to be inappropriately identified for special education (Yell and Shriner 1997). These requirements

are particularly pertinent for members of minority racial and ethnic groups that tend to be overrepresented in special education programs.

The 1997 reauthorization of IDEA also added a key component to the evaluation process: all evaluations must now include information about the student's involvement and progress in the general curriculum.

Formal Assessment

When a student is suspected of having a disability, he or she may be referred for evaluation. The school must evaluate the student in all areas where he or she might be affected by the disability. This may include looking at the student's health, physical status, vision, hearing, social and emotional well-being, general aptitude, performance in school, and how well he or she communicates with others. The evaluation must be complete enough to identify all of the student's needs for special education and related services. The IEP team, which includes the parents, uses this information to determine whether the child indeed has a disability and, if so, to design the IEP.

Steps of the Evaluation Process

- ☐ Review existing information.
- ☐ Decide whether additional information is needed.
- ☐ Conduct additional assessments and/or collect more data.
- ☐ Analyze the data using a team approach to determine eligibility.

The evaluation process involves several steps:

Review existing information. The IEP team looks at the student's existing information. Parents should be encouraged to share information about their child. The IEP team should also examine the student's results on assessments given in the classroom or to the entire grade level, and it should gather information from the student's teachers and other school staff knowledgeable about the child. This information will be used to determine whether the student has a particular disability, how he or she is currently functioning in school, and whether the student needs special education and related services.

Decide whether additional information is needed. If, after reviewing the above information, the IEP team decides it needs more information, parental consent must be obtained to gather additional information. The IEP team must specify what kind of information is needed and how it will conduct the evaluation, including the testing instruments and procedures to be used.

Conduct additional assessments. These may include a medical history if it relates to the child's educational performance, as well as parent observations of the child's school experiences, abilities, needs, behaviors outside of school, and attitudes toward school. Other qualified professionals may be given responsibility for collecting specific kinds of data about the student. These professionals may include a school psychologist, an occupational therapist, a speech language pathologist, a physical therapist, and a medical specialist, among others. If the school is unable to conduct the full evaluation within its own resources, it may need to contract with external agencies or providers to complete part of the evaluation. The school must make these arrangements, and all of these procedures are to be done at no cost to the parents (Küpper 1999).

Analysis of the Information

After all the data are collected, the team meets to review and discuss all available information. A child should be found eligible under IDEA for services if he or she meets the two-part requirement discussed earlier: the child's disability fits within one of the categories described in the legislation, *and* the child needs special education and related services because of the disability.

Reevaluation

In an effort to reduce paperwork and to make the reevaluation process more meaningful, the reevaluation requirement has been considerably simplified under the 1997 IDEA amendments. A student receiving special education and related services still must be reevaluated at least every three years—or more often if conditions warrant a reevaluation or if the teacher or parents request reevaluation. However, in the past, IDEA required that data gathering similar to that done for the original eligibility discussions be done for each "triennial." Thus, teachers and support personnel spent a significant amount of time conducting assessments and writing reports just to fulfill IDEA requirements, even if there was little question about the student's continuing eligibility.

Under the new IDEA amendments, IEP teams conducting a triennial assessment may review existing information and assessments. They are *not* required to collect new data if it is not considered necessary.

However, IEP teams may elect to reevaluate in some areas of development if this information will prove useful to school personnel. Parents must be informed of the reasons for this decision, and they must be told they have the option of requesting that new assessments be completed. The IDEA amendments now require that parents consent to reevaluation or the decision not to conduct new assessments unless the school can offer evidence that the parents did not respond to reasonable attempts to obtain their consent (Yell and Shriner 1997).

Notes, Reminders, and Ideas:

The Individualized Education Program

Some issues addressed in this chapter:

- Why is an IEP important?
- What must an IEP include?
- Who is required to be part of the IEP team?

Each public school child who receives special education and related services must have an Individualized Education Program (IEP). Each IEP must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is the cornerstone of a quality education for each child with a disability.

To create an effective IEP, parents, teachers, other school staff—and often the student—must come together to look closely at the student's unique needs. These individuals pool knowledge, experience, and commitment to design an educational program that will help the student be involved in, and progress in, the general curriculum. The IEP guides the delivery of special education supports and services for the student with a disability. Without a doubt, writing—and implementing—an effective IEP requires teamwork (Küpper 2000).

The 1997 amendments to IDEA sought to address one of the main criticisms of special education and a by-product of the dual education system: once students were determined to need special education and related services, lower expectations were often accepted for them. The introductory section to the 1997 IDEA amendments noted that 22 years after the special education law was first passed, low expectations still plague the education of children with disabilities.

Specifically, students with disabilities might be provided with a "watered-down" version of the general curriculum or offered a different curriculum altogether. In addition, students with disabilities typically have been excluded from participating in state and district assessments. As an unintended consequence of these practices, students with disabilities often have fallen farther behind their peers without disabilities and have missed important experiences and instruction that other students received, simply because they were not taking the mandated tests. Because they have not always had access to challenging curriculum, students with disabilities have been far less likely than their peers without disabilities to graduate from high school, to participate in post-secondary education, or to be employed after their school years (Vohs and Landau 1999).

While federal legislation has successfully ensured that students with disabilities gained access to public schools, experts now agree that access alone is not sufficient. Therefore, the emphasis in the 1997 IDEA amendments has shifted to the performance and academic achievement of students with disabilities.

The IEP process, which is still the heart of special education and related services, must now center on the student's participation in the general education curriculum. The box on pages 25-26 summarizes the components that must be included in the IEP.

The IEP Planning Process

The IEP planning process requires that the individuals responsible for the education of a student with a disability meet together to determine the student's education program and to develop the IEP, which then becomes a written record of the meeting. The IEP process and document serve multiple purposes and functions, including:

- a communication vehicle that enables parents and school personnel to jointly determine students' needs, the services that will be provided to meet those needs, and the anticipated outcomes;
- an opportunity for resolving differences between the student's parents and the school;
- documentation of a commitment of resources necessary for students to receive needed special education and related services;
- a management tool to ensure that students are given the special education and related services they need;

What Must Be Included in an IEP?

The 1997 IDEA amendments have expanded the components of the IEP as well as increased the responsibilities of the IEP team. By law, the IEP *must* contain these elements:

✔ **Current performance.** The IEP must state the child's present level of educational performance, in other words, how well the child is doing in school according to evaluation results, class assignments and other products, and observations made by teachers, parents, and other school personnel. This includes how the child's disability affects his or her involvement and progress in the general curriculum.

✔ **Annual goals.** These are measurable goals that the student can reasonably attain in a school year. The annual goals are subdivided into benchmarks or short-term objectives related to meeting the child's needs that result from the disability. Goals may be academic, address social or behavioral needs, or relate to physical needs or other educational needs. The annual goals must enable the child to be involved in and progress in the general curriculum and meet any other educational needs resulting from his or her disability.

✔ **Special education and related services.** The IEP must list the special education and related services and supplementary aids and services to be provided to the child or on behalf of the child. This section of the IEP includes program modifications or supports for school personnel that will be provided for the child to advance toward attaining his/her annual goals, to be involved and progress in the general curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate in such activities with other children with and without disabilities.

✔ **Participation with children who are not disabled.** The IEP must explain the extent, if any, to which the child will *not* participate with children without disabilities in the regular class and in extracurricular and nonacademic activities.

✔ **Participation in state and district-wide assessments.** The IEP must state what accommodations or modifications in the administration of state or district achievement assessments are needed in order for the student to participate in the assessment.

✔ **Alternative assessment.** If the IEP team determines that the student will not participate in a particular state or district assessment (or a part of the assessment), the IEP must state *why* the assessment is not appropriate and *how* the child will be assessed.

✔ **Dates and places.** The IEP must indicate the date when services and modifications will begin, and the anticipated frequency, location, and duration of those services and modifications.

✔ **Transition services needs.** Beginning at age 14, and updated annually, the IEP must include a statement of transition service needs that focus on the child's course

of study (such as participation in a vocational education program or advanced placement courses) that will help the student achieve his or her post-school goals. The plan is based on the student's needs, preferences, and interests.

✔ **Transition plan.** Beginning at age 16, or younger if the IEP team determines it is appropriate, the IEP must include a plan of needed transition services, including a statement of interagency responsibilities or any needed connections with community agencies. The transition plan is designed to provide instruction and community experiences that lead to post-school outcomes in a variety of areas, including post-secondary education and training, employment, independent living, and community participation. Once the IEP team begins transition planning, its membership is expanded to include the student and representatives of community agencies.

✔ **Age of majority.** Beginning at least a year before the student reaches majority under state law, the IEP must indicate that the student has been informed of any rights that will transfer to him/her on reaching the age of majority.

✔ **Measuring progress.** The IEP must state how the student's progress toward goals will be measured and how the student's parents will be regularly informed of his or her progress. Parents of students with disabilities are to be informed of their child's progress toward his or her goals at least as often as parents of students without disabilities are informed. This progress report should indicate the extent to which the child is sufficiently progressing to enable him or her to achieve the goals by the end of the year.

Optional Elements

The law also identified a number of special factors that the IEP team must consider, but do not necessarily have to incorporate into the IEP depending upon the child's unique needs:

- appropriate strategies for a child whose behavior interferes with his or her learning and that of others, including positive behavioral interventions and support to address the child's behavior;
- language needs of a child with a disability who also has limited proficiency in English;
- instruction in Braille for a child who is blind or visually impaired, unless instruction in Braille is not appropriate;
- communication and language needs for children who are deaf or hearing impaired, including opportunities for direct communications with peers and professional personnel in the child's language and communication mode (e.g. signing), academic level, and full range of needs; and
- assistive technology devices and services, such as augmentative communication, special feeding equipment, computer technology, and so forth.

- a monitoring document used by authorized personnel from various government levels to determine whether students are actually receiving the FAPE on which the parents and schools have agreed; and
- an evaluation device to measure the student's progress toward projected outcomes (Bauer and Shea 1999).

The IEP Team

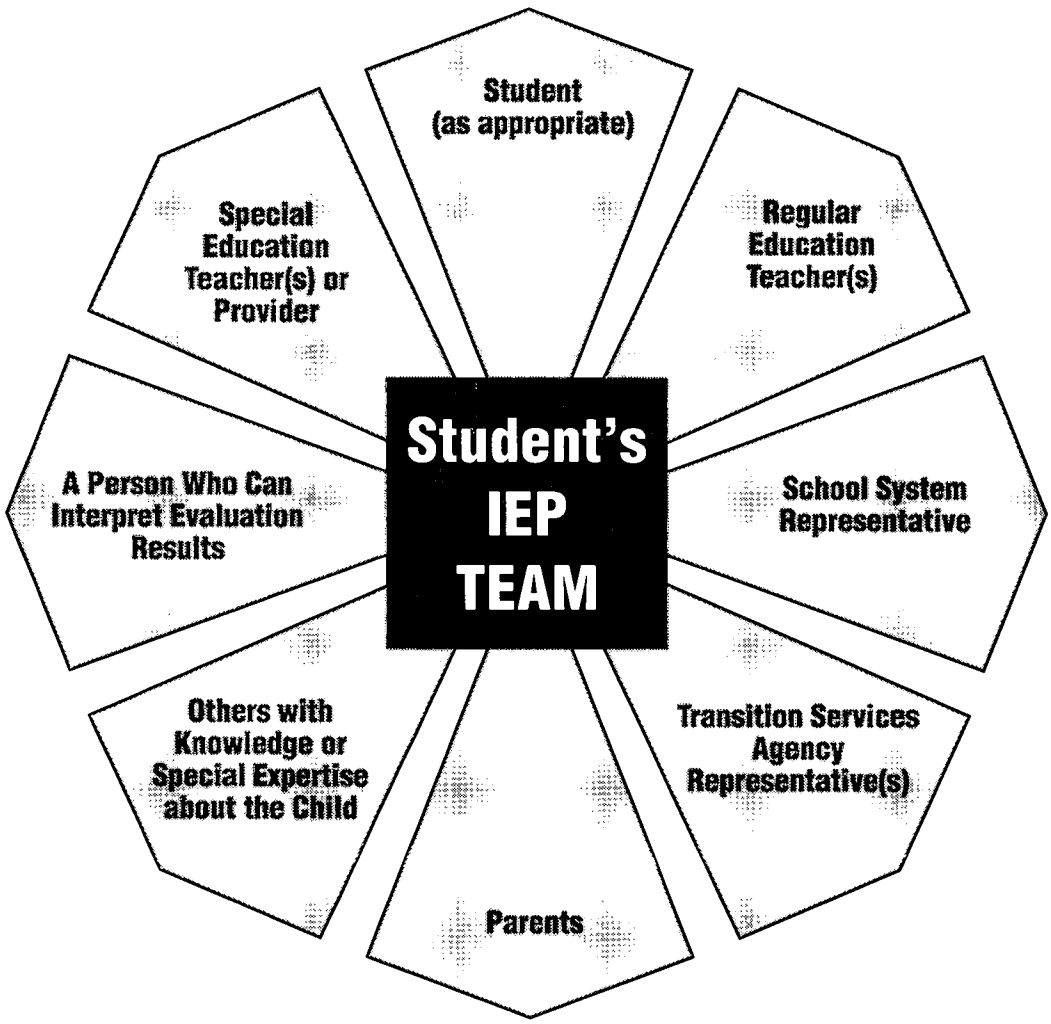
A meeting to write the IEP must be held within 30 calendar days of deciding that the child is eligible for special education and related services. Who participates on the team that develops the IEP? According to the 1997 IDEA amendments, the team is *minimally* composed of:

- the parents of the student with a disability;
- at least one regular education teacher of the student (if the student is, or may be, participating in the general education environment);
- at least one special education teacher or special education service provider;
- a school administrator who is able to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about available resources within the district;
- an individual who can interpret the instructional implications of evaluation results, which may be the regular education teacher, special education teacher, or the district representative described above;
- at the discretion of the parent or the school or district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (reading specialist, speech-language pathologist, occupational therapist, physical therapist, psychologist, school nurse, etc.);
- a representative from community service agencies if plans are to be developed for when the student leaves school; and
- the student with a disability where appropriate.

The IEP team members must attend each meeting. They must work together as a team to write the child's IEP. An IEP team member may fill more than one of the team positions if properly qualified and designated. For example, the school system representative may also be the person who can interpret the child's evaluation results.

Each team member brings important information to the IEP meeting. Members share their information and work together to write the child's Individualized

Schematic of the IEP Team



Source: *A Guide to the Individualized Education Program.* 2000. Lisa Küpper, editor.

Education Program. Each person's information adds to the team's understanding of the child and what services the child needs (Küpper 2000).

The principal certainly can participate in IEP meetings and is encouraged to attend them when possible, as he or she is knowledgeable about the student as well as knowledgeable about resources available within the school. However, federal law does not require that the principal attend all IEP meetings.

The list of required IEP participants reflects several changes from IDEA prior to the 1997 amendments. One significant change involves the participation of a general classroom teacher in the IEP process if the student is or may be participating in some general education programs. Another is that the psychologist or the person who conducted the formal assessment is no longer required to be a member of the IEP team. The emphasis is on interpreting the instructional implications of evaluation results rather than explaining testing procedures and results. The purpose for this change is to more explicitly link the formal assessment with instruction. A psychologist certainly can serve in that capacity, but so can other education professionals.

A third change is that it is no longer acceptable for either the parents or the school to involve anyone as a member of the IEP team who does not have special knowledge or expertise about the student. This precludes the participation of lay advocates or attorneys if they do not meet the qualifications, although it is not clear if they can still attend as observers of the process (Huefner 2000).

Role of the General Education Teacher

The law is very clear about *which* general education teacher should be included on the team: He or she should be the teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child. If a child with a disability has more than one regular education teacher, only one of the teachers is required to be on the IEP team. However, if the participation of more than one of the teachers would be beneficial to the child's success in school (for example, by enhancing the child's participation in the general curriculum), it may be appropriate for them to be members of the team and participate.

The new requirement also came with clarifications about the role of the teacher. Specifically, the teacher must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including:

- the determination of appropriate positive behavioral interventions and strategies for the child; and
- the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child consistent with the IEP content requirements.

Some schools have developed brief forms for both regular and special education teachers to complete before the IEP meeting. These forms provide a means of collecting information about the student before the meeting. They are often intended to

ensure that the student's strengths as well as disabilities are discussed. (See the sample form on page 31.)

In developing the new IDEA requirements for regular education teacher participation, those developing the regulations responded to concerns about the time it could take these teachers to participate. In striking a balance, it was decided that the teacher need *not* participate in all decisions made as part of the meeting, or be present at all meetings or throughout an entire meeting. Specifically, the teacher *would* participate in discussions about the child's involvement and progress in the general curriculum and participation in the regular education environment (as well as discussions about the supplementary aids and supports for teachers and other school staff that are necessary to ensure the child's progress in that environment). The teacher need *not* participate in discussions about certain other matters in the IEP meeting (for example, the physical therapy needs of the child) if the teacher is not responsible for implementing that portion of the child's IEP.

Developing the IEP

Within 30 days after a child is determined to be eligible for special education and related services, the IEP team must meet to develop the student's Individualized Education Program. The team must consider the strengths of the child and the results of the initial evaluation or most recent evaluation of the child. The team must also consider the parents' concerns and their ideas for enhancing the education of their child. Moreover, the general education curriculum and classroom are assumed to be the appropriate starting points for planning a student's IEP.

> IEP teams must begin with the general curriculum as the preferred course of study and the general classroom as the preferred setting. If participation in the regular classroom and curriculum cannot be accomplished with supplementary aids and services, then a different curriculum and/or setting may be offered.

However, decisions to provide a student with a different setting or a different curriculum than what is offered to other students must be documented and justified. These curriculum decisions also form the basis for determining how the child will be included in accountability systems (Yell and Shriner 1997). A later chapter provides information about including students with disabilities in large-scale assessments.

Teacher IEP Input Form

To: _____ Date: _____

It is time to evaluate progress for this year and to begin the planning process for the year ahead. Your input is very important in developing a plan that is right for "our" child. A summary of your responses and information from the child, parents, and other service providers may be created to be used as a basis for discussion at the IEP meeting.

Please complete this information sheet and return it to _____

1. What do you see as _____'s successes this year?

2. What are _____'s academic strengths and other special skills or abilities?

3. What are the areas of weakness that you have noted?

4. Are there other concerns, such as social skills or behavioral issues?

5. Consider _____'s organizational and study skills. Do they seem appropriate for his or her grade level? Does he/she have difficulty with homework assignments?

6. List classroom modifications you are aware of that seem helpful to _____.

7. Do you feel that accommodations will be needed if standardized tests are taken during the school year?

Source: Excerpted from *Creating Collaborative IEPs: A Handbook.* K.W. McCoy, editor. 1998. Published and copyrighted b rginia Institute for Developmental Disabilities at Virginia Commonwealth University, Richmond, VA.

Determining Supplementary Aids and Support Services

Supplementary aids and services and program modifications and supports for school personnel are new IEP requirements. They are intended to facilitate the integration of students with disabilities with students without disabilities across a number of settings and to assist with the attainment of the student's annual goals (Huefner 2000).

Etscheidt and Bartlett (1999) developed a four-step process that provides a systematic approach to meeting the legal and educational mandates of considering an array of supplementary aids and services that enable students with disabilities to benefit from special education.

First, review the child's IEP as described above. Next, discuss the possible supplemental aids and services across these dimensions:

- *Physical Dimension:* aids or services related to the physical environment that will enable the student to benefit from an instructional program in the LRE, and might include mobility, room arrangement, acoustics, lighting, or seating arrangements.
- *Instructional Dimension:* aids and services related to lesson planning and delivery, methodology, and assessment, including adaptations and modifications in lesson presentation, assignments, assessment, learning structures, organization/study skills, activities and/or curriculum, and assistive technology.
- *Social-Behavioral Dimension:* aids and services that would enhance appropriate behavior and reduce disruptive, interfering behaviors.
- *Collaborative Dimension:* aids and services that pertain to personnel resources, such as one-on-one paraeducator assistance, co-teaching, resource room assistance, teacher consultation, and teacher training.
- *"Other" Dimension:* additional factors unique to the student not included in the previous dimensions. This "what else?" dimension facilitates identifying other aids and services that might be appropriate.

Third, document the decision-making process and product. The IEP should document the process used and the factors discussed in deciding whether the student can, with supplementary aids and services, be educated satisfactorily in the regular classroom. The documentation should include: 1) the supplementary aids and services required; 2) who will provide the agreed-upon aids and services; 3) the anticipated benefits, both academic and nonacademic, and potential disruptive effects of a regular

education classroom placement; and 4) the placement decision. As noted above, the IDEA amendments require that the IEP include the projected date for the beginning of services and modifications as well as the anticipated frequency, location, and duration of services and modifications.

The last step is to determine data collection procedures that will be used to monitor progress toward IEP goals and objectives. These may include behavior observation, as well as products such as tests, curriculum-based measures, and portfolio assessments. The IEP team must decide when to collect data and who will be responsible for collecting them.

Least Restrictive Environment

As described by Clark (2000), one of the final decisions made by the IEP team is especially important:

> to determine the LRE (least restrictive environment) in which the special education services and related services can be achieved. With the understanding that the continuum of services and individualized program may not permit all students with disabilities to be included in the general education curriculum for all or part of the school day, the intent of the IDEA is that participation in general education is the goal for all students....[T]he location in which specialized instruction can be delivered derives from the achievability of the goals in that setting. The starting place for any placement discussion is general education (2000, 63).

Review and Revision of the IEP

The IEP team must review the student's individualized education program periodically, but no less than annually to determine whether his or her goals are being achieved. The IEP team is responsible for revising the student's education plan if there is lack of progress toward the annual goals and in the general curriculum. Revisions in the IEP may also reflect the results of reevaluation, information about the child provided to or by the parents, the child's anticipated needs, or other important considerations.

Parent Participation in the IEP Process

The parents of a child with a disability are expected to be involved in determining whether their child is eligible for services and for developing the IEP. Interpretations of IDEA, which now have the force of law, actually include requirements describing parents' participation in decisions regarding the educational program of their children, which include the development of the IEP.

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> The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting. (Source: Appendix A to Part 300—Notice of Interpretation; Authority: Part B of the Individuals with Disabilities Education Act.)

Both to comply with the law and to enlist parents in a partnership to provide a quality education for children with disabilities, it is important for the principal, teachers, and support personnel to work closely with these parents. Finding out what parents feel about current efforts to involve them might be an important first step for many schools.

When asked, parents may say that they feel intimidated by "the experts" who appear to know what is best for their child. Consequently, they may feel they are expected to acquiesce to expert opinions (Seltzer 1998). This kind of unequal school-parent relationship was evident in Lovitt and Cushing's 1999 study of parent perceptions of special education. Parent feedback regarding the IEP process revealed that many parents believed that their child's IEP lacked individualization. Parents suggested that they should be asked more about what *they* thought their child needed instead of solely relying on input from the teacher or other professional. Some parents indicated that the educational jargon used to describe IEP goals was not helpful.

Parents were also not convinced that the written goals actually fit their child's needs, in part because they were so difficult to understand. Several parents were unfamiliar with the IEP process altogether, and were unable to explain what it was and how it worked.

To alleviate some of these communication problems, it might be helpful for the principal to suggest to parents that they can prepare for the IEP meeting by:

- talking to teachers, therapists, or others to get their thoughts about the child;
- visiting their child's class;
- talking with other teachers who have been helpful in the past;
- talking with their child about his or her feelings toward school,
- making a list of their child's strengths and weaknesses;
- writing down what they think their child can accomplish during the school year; and

- jotting down notes of what they would like to say during the meeting (Küpper 1999).

Some schools have developed a form for parents to use in organizing their thoughts and suggestions before the meeting. (See the form on page 36.)

What If Parents Don't Agree with the IEP?

There are times when parents may not agree with the school's recommendations about their child's education. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, placement, and the services that the school provides to the child. If parents disagree with the school's actions—or refusal to take action—in these matters, they have the right to pursue a number of options. They may do the following:

- **Try to reach an agreement.** Parents can talk with school officials about their concerns and try to reach an agreement. Sometimes the agreement can be temporary. For example, the parents and school can agree to try a plan of instruction or a placement for a certain period of time and see how the student does.
- **Ask for mediation.** During mediation, the parents and school sit down with someone who is not involved in the disagreement and try to reach an agreement. The school may offer mediation, if it is available, as an option for resolving disputes prior to due process.
- **Ask for due process.** During a due process hearing, the parents and school personnel appear before an impartial hearing officer and present their sides of the story. The hearing officer decides how to solve the problem. (Note: Mediation must be available at least at the time a due process hearing is requested.)
- **File a complaint with the state education agency.** To file a complaint, generally parents write directly to the SEA and say what part of IDEA they believe the school has violated. The agency must resolve the complaint within 60 calendar days. An extension of that time limit is permitted only if exceptional circumstances exist with respect to the complaint (Küpper 2000).

Parent IEP Input Form

Date: _____

To the Parent(s)/Guardian(s) of _____

It is time to evaluate progress for this year and to begin the planning process for the year ahead. Your input is very important in developing a plan that is right for your child. A summary of your responses and information from your child, teachers, and other service providers may be created and used as a basis for discussion at the IEP meeting. Please complete this information sheet and return it to your child's teacher.

1. What do you see as your child's successes this year?

2. What are his/her academic strengths and other special skills or abilities?

3. What are the areas of weakness that you have noted?

4. Are there other concerns, such as social skills or behavioral issues?

5. Consider your child's organizational skills and study skills. Do they seem appropriate for his/her grade level? Does your child have difficulty with homework assignments?

6. List any classroom modifications you are aware of that seem helpful to your child.

7. Do you feel that accommodations will be needed if standardized tests are taken during the school year?

8. Is there any type of classroom that might be better for your child's learning style or self-image? (Examples might include the need for a highly structured environment, emphasis on hands-on learning, or preference for group work).

9. What helps your child to learn? (For example: enjoys projects, needs things read to him/her, needs time limits).

10. Please list other questions and concerns.

Source: Excerpted from *Creating Collaborative IEPs: A Handbook.* K.W. McCoy, editor. 1998. Published and copyrighted by the Virginia Institute for Developmental Disabilities at Virginia Commonwealth University, Richmond, VA.

In its publication, *Guide to the Individualized Education Program*, the Office of Special Education and Rehabilitation Services advised that when scheduling an IEP meeting, school personnel should:

- Give parents sufficient advance notice so they have an opportunity to attend;
- Schedule the meeting at a time and place agreeable to both the parents and the school.
- Inform parents of the purpose, time, and location of the meeting and who will be attending.
- Inform parents that they may invite people to the meeting who have special expertise or knowledge about their child (Küpper 2000).

Taking these steps to communicate clearly with parents about the process and their expectations for participation should encourage parent attendance and more active participation in IEP meetings.

Implementing the IEP

Once the IEP is completed and the parents have given their written approval, the student must be provided with the special education and related services agreed to in the document, including the necessary supplementary aids and services and program modifications. This means that everyone who will be implementing the IEP must have access to the document.

The 1997 version of IDEA uses very clear language to ensure that all professionals working with the child know what it says and use it to guide the instruction and other services that are provided. Specifically, each teacher and provider of services must be informed of:

- his or her specific responsibilities related to implementing the IEP, and
- the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP (IDEA Partnerships Web site 1999).

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Notes, Reminders, and Ideas:

Enhancing the Regular Education/ Special Education Connection

Some issues addressed in this chapter:

- **What are some of the factors affecting the way schools "do" special education?**
- **What are some keys—and some barriers—to developing an effective inclusive program?**
- **What are some promising approaches to achieving high levels of learning for children with special needs?**

Special education programs do not exist in a vacuum. As the structure and culture of schools change, these changes have an impact on the ways in which special education services are provided. And, in turn, changes in both the legal requirements and attitudes of educators and the public toward the education of students with disabilities have significant impact on schools, the general education program, staff, and students.

Let's look at two factors that have converged to increase the need to effectively integrate regular and special education: 1) mandated requirements for closer integration; and 2) the movement toward site-based management.

Mandated Requirements for Closer Integration

For the past 20 years, districts and schools have been involved in some state-mandated efforts to improve, restructure, or renew public education. For the most part, these efforts have not explicitly included special education programs (Ferguson 1997; McLaughlin, Henderson, and Rhim 1997; Myers et al. 1997). National and state initiatives to develop new and higher curricular standards and assessment programs typically have excluded students with disabilities. This is not surprising consid-

ering that every state department of education and the majority of school districts have a separate special education administration system (Lipsky and Gartner 1997).

However, the new IDEA requirements significantly alter the relationship between general education and special education.

General education and special education teachers can no longer work in separate domains, but must work collaboratively to meet the needs of all students in the school. Yet, some administrative structural deficiencies, the disjointed nature of pullout programs, and the inefficiency of the present special education service delivery system have made it difficult to change this dual educational system. Ferguson (1997) observed that working together as a whole school to implement educational innovations is a new challenge for many faculties.

Impact of School-Based Management on Special Education

The highly regulated nature of special education programs, the specialized training of most special education personnel, and administrative concerns about making a decision that might result in a lawsuit have been cited as reasons that special education largely has remained a separate system within most schools and districts. The extent to which a school's staff engaged in decision making about special education typically depended on having a principal with either knowledge and/or interest in these programs or having an activist parent of a child with a disability (Ferguson 1997; Patterson, Marshall, and Bowling 2000).

However, as many school districts began to shift more authority and accountability to the school level, responsibility for special education services often began to shift as well. This shift did not mean that general and special educators immediately began to work as an integrated team. In many schools, children with IEPs were—and sometimes still are—considered the responsibility of special educators, even if they received most of their instruction in regular education classrooms. In addition, many school councils that were discussing school improvement efforts did not consider the special education programs as part of their charge. Council members often perceived special education as a rigid, heavily prescribed program, about which they had little knowledge and even less authority to make recommendations.

The Principal's Role in Making a Change

What can a principal do to ensure that school staff and council members understand their responsibilities for students with disabilities? Three things: acquire

a knowledge and understanding of special education laws and programs; educate school staff and parents so that they are well-informed; and continuously communicate the importance of addressing the needs of all children in school planning and operations.

Programs and services for students with disabilities should be an integral part of the school. Their importance should be reflected in the school improvement plan, with the answers to two questions paramount:

- What are the school's expectations for all students, including those with disabilities?
- How will the school address the special educational needs of students with disabilities within the context of the total school program?

IDEA is clear—discussions about this second question should focus on ways to "include" students with special needs in the regular educational program. In part, this shift came about due to a growing dissatisfaction with less inclusive models of providing special education services.

Traditional Special Education Delivery Models

Special education students with disabilities have generally received their education in one of three settings: 1) self-contained classrooms from which they are to some extent mainstreamed, usually for nonacademic classes; 2) pullout resource rooms in which they receive special help for reading and math; or 3) regular classroom placement with a resource teacher who occasionally or daily assists or monitors to see that the targeted students are keeping pace.

It has long been assumed that students assigned to pullout programs receive more intensive instruction than they would in regular classrooms. However, drawing upon her own experience as a school principal, Yatvin (1995) asserted that resource rooms are more likely to have a large number of students from different grade levels with different learning needs, volatile personalities, and feelings of anxiety about the classrooms and classmates they've just left. In addition, once the students return to their regular classes, their classroom teachers might not see a need to modify or adapt their instruction the rest of the school day. Under this system, students with disabilities actually receive far less instruction than they would if they were grouped with their peers by age and interest, with teachers who routinely modified their instruction for everyone.

Other research that examined pullout resource rooms noted that large caseloads forced special education teachers to frequently employ whole-group strategies with little differentiated instruction or materials (Moody et al. 2000; Vaughn, Moody, and

Schumm 1998). Other demonstrated drawbacks of the pullout resource program model include 1) instruction in resource rooms that is skill-related and not connected to classroom curricula, and 2) lack of time for special education teachers to collaborate with the regular education teacher.

Why Inclusion?

As mentioned earlier, IDEA encourages inclusive practices for students with disabilities. The law has removed arbitrary funding barriers between students with disabilities and students without disabilities in providing services (Etscheidt and Bartlett 1999).

The 1997 amendments to IDEA permit federal funds to be used for supplementary aids and services in the regular education class even if students without disabilities also might benefit from them.

Many educators have also begun to see the possibility of multiple benefits of inclusion. As general and special educators began to work more closely together, it became apparent that inclusion has the potential to expand the common ground of knowledge and skills between general and special educators (Ferguson 1997). Finally, strategies for inclusive practices and creating inclusive schools are highly compatible with much of what is being called for in education reform that is already supported by many general and special educators (Moore, Gilbreath, and Maiuri 1998).

On the other hand, there have been instances in which inclusion has been "done," but not done well. The National Information Center for Children and Youth with Disabilities cautions against the practice of "dump and hope"—placing students with special needs in regular education classrooms "without needed supports, without training teachers, with only the 'hope' that it will work" (Academy for Educational Development 1995, 4). Recommended questions for schools and districts to ask themselves include:

- How do we give our teachers the training essential to making inclusion work?
- What supports and modifications will students need in order to thrive in the general education class, and how do we provide those supports in that environment?
- How do we ensure that the education of other students won't be disrupted or instruction diluted?

Best Practices from General Education and Special Education Are Good for All

There is increased emphasis in general education on identifying the essentials of *what* all students need to learn and *how* they will demonstrate what they have learned—with less time spent superficially covering content and promoting rote memorization. Along with this has come renewed interest in students acquiring essential thinking skills such as problem solving, analysis, and collaboration that extend beyond mastery of facts and content. These trends have converged to produce a variety of promising curricular and instructional practices.

In addition to various forms of direct instruction, general education teachers are drawing upon multiple intelligences and learning styles to design unique learning experiences for each student. We know that learning is an active process and that students learn by doing. Therefore, teachers are using more projects, exhibitions, and portfolios as further evidence of what students have learned.

These new practices are compatible with practices—such as performance-based assessment, individually tailored curriculum, and community-based instruction—that special educators have used for some time. These approaches were created in response to their students, who often find learning difficult and labor intensive. The values and reasoning behind the approaches used by special educators and the innovative curricular and instructional methods developed by general educators can all be extremely powerful when extended to diverse learners. Yet, this is an area where general and special educators have done little in the way of sharing ideas or working together (Ferguson 1997).

During the 25 years since the passage of the Education for All Handicapped Children Act, the terminology related to providing these students with instruction in regular class settings has evolved. Moore, Gilbreath, and Maiuri (1998) offer useful definitions that distinguish between the commonly used terms "mainstreaming," "integration," and "inclusion." *Mainstreaming* occurred when students with special education needs were brought into regular classes where they did not need instructional modifications (usually art, music, PE)—that is, when they could keep up with the mainstream. *Integration* assumed that students with disabilities were receiving their instruction in segregated settings. When these students were with their non-disabled peers part-time, they were not truly a part of the class and were often involved in activities very different from the other students (Ferguson 1997).

Contrasted with these, *inclusion* is defined as providing specially designed instruction and supports for students with disabilities and special education needs within the context of general education settings. This means that "all students in a school's attendance area are full members of that school's community and each student participates equitably in the opportunities and responsibilities of the general

education environment" (Moore, Gilbreath, and Maiuri, 1). Inclusion does not mean that a student never receives separate instruction in skills or functional routines. A special or general education teacher or a paraeducator may provide specialized instruction. However, and even more important, the separate, specialized instruction must be necessary and meaningful. Van Dyke, Stallings, and Colby cautioned, "Too often students are 'pulled out' of their classrooms to learn skills that will not help them function better in any environment" (1995, 476).

The concept of inclusion began with special education, but has since come to symbolize a broader philosophy of acceptance, of belonging to the school community itself. Inclusive practices also mean that general education classes are structured to meet the needs of *all* students in the class: typical students, students with disabilities, students at risk, students with limited proficiency in English, and students from different ethnic and cultural groups. Inclusion is accomplished through educational strategies designed for a diverse student population and collaboration between educators to provide specially designed instruction and support services to all students as needed for effective learning.

Although there is no single set of characteristics that describes inclusive schools, a defining practice is that students with disabilities are not isolated into special classes or areas of the school building. Inclusive schools no longer see students with disabilities as the sole purview of special education personnel. In a successful inclusive classroom, the general educator, the special educator, and paraeducators collaborate to meet the needs of every student (Van Dyke, Stallings, and Colby 1995).

Stainback and Stainback (1990) further elaborated that an inclusive school is one in which everyone belongs, is accepted, supports, and is supported by his or her peers and other members of the school community. Distinctions between "general education," "special education," and students "at risk" no longer drive the roles and allocation of resources in these schools. Inclusive schools operate as a community on a core set of beliefs that includes respecting and valuing human diversity.

> Schools that are successful in responding to student diversity have redefined the role of general and special educators and other support personnel to that of collaborative team members who jointly problem solve the daily challenges of heterogeneous schooling (Udvari-Solner and Thousand 1995).

Effects of Inclusion on Students with and without Disabilities

One of the main concerns about including students with disabilities in regular classes is the extent to which these students show differences in behavior and academic progress when compared to students in other types of special education models.

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Other questions focus on whether included students with disabilities exhibit classroom behavior and academic progress similar to students without disabilities and whether students without disabilities benefit from inclusive education, or, at the very least, suffer no adverse effects.

In a review of the research on the effects of inclusive practices on academic achievement, Moore, Gilbreath, and Maiuri (1998) found that students with mild disabilities included in general education classes made better gains than those students in pullout programs. For students with moderate or severe disabilities, participation in general education environments resulted in social and behavioral progress and some increases in academic achievement. Benefits of inclusion include IEPs with more academic objectives, an increase in social interaction, and a decrease in the amount of time students with disabilities spent alone. There is a growing body of research demonstrating the positive effects that inclusive practices have on student achievement, classroom behavior, positive peer relationships, and attitudes (Mills and Bulach 1996; Walther-Thomas, Bryant, and Land 1996; Wang 1997).

For students *without* disabilities, many feared that inclusion would result in a watered-down curriculum or that less time would be devoted to learning. This fear is not supported by research (Moore, Gilbreath, and Maiuri 1998). Wang (1997) found that students without disabilities in inclusive classes showed mean score on standardized achievement measures that were above the norm for all three years they were studied. Achievement data further indicated that inclusion of students with disabilities did not adversely affect the achievement of students without disabilities. Sharpe, York, and Knight (1994) also investigated the effects of inclusive school environments on the academic performance of students without disabilities and found no differences between inclusion and non-inclusion classrooms in both academic performance and behavior. In their three-year study of 23 schools in eight school districts implementing various co-teaching inclusion models, Walther-Thomas, Bryant, and Land (1996) found that, in addition to the positive benefits reported for students with disabilities, other low-achieving students also demonstrated improvement in academic and social skills.

Keys to Successful Inclusion

Morris identifies several keys to successful inclusion efforts, approaches he characterizes as basic components:

- individualizing instruction in the classroom;
- promoting classroom friendships;
- facilitating co-teaching through provision of joint planning time and careful selection of the co-teachers;

- educating parents about the inclusive model and encouraging them to support it;
- placing the appropriate number of special students in the classroom—typically no more than 15 to 20 percent;
- instituting a schoolwide discipline plan to help the inclusive classroom be less vulnerable to discipline and behavior problems;
- expecting special education teachers and administrators to identify the best educational setting for each student with special needs—which may not be an inclusive classroom (2000, 82).

Features of Inclusive Schools

An analysis of the considerable body of literature about inclusion reveals some themes and common characteristics of inclusive schools, including:

Leadership: The principal plays a crucial role by actively involving and sharing responsibility with the entire school staff in planning and carrying out strategies that make the school successful (Lipsky and Gartner 1997).

A sense of community: The inclusive school maintains a philosophy that everyone can learn and everyone belongs in the mainstream of school and community life (Tomlinson 2000).

Partnership with parents: Parents are viewed as equal and essential partners in the education of their children (Lipsky and Gartner 1997).

Collaborative teaching and learning: Teachers work together to create more energy around effective strategies. They also model such skills to students, who collaborate through peer tutoring, buddy systems, and cooperative learning (Ferguson 1997; Lipsky and Gartner 1997).

Flexible school structures and learning environments: The school has scheduling, physical arrangements, and instructional approaches that are adaptable to a variety of students' needs (Lipsky and Gartner 1997).

High standards: All children are expected to meet high standards of performance appropriate to their needs (Lipsky and Gartner 1997).

Performance-based and alternative assessment: Multiple ways to demonstrate learning are incorporated. Student performance expectations are as individualized as their instruction, and authentic assessment is used, including portfolios of student work and performances (Ferguson 1997; Lipsky and Gartner 1997).

Professional development: The school promotes personal and professional growth through joint professional development for both general and special educators, peer coaching, action research, and time for reflection and discussion.

Leading Inclusive Schools: The Role of the Principal

Both special educators and general educators reported that the degree of administrative support was the most powerful predictor of positive attitudes toward inclusive practices (Lipsky and Gartner 1997).

When Barnett and Monda-Amaya (1998) examined principals' attitudes toward and knowledge of inclusion, they concluded that many principals had little understanding of what inclusive practices meant or how they might work in their schools. Not surprisingly, their results also indicated that principals believed that their teachers were not adequately prepared to implement inclusive practices. This study further illustrates the critical role that principals, as instructional leaders, have in facilitating inclusive schools. They must be able to understand and be able to articulate the benefits of inclusive practices for all students if inclusion is to become a schoolwide philosophy that serves as the foundation for all other programs the school provides.

Principals should also be aware of the barriers to successful implementation. Roach (1996) finds that these fall into four major categories: initiating inclusion, professional development, scheduling and staffing, and responding to state and district testing programs. All of these issues need to be addressed by the principal.

Those leading and those studying inclusive schools concur on some important recommendations for principals (Van Dyke, Stallings, and Colby 1995; Walther-Thomas, Bryant, and Land 1996):

- Principals can provide important logistical support, such as ensuring that classroom rosters are balanced and by providing scheduled time for weekly collaborative planning.

- Principals should constantly support teachers in their implementation efforts. Teachers need information about students' disabilities, and they need help in setting realistic goals for all students. Teachers also need a lot of encouragement, positive comments, and following through on promises. Ongoing opportunities for professional development and reflection should be provided, and action research should be encouraged. Roach's recommendations for effective professional development that should be made available for teachers include:
    - site visits for teachers to inclusive schools and classrooms;
    - situation-specific problem-solving sessions;
    - development opportunities focused on instructional strategies and adapting curriculum to use with diverse learners; and

- development opportunities that support the change process in general.

Promising Instructional Practices for Inclusive Schools

Multiple approaches to making schools more inclusive abound, and they can be shaped to suit your school. In this section, several approaches will be briefly described: collaborative teaching models, a resource center available to all students, the cooperative elementary model, differentiated teaching, learning strategies instruction, early intervention and prevention, and pre-referral intervention.

Collaborative Teaching

Collaborative teaching refers to an educational approach in which general and special educators work together to jointly teach academically and behaviorally heterogeneous groups of students. The collaborative teaching approach maximizes the specific and unique skills that general and special educators bring to the school. For example, most general educators are knowledgeable about curriculum and curricular sequencing, especially in traditional academic content areas. They are also skilled and experienced in managing large groups. Special educators have typically developed expertise in targeting areas of difficulty within a curriculum and analyzing and adapting instructional materials and strategies. These skills are now more in demand in the general education classroom as teachers are faced with a more diverse student population. Special educators also have expertise in developing IEPs and behavior management techniques. Working together, the two professionals can bring an impressive combination of skills to the inclusive classroom (Bauwens et al. 1989).

Collaborative teaching models are designed to help students with learning and/or behavior problems function more successfully in inclusive settings by providing structured support and increased professional interaction for classroom teachers. Emerging research suggests that these models have potential benefits for both students with disabilities and the professionals who teach them (Walther-Thomas, Bryant, and Land 1996).

Collaborative/cooperative teaching also increases the likelihood that students who have serious academic difficulties and are at risk for school failure, but who do not qualify for any special education services, will not fall through the cracks.

Langerock, a regular education teacher who co-taught with a special education teacher, talks of the challenges of collaboration:

> The most difficult problem that my co-teacher and I faced throughout the year was finding time in the school day to plan, discuss instruction, and collaborate on student progress....There were times when we disagreed and we learned to com-

> promise and sometimes give the final decision to the other teacher....I think that it was critical to inform our students of what we were doing and why. Our students understood that they would have two teachers with equal authority (2000, 27).

Langerock stresses the importance of co-planning as a technique that "allowed us to design effective strategies even when our original objectives and goals seemed to be so unrelated that it seemed they couldn't possibly be integrated" (2000, 28). She and her co-teacher used a brief form to help them structure and record what they intended to do in the classroom (see page 50).

Resource Center for All Students

One inclusive school developed a Resource Center that is available to all students. Some students with disabilities report to the center each week, to fulfill their IEP requirement that they receive a specific number of hours of service directly from a special educator. Many of those who visit and receive assistance at the center, however, are students with academic difficulties who are not considered disabled. The school has no self-contained special education classrooms, and consequently less of the stigma of special education. No more than four or five students identified as disabled are placed in any regular education classroom.

An inclusion team comprised of special education personnel works with faculty members to provide ongoing staff development and support. The inclusion team also provides teachers with a one-page summary of the IEP for each student with a disability. The special education teachers often go to classrooms or to the library to manage a lesson or activity. General education teachers, special education teachers, and administrators work collaboratively to address various learning styles or to modify curriculum materials as needed.

Special education and general education students have both seen their course grades and standardized test scores improve in this school. Students with disabilities who are included in general education classrooms after experiencing self-contained special education classes reportedly do better; they often say they do not want to return to that segregated environment (Hardin and McNelis 1996).

Cooperative Elementary Model

The Cooperative Elementary Model uses cooperation as the philosophical and practical framework for school organization, classroom processes, and learning activities in order to provide students with more active learning experiences. This model is designed to ensure that all students have equal access to all curricula and to provide students and teachers with a more supportive social environment. It includes these elements:

Co-Teaching Daily Lesson Plans

General Educator _____ Special Educator _____

Date	What are you going to teach?	Which co-teaching technique will you use?	What are the specific tasks for both teachers?	What materials are needed?	How will you evaluate learning?	Information about students who need follow up work.

Source: "A Passion for Action Research." *Teaching Exceptional Children.* N.L. Langerock. 2000.

- widespread use of cooperative learning in academic classes;
- including students with learning disabilities in regular classes;
- teachers coaching one another;
- teachers collaborating in instructional planning;
- principal and teachers collaborating on school planning and decision making; and
- principal and teachers encouraging active parent involvement.

The elementary schools participating in a 1995 study of the Cooperative Elementary Model discontinued remedial pullout programs, and the special education teacher taught in the regular class along with the regular education teacher. This arrangement provided students with learning disabilities the extra support they needed. Cooperative teaching groups were heterogeneous, and students with disabilities were distributed among the groups. Students with learning disabilities interacted with students without disabilities on learning tasks and had access to all the potential cognitive learning advantages cooperative learning provides (Stevens and Slavin 1995).

Differentiated Teaching

Educators have attempted to increase their effectiveness by modifying their curriculum and instruction for students believed to be in need of such modifications—oftentimes, students labeled special education, Title 1, or ESL. For many of these identified students, however, individualized instruction resulted in feelings of inferiority and isolation, because they were engaging in learning tasks that were perceived as "less than" those of their classmates. This caused some students to feel stigmatized (Kronberg et al. 1997). Additionally, attempting to provide individualized instruction by precisely matching lessons, activities, and assignments to student needs was simply not feasible for teachers.

Thus, what was previously known as individualized instruction has been replaced by *differentiated instruction* (Bauer and Shea 1999). For Tomlinson (1999; 2000) differentiated instruction means that *all* students work on a variety of learning tasks in a variety of ways. Differentiated instruction means engaging students through different learning modalities, appealing to different interests and using varied rates of instruction and varied rates of complexity.

Differentiated teaching presumes that students with varying abilities, interests, and needs can be successful in classrooms that are organized to offer multi-level and multi-faceted curricular and instructional approaches. Teachers make vigorous attempts to be responsive to students by meeting them where they are in the learning

process and moving them along as quickly and as far as possible in the context of a mixed-ability classroom. Differentiated instruction promotes a high-level and challenging curriculum for all students, but varies the level of teacher support, task complexity, pacing, and instructional strategies based on student readiness, interest, and skills.

In the classroom, differentiated instruction looks like a repeated rhythm of whole-class preparation, review, and sharing followed by individual or small-group exploration, sense making, extension, and production. This flow of instruction involves a repetitive pattern of teaching and learning in which:

- The teacher and the entire class start work on a topic or concept.
- Students use different materials, depending on their readiness and strengths, to further explore the concept or topic.
- The teacher and entire class come together to share what they have learned and to identify further questions.
- Students work on tasks suggested by the teacher that are designed to help them make sense of key ideas at different rates and varied levels of complexity.
- The teacher and entire class come together again to review key ideas and extend their study by sharing.
- Students work together in small groups to solve teacher-generated problems related to their study.
- The teacher instructs students in the skills they will later need to make a presentation about the teacher-generated problems and the student solutions.
- Students select interest areas through which they apply and extend their learning.
- The teacher and students share individual study plans and establish the ways in which they will evaluate their projects (Tomlinson 1995).

Learning Strategies Instruction

One important support that schools can provide to students with learning disabilities is instruction in the use of learning strategies. These students, in addition to having such problems as difficulty in following directions or with memory, are more likely to be very inefficient learners, and to approach learning tasks haphazardly. Think for a minute about the type of child every educator has seen at some time. He or she sits reading a textbook but, when asked to summarize the main points in the chapter, can only present a disjointed list of thoughts with little sense of how they fit

together. In math this same child might use only one strategy when approaching a problem—even when that method repeatedly results in failure.

In his review of research on educational interventions used with students with learning disabilities, Swanson (1999) found strong support for strategy instruction for students with learning disabilities:

> The most effective form of teaching children with learning disabilities combined components of direct instruction (teacher-directed lecture, discussion, and learning from books) with components of strategy instruction (teaching ways to learn such as memorization techniques and study skills).

Sturomski describes some of these strategies that many students develop automatically, but that others do not:

> Simple learning strategies that many of us have used, particularly in school settings, include: notetaking, making a chart, asking the teacher questions, asking ourselves questions, rereading when something does not make sense, looking at the reading questions before beginning reading, checking our work, making an outline before beginning to write, asking a friend to look over our composition, rehearsing a presentation aloud, making up a goofy rhyme to remember someone's name, using resource books, drawing a picture that uses every new vocabulary word we have to learn, or mapping in sequence the events of a story (1997).

The primary goal of strategy instruction is "to foster independence on the part of the learner. Three components of the skill are considered 'essential'—knowledge of what the strategy is, how to apply it, and when and where to use it" (Jones et al. 1987, 41). Providing instruction about strategies on a schoolwide basis can be a powerful way to increase levels of engagement and success of all students, not just those with learning disabilities. It is also an ideal area for collaboration between regular and special education teachers, since special education teachers have typically received instruction in the use of strategies as part of their preparation program.

However, teaching about strategies should not be provided as an add-on, an extra course for students having difficulty. The literature is virtually unanimous: learning skills should be taught in the context of subject-area instruction, with students provided meaningful opportunities to practice them. The instruction should

also include elements that help students learn how to appropriately generalize use of a strategy to other tasks and classes.

Early Intervention and Prevention

Slavin, Karweit, and Madden (1989) have argued that low achievers who in the past would not have been served in special education account for much of the increased identification of students with learning disabilities. In other words, special education has assumed a substantial burden in trying to meet the needs of students at risk of school failure but who are perhaps not truly disabled.

This raises significant questions about the process of referring and identifying students in need of special education services. It is common practice that schools use special education as a way to provide extra academic support for students who are not successful in traditional educational settings. Instead of questioning the effectiveness of traditional school structure and delivery of instruction, the problem was perceived as resulting from the students' deficiencies. Truly inclusive schools do not accept the deficit view of students upon which special education has historically operated. Instead, schools that have successfully implemented inclusive practices have created educational environments that are strength-based and meet the needs of all students. In some schools, the result has been a decrease in referrals for special education evaluation and placement.

For example, in her three-year study of schools implementing various inclusion models, Wang (1997) found a 42 percent decrease in referrals to special education. Similarly, in their action research study of the implementation of inclusion at a middle school, Pedroza, Mueller, and Whitley (1998) reported that the referral rate for special education testing and placement decreased by 46 percent during the first year. Over two years the school had the lowest referral rate in the district in spite of the state and national trend of increased special education enrollment in seventh and eighth grades.

Inclusive cooperative teaching models allow regular education teachers and special education teachers to be more proactive and to provide immediate and intensive instructional and/or curricular modifications to students having learning problems. As the teachers work collaboratively to meet the unique learning needs of all students, they are able to provide intervention early, which often results in fewer students being referred for special education services.

The importance of early intervention for students with learning difficulties cannot be overstated. Slavin (1996) insists that schools will pay for years for the costs of remediation and special education for failing to ensure that students succeed in the early grades. Students certainly fare better when they succeed the first time they are

taught and thereby avoid special education placement. The following programs are examples of approaches that have demonstrated success with reducing the need for special education, particularly for students with mild learning disabilities:

- Reading Recovery is a first-grade tutoring program used successfully in thousands of U.S. schools. Students participating in Reading Recovery are less likely than matched comparison students to be placed in special education.
- Prevention of Learning Disabilities provides one-to-one tutoring that focuses on reading and general perceptual skills.
- Early Childhood Interventions: The Carolina Abecedarian Project is an intensive early intervention program focusing on pre-kindergarten children. Research on this program has found that supporting children through the critical first five years of their lives has strong and lasting effects. There is further evidence that if young children growing up in poverty are effectively stimulated and their parents are helped to create a healthy home environment, they are more likely to perform well in school and to stay out of special education (Slavin 1996).

Pre-Referral Intervention

The purpose of pre-referral intervention is to provide assistance and support to general education teachers with students who are experiencing academic, social, and behavioral problems. By providing assistance to teachers, pre-referral interventions should reduce the number of referrals for formal assessment and prevent inappropriate special education identification and placement. Thinking inclusively also requires the focus to be shifted away from students' perceived internal deficiencies and onto the supports they need to be successful in the general education environment. A number of states, districts, and schools have developed pre-referral programs that are particularly effective in inclusive schools.

In 1990, the state of Pennsylvania adopted regulations that required schools to develop Instructional Support Teams (ISTs) whose purpose was to provide peer support and assistance to general education teachers to help them better meet the needs of students with academic, socioemotional, and behavioral difficulties. The initiative is premised on the notion that general education and special education should be interdependent and cohesive. The IST is designed to:

- ensure that general education services are effective for all students prior to referral for evaluation;
- use a team-based approach to provide peer support and problem-solving assistance to teachers;

- provide initial screening for students who may require evaluation; and
- Assist teachers who have special needs students in their classrooms (Kovaleski, Tucker, and Stevens 1996).

In describing a process developed for California schools, Radius and Lesniak (1997) suggest that it is helpful for the regular education teacher to provide information about modifications that have already been provided (see page 57 for a Modifications Checklist). In addition, he or she should be prepared to talk about concerns, the student's strengths and interests, and student behaviors.

Although IST membership varies from school to school, every team is minimally composed of the principal, the student's general education teacher, and a support teacher. Parents are also encouraged to participate. The school psychologist, reading and/or math specialists, guidance counselor, speech therapist, school nurse, or other support personnel may be involved, depending on the student's needs. All team members receive specialized training in collaboration and team building, instructional assessment, instructional adaptation, student discipline, and student assistance strategies.

Notes, Reminders, and Ideas:

Modifications Checklist

Student _____ Date _____

Teacher _____ Subject _____

Please check any of the modifications that you have used. List under "other" anything else you have tried. Circle those which you feel have been successful.

ENVIRONMENT

- ❑ clarify rules
- ❑ change seating
- ❑ change groups
- ❑ reduce distractions
- ❑ special study area

ASSIGNMENTS

- ❑ shorten
- ❑ individual contracts
- ❑ extended time
- ❑ use of tape recorder
- ❑ daily assignment sheet
- ❑ assignment notebook/calendar
- ❑ study buddy
- ❑ use of visual aids

REQUESTS FOR ASSISTANCE

- ❑ conference with parents
- ❑ refer to office/counselor
- ❑ confer with other school staff
- ❑ progress reports sent home
- ❑ referral to _____

CURRICULUM/MATERIALS

- ❑ change instructional materials
- ❑ high-interest reading materials
- ❑ use of computer
- ❑ calculator
- ❑ books on tape, taped notes
- ❑ learning games

TEACHING TECHNIQUES

- ❑ consistent rules & consequences
- ❑ teach notetaking & study skills
- ❑ strategies instruction
- ❑ repeat instructions, assignments
- ❑ verbal praise
- ❑ frequent feedback
- ❑ eye contact
- ❑ tutor or aide one-on-one with student
- ❑ small-group instruction
- ❑ cross-age tutor

OTHER MODIFICATIONS OR MOTIVATIONAL STRATEGIES

_____

_____

_____

Source: *Student Success Teams: Supporting Teachers in General Education.* Marcie Radius and Pat Lesniak. 1997.

Students with Disabilities and Large-Scale Assessments

Issues addressed in this chapter:

- **Are schools required to include students with disabilities in state-mandated testing?**
- **Are accommodations permitted?**
- **If so, what kind?**

As discussed in a previous chapter, the 1997 IDEA amendments now emphasize accountability for the educational outcomes of students with disabilities. This stance is a complete reversal from the earlier approach to accountability that instead focused on tracking services provided, counting numbers of students by disability category, and so on. Students with disabilities must now be provided with meaningful opportunities to acquire the skills and knowledge in the same subject or curriculum areas that all other students are studying. They must also be included in state- and district-wide assessments to ensure that they are progressing in the general curriculum.

The Improving America's Schools Act of 1994 requires that states and districts administer at least reading and math assessments annually. In addition to disaggregating scores by categories such as ethnicity and gender, schools must report the performance of children with disabilities separately from the performance of students without disabilities to allow analysis of student performance and identification of specific trends, as well as to hold schools and districts accountable for these students' education (Vohs and Landau 1999).

But, as with other aspects of special education, law and practice combine to create an often complex situation for schools. They must make and document two types of decisions concerning students with disabilities and large-scale assessments:

- Who will be exempted from taking the tests?
- What accommodations will be provided for students with disabilities who do take the tests?

Who Participates in Large-Scale Assessments?

In the chapter describing the IEP process and content, it was noted that two elements were required in the IEP if a decision was made *not* to have a student participate, or to participate with modifications:

- The IEP must state what accommodations or modifications in the administration of state or district achievement assessments are needed in order for the student to participate in the assessment.
- If the IEP team determines that the student will *not* participate in a particular state or district assessment (or a part of the assessment), the IEP must state why the assessment is not appropriate and how the child will be assessed.

Both decisions are very serious. Many states now require districts to provide data on the number of students exempted from required assessments or on those who take the assessments, but with accommodations. However, there has been little specific guidance provided, and inconsistencies are often found from state to state, district to district, and even school to school.

In their study of five districts implementing standards-based reform that included students with disabilities, McLaughlin, Henderson, and Rhim (1998) found a number of issues related to deciding which students would participate in large-scale assessments. Decisions to exempt a student from testing were influenced most often by the student's current academic achievement and how far below grade level he or she was in a particular subject. Administrators and faculty expressed concerns about damaging students' self-esteem, fears that testing students with disabilities would pull down a school's scores, and reluctance by some staff to be accountable for students with diverse learning needs.

Furthermore, the five districts in the study generally provided little guidance or accountability for how IEP teams or teachers decided upon specific testing accommodations for a student. Nor was there any mechanism for following through to see if

the accommodations were part of instruction or were even needed during assessment. Accommodations were frequently guided by the desire to help students do as well as possible on the tests, but decisions to make accommodations typically did not consider the validity of test results. The goal was to get the highest test score possible, often without considering how meaningful a high score was to the student or the teacher.

Testing Accommodations vs. Test Modifications

Steve Henry, President of the National Association of Test Directors, offers helpful distinctions between testing accommodations and testing modifications for students with disabilities.

Accommodations are alterations in test administration that do not change the underlying construct (math, reading, etc.) being measured. Accommodations ensure that the test measures the intended content and not the student's disability by changing only the format, response format, setting, or timing. For example, orally reading test directions or test items on a math test to a student with a learning disability in reading is an accommodation in presentation format. The rationale for the accommodation is to improve test validity for the student by ensuring that math skills, rather than reading skills, are tested. Testing accommodations still allow educators to make reasonable inferences from the test data about the student's skills and abilities (Henry 1999), and many states permit them.

However, accommodations are not the same as *modifications*. For example, orally reading entire passages on a reading assessment to a student is a test modification; it changes the construct being measured from reading comprehension to listening comprehension. Modifications result in some loss of information, and they compromise test validity. Consequently, test modifications severely threaten educators' ability to make inferences from the test data. Although it is sometimes reasonable to make test modifications for students, the data derived may only be used informally for instructional planning purposes, never for accountability purposes.

Publishers of major norm-referenced tests have begun to distribute lists of accommodations for specific tests that they believe would compromise test validity. Principals are urged to be cautious with these lists, since they lack consensus or consistency. Henry (1999) acknowledged that IEP teams are faced with difficult decisions; much ambiguity still surrounds what it means to provide appropriate accommodations, and good practices are just now evolving.

Henry (1999) recommended that schools use the following practices when deciding whether and how to use test accommodations for selected students:

- Make assessment and accommodation decisions on a student-by-student basis.
- Maintain a close link between instructional and assessment accommodations for each student.
- Provide staff development for IEP teams to improve their skill and judgment in making decisions about assessment and accommodations.
- Make the discussion of potential accommodations a standard part of the IEP process.
- Keep abreast of emerging research on assessment and instructional accommodations.
- Strive for consistency in accommodations between state and local assessments.
- Use logs or spreadsheets to maintain information regarding each student's accommodations.
- Compare the number and types of accommodations made in your school with those in similar schools.
- When schools employ testing modifications or accommodations that are thought to result in invalid assessments, principals should not include these test scores in their school's averages. However, do use the results for instructional planning.

Alternative Assessment

The 1997 IDEA amendments require an alternative assessment for students who the IEP team determines cannot participate in traditional district or state assessments even with accommodations. The most commonly used strategies for alternative assessment are performance assessment or a portfolio system aligned with the same content standards or curriculum as the regular assessments. The need for alternative assessments in place of regular assessments should only apply to small numbers of students with low-incidence and severe cognitive disabilities, approximately 2 percent of the population or 20 percent of students with disabilities (Thurlow and Johnson 2000).

Portfolios

Portfolios are organized, systematically collected evidence of student performance that are used by both the teacher and the student for monitoring progress. They may include a broad range of materials, from audio or video tapes of student performance, to checklists of skills the student has learned, to student journals and draft reports.

A portfolio is not merely an accumulation of a student's work, but is organized around a particular focus or guidelines. Bauer and Shea (1999), citing Swicegood, offer several examples of portfolios with different purposes:

- Goal-based portfolios provide a concrete view of a student's best work and of his or her growth.
- Activity-based portfolios demonstrate the range of learning experiences or activities in which the student has participated.
- Reflective portfolios provide a mechanism for the teacher and student to reflect on learning goals, including attitudes, knowledge, and strategies.
- Dialogue portfolios encourage discussion and collaboration among teachers and between the teacher and student.

A portfolio can easily be linked to the student's IEP by organizing the portfolio components to show progress toward IEP goals and objectives.

A Final Note on High-Stakes Assessments

The move toward including more students with disabilities has been a stressful one for many schools and faculties. These assessments are often used for public reporting and to hold schools accountable, and it is natural to worry about the effect that the scores of students with disabilities may have on a school's "average." However, it is likely that any future requirements will be in the direction of requiring more rather than less participation.

Principals can provide leadership by encouraging staff to use the assessment data when making instructional decisions about students with disabilities, by giving them opportunities to discuss ways in which to more closely align instruction for these students with the tests, and by encouraging them to develop acceptable accommodations and to give students time to practice using these.

Notes, Reminders, and Ideas:

Behavior Problems

Some issues addressed in this chapter:

- **Does IDEA allow schools to remove disruptive students from classrooms?**
- **What are the procedures that must be followed?**
- **What is a BIP? A "manifestation determination"?**
- **Are there "positive" approaches to discipline that have been successful?**

Applying discipline policies to students with disabilities is often a confusing and misunderstood process. A double standard seemed to exist when it came to disciplining students with disabilities and those without disabilities. When the principal or other school officials sought to suspend or expel a student with disabilities who exhibited serious inappropriate behaviors, the IDEA imposed additional legal protections for these students, including the "stay-put" provision, which protects students with disabilities from unilateral removal from their current IEP-established placements. In effect, these requirements sometimes made it difficult to remove students who were disrupting the learning process.

These special protections have their roots in historical biases against persons with disabilities, including misunderstandings about physical and mental conditions that result in problem behaviors. Fears that school officials might base their decision to suspend or expel students with disabilities on prejudice, misunderstanding, financial concerns, or other improper motives also prompted the inclusion of these special protections (Dayton and Arnau 1999).

When the double standard issue was challenged in court, the U.S. Supreme Court reaffirmed in a 1988 ruling that when enacting IDEA, Congress intended to remove from school officials the unilateral authority they once had to exclude students with disabilities, particularly those with behavior problems. However, the Court also acknowledged that school personnel could not be left powerless to deal with dangerous students. Consequently, the Court ruled that school officials could use disciplinary procedures and sanctions that did *not* result in a change of educational placement, including suspensions of up to 10 days (Osborne 1998). These court decisions have been codified in the 1997 IDEA amendments and give school officials greater flexibility to discipline students with disabilities whose misbehavior is serious enough to warrant more punitive interventions. The box on pages 66-67 summarizes discipline procedures required for students with disabilities under the 1997 IDEA amendments.

Discipline for students with disabilities must follow prescribed procedures, but no law or policy requires that any disruptive student, with or without a disability, must remain in a class (Rieck and Wadsworth 2000, 57).

Behavioral Intervention Plans

Behavior is a special factor to be considered when developing an IEP for a student with a disability. IDEA requires that IEP teams consider whether a student's behavior interferes with his or her learning or that of others. If it does, the team must devise a behavioral intervention plan (BIP) to proactively address a student's problem behaviors. A functional assessment of behavior (FAB) provides the basis for formulating a behavior intervention plan. The FAB is designed to analyze problem behaviors, to determine their function or purpose, and to develop interventions within the context of a schoolwide discipline program (Clark 1999). The observation form on page 68 can provide a useful starting point for this assessment.

Detailed information about conducting functional behavior assessments and creating positive behavioral intervention plans and supports is available at www.air.org/cecp/schools_special.htm.

The behavioral intervention plan should delineate expectations for the student's behavior, inappropriate behaviors, and positive and negative consequences. It should outline the disciplinary process to be followed, including intervention techniques, as well as procedures for handling behavioral crises (Yell and Shriner 1997).

IDEA-Required Discipline Procedures: 1997 Revisions to the IDEA

Prior to enactment of the IDEA amendments of 1997, the statute only specifically addressed the issue of discipline in a provision that allowed school personnel to remove a child to an interim alternative educational placement for up to 45 days if the child brought a gun to school or to a school function. The 1997 amendments incorporated prior court decisions and Department of Education policy that said:

- schools could remove a child for up to ten school days at a time for any violation of school rules as long as there was not a pattern of removals;
- a child with a disability could not be given a long-term suspension or expelled from school for behavior that was a manifestation of his or her disability; and
- services must continue for children with disabilities who were suspended or expelled from school.

In addition, the 1997 amendments:

- expanded the authority of school personnel regarding the removal of a child who brings a gun to school, to also apply to all dangerous weapons and to the knowing possession of illegal drugs or the sale or solicitation of the sale of controlled substances; and
- added a new ability of schools to request a hearing officer to remove a child for up to 45 days if keeping the child in his or her current placement is substantially likely to result in injury to the child or to others.

The Amendments also added new provisions that require schools to assess a child's troubling behavior and develop positive behavioral interventions to address that behavior, and that describe how to determine whether the behavior was a manifestation of the child's disability.

The final regulations incorporate the statutory provisions described above and provide additional specificity on some key issues:

Removals of Up to Ten School Days at a Time:

- The regulations clarify that school personnel may remove a child with a disability for up to ten school days, and for additional removals of up to ten school days for separate acts of misconduct, as long as the removals do not constitute a pattern.

Providing Services During Periods of Disciplinary Removal:

- Schools do not need to provide services during the first ten school days in a school year that a child is removed.

- During any subsequent removal that is for ten school days or less, schools may provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP. In cases involving removals for ten school days or less, school personnel, in consultation with the child's special education teacher, may make the service determination.
- During any long-term removal for behavior that is not a manifestation of a child's disability, schools must provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP. In cases involving removals for behavior that is not a manifestation of the child's disability, the child's IEP team makes the service determination.

Conducting Behavioral Assessments and Developing Behavioral Interventions

- Meetings of a child's IEP team to develop a behavioral intervention plan (BIP), or (if the child has one) to review the child's behavioral intervention plan, are only required when the child has first been removed from his or her current placement for more than ten school days in a school year, and when commencing a removal that constitutes a change in placement.
- If other subsequent removals occur, the IEP team members review the child's behavioral intervention plan and its implementation to determine whether modifications are necessary, and only meet if one or more team members believe that modifications are necessary.

Change of Placement; Manifestation Determinations

- The regulations provide that a change of placement occurs if a child is removed for more than ten consecutive school days or is subjected to a series of removals that constitute a pattern because they accumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
- Manifestation determinations are only required if a school is implementing a removal that constitutes a change of placement.

Source: *Provisions of Special Interest to Administrators: IDEA-Part B Final Regulations.* IDEA Partnerships. 1999. Full text available at www.ideapractices.org/regs/administrators.htm.

ABC OBSERVATION FORM

Student Name: _____

Observation Date: _____

Observer: _____ Time: _____

Activity: _____ Class Period: _____

Behavior: _____

ANTECEDENT	BEHAVIOR	CONSEQUENCE

Source: *Addressing Student Problem Behavior: Part 1—An IEP Team's Introduction to Functional Behavioral Assessment and Behavior Intervention Plans.* M.M. Quinn, et al. 1998.

ERIC Full Text Provided by ERIC

Suspensions and Expulsions

The principal cannot unilaterally change the "placement"—as defined by the IEP—of a student with disabilities. It is important to remember that expulsions and suspensions for more than 10 days constitute a change in placement. These changes may only be made by the IEP team, which includes the parent. Moreover, even with a change in placement, the student is still entitled to receive special education and related services. Students with disabilities may be suspended for 10 or fewer consecutive days for the same offenses that would result in the suspension of students without disabilities. In these cases, there is no requirement to provide educational services, but due process rights of notice and hearing are required.

The 1997 IDEA amendments no longer limit suspensions to a total of 10 cumulative days per academic year. Additional removals of no more than 10 consecutive days are permitted, but educational services must be provided to allow the student to make progress in the general education curriculum and toward achieving IEP goals. Because 10 days in a different setting constitutes a change of placement, additional suspensions warrant IEP meetings, parent approval, and stay-put provisions if the parent opposes the change. The stay-put provision means that the school district cannot change the student's educational placement without parental consent while administrative or judicial proceedings are ongoing (Osborne 1998).

After the 10 days of suspension have been fulfilled, and if the IEP team anticipates additional removal, the team must review and possibly modify the behavior intervention plan before further suspension can take place. If there is no BIP, the team is required to devise a plan to functionally assess the student's behavior and use that information to develop behavior interventions and then begin implementing the plan.

It is critical for principals to understand that failure to recognize a student's potential for behavior problems and the need to develop a Behavioral Intervention Plan after the first ten days of suspension could constitute a violation of Free Appropriate Public Education if the suspension proceeds without this step.

If a BIP is in place, the IEP team must review the plan before suspension can occur. If the plan is ineffective, the team must amend the plan to address the student's behavior. Additionally, the team also must conduct a manifestation determination (discussed on page 71), which may prohibit the further use of suspension altogether (Clark 1999).

ERIC

Interim Alternative Educational Settings (IAES)

The 1997 IDEA amendments, in response to heightened concerns over school violence, weapons, and drugs, provided school officials with additional authority to change the placement of special education students who: 1) carry weapons, 2) are involved with drugs, or 3) pose a danger to themselves or others. A weapon is defined as a firearm or other substance, material, instrument, or device capable of inflicting harm. This definition does not include small pocketknives (Osborne 1998). In these situations, the principal, and not the IEP team, may order a change in the placement of a child with a disability to:

- an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to students without disabilities); and
- an appropriate IAES for the same amount of time that a child without a disability would be subject to discipline, but not more than 45 days if the child carries a weapon to school or to a school function and/or the child knowingly possesses, uses, solicits, or sells illegal drugs or controlled substances while at school or a school function.

In the case of a child with disabilities whose behaviors are so disruptive that they present a danger to him/herself, the principal may request that a hearing officer place the child in IAES. In contrast to the evidence of weapons or drugs, determining whether a child is likely to cause injury to him/herself or others is subjective, thus the law requires a neutral hearing officer to make that determination (Dayton and Arnau 1999). These three circumstances (weapons, drugs, pose a danger to themselves or others) are the only exceptions to the stay-put provisions. What this means is that if the parents of a student placed in an IAES under one of these situations request a due process hearing, the IAES becomes the student's current placement. In other words, the student remains in the IAES for the duration of his or her hearing (Yell and Shriner 1997).

This statutory change expands the authority of hearing officers, as previously only the court could order such changes in placement. School officials still maintain the burden of proof for demonstrating that keeping a student in his or her current educational placement is substantially likely to result in injury to the student or others. School officials must also demonstrate that they have taken reasonable measures to minimize that risk in the student's current educational placement (Osborne 1998). IDEA regulations issued after the 1997 reauthorization further clarify that while an interim alternative educational placement may not exceed 45 days, extensions of additional 45 days may be repeated as necessary to avoid a dangerous placement (Dayton and Arnau 1999).

Although the principal may initiate the change in placement under these conditions, the IEP team is responsible for determining the IAES where the student will be assigned. The requirements regarding an IAES do not rule out the use of homebound placements. However, because an IAES must allow the student to continue participating in the general education curriculum with special education and related services as designated in the IEP and to meet IEP goals, homebound placements are not the most ideal IAES option. Alternative placements could also include self-contained classrooms, alternative schools, special day schools, or other settings (Yell and Shriner 1997).

The IEP must also address the behavior that resulted in the student's removal to the IAES by providing services and modifications designed to prevent the student's behavior from recurring. Teaching appropriate behaviors is critical to the successful placement of the student in an IAES. As with any removal accruing more than 10 days per school year, no later than 10 days after the decision to place the student in an IAES, the IEP team must conduct a functional assessment of behavior and develop a behavior intervention plan, or review and modify an existing BIP. A manifestation determination (see below) is required no later than 10 days after removal (Clark 1999).

Manifestation Determination: Is the Problem Behavior a Result of the Disability?

If the IEP team is considering additional suspension beyond the initial 10 days, expulsion, or an interim alternative educational placement, and the BIP has been reviewed and modified, a manifestation determination is required. The IEP team or other qualified persons must make the manifestation determination; it cannot be made unilaterally by the principal or other school disciplinarian.

The entire IEP team, including the parent, must ascertain whether the student's behavior was a manifestation of the disability. The determination must take place no more than 10 days after the date on which the decision to take action is made, but IEP teams are advised to act promptly. The manifestation determination consists of a review of evaluation/diagnostic reports, observation of the student, and parent input. The team uses these data to consider whether:

- the child's IEP and placement were appropriate;
- all necessary special education services, supplementary aids and services, and behavior interventions were provided;

- the child's disability impaired his or her ability to understand the consequences of his or her behavior; and
- the child's disability affected his or her ability to control the behavior.

If, after its review, the team determines that the student's behavior was *not* a manifestation of his/her disability, the disciplinary action may proceed in the same manner as applied to students without disabilities. If the student's parents disagree with the results of the manifestation determination, they may request an expedited due process hearing. During the hearing, the student remains in the interim alternative educational setting (Yell and Shriner 1997).

If the behavior *is* determined to be a manifestation of the student's disability, then steps must be taken to remedy deficiencies in placement, including the IEP and BIP. The student remains in his or her original school placement unless there exists the threat of danger to the student or others (Clark 1999).

Reporting to Law Enforcement Agents or Juvenile Authorities

IDEA does not prohibit principals from reporting crimes to the police or juvenile authorities. When principals report crimes committed by students with disabilities, copies of special education and disciplinary records must be transmitted to authorities. Doing so does not violate confidentiality provisions of the Family Educational Rights and Privacy Act, and parental consent is not required for releasing student records to correctional facilities or school attorneys (Clark 1999; Dayton and Arnau 1999).

Zero Tolerance Policies

The Gun-Free Schools Act of 1994 required every state to enact legislation that authorized public school officials to expel students who bring guns to school. With the impetus provided by the 1999 Columbine High School tragedy, many school districts adopted "zero tolerance" policies that target weaponry and drugs in schools. Students with disabilities are protected by IDEA against expulsion under a zero tolerance policy for more than 10 consecutive days or the equivalent in terms of a cumulative pattern, although districts may proceed to expulsion if the misconduct was not a manifestation of the student's disability. However, the student is still entitled to continue to receive special education and related services (Zirkel 1999).

Heading Off Problem Behaviors: Positive Schoolwide Approaches

IDEA's discipline procedures are reactions to problem behaviors. Of course, it is preferable for principals and school faculty to be proactive and preventive in

their efforts to avoid problem behaviors in the first place. This can be accomplished by investing time and energy in developing a schoolwide discipline program that emphasizes expectations for desirable behaviors rather than focusing on students' undesirable behaviors.

The principal should assist teachers, school staff, and students with developing schoolwide expectations for behavior. Often, individual teachers are left to develop their own rules and expectations without schoolwide guidance, which results in inconsistencies that students use to their advantage. Thus, instead of discipline being a shared responsibility, the principal is left to manage discipline problems and misbehavior.

Preventative Discipline Strategies that Work

Researchers at six universities, in partnership with schools using a variety of school-based prevention practices, studied the programs and their effects over a six-year period. They consistently found one factor in schools successfully implementing a schoolwide approach:

> First and foremost, **administrators are key to making prevention work** [emphasis in the original]. Their role is twofold: providing an environment that fosters positive behavior and making available specialized support and services that can interrupt cycles of negative behavior.

They also identified the three primary components of promising prevention programs:

- Prevention in the classroom (positive behavior management, social skills instruction, and academic enrichment)
- Schoolwide prevention (unified discipline approach, shared expectations for socially competent behavior, and academic enrichment)
- School-family-community linkages (parent partnerships and community services.

Source: *Prevention Strategies that Work: What Administrators Can Do to Promote Positive Student Behavior.* Center for Effective Collaboration and Practice. 1998. Online: www.air.org/cecp/preventionstrategies/prevent.pdf.

Brock (2000), although talking specifically about students with attention deficit disorders, provides suggestions that would also be helpful in dealing with problem behaviors of children with a variety of disabilities. He suggests that, instead of focusing on the symptoms of the disability:

> Management should first target the specific problem behavior. Next, an alternative behavior, incompatible with the problem behavior, should be selected. It is important to keep both behaviors in mind. Not only do we want to make it clear to students what behavior is unacceptable (what we don't want them to do), we also want to make it clear what behavior is acceptable (what we want them to do). These behaviors should be carefully defined so that the teacher will be able to accurately monitor them....[Both] antecedents and consequences of both the problem and replacement behaviors need to be studied.

In Brock's view, the analysis of "antecedents" may identify factors in the school environment that "set up the child for success or failure." Carefully studying what happens *after* the undesirable behavior (for example, the student typically avoids an unpleasant task by misbehaving) may help also the teacher to break the link and so discourage the misbehavior. Rather than engaging in no-win power struggles that are demeaning to both individuals, effective behavior programs take a broader approach and offer multiple positive ways that students can get their needs met, internalize control, and maintain their dignity.

Students with behavior problems need positive role models, structure, and specific behavior plans based on natural consequences. They need to be taught new behaviors to replace the undesirable ones. Doing so takes a lot of teamwork, flexibility, and determination on the part of all school staff members (Van Dyke, Stallings, and Colby 1995; Whelan 1996).

Algozzine et al. (2000) describe what they term a "unified discipline" approach in which both expectations and responses to infractions are consistent across the school. It is particularly important for children with learning disabilities to experience the same rules of behavior in different classrooms, so that they "learn that what happens when they misbehave is procedural, not personal" (2000, 44). Staff development is provided to help all staff learn which specific behaviors and verbal responses to use in response to misbehavior, with consistency of response a key element.

Some suggested strategies for schoolwide approaches include:

- Create a consistent and safe environment, a place of community where everyone belongs.
- Provide students with choices, structure, and predictable routines.
- Create a sense of control. All children strive to feel a sense of control in their lives.

- Allow students to be involved in determining school rules and in holding each other accountable for following them.
- Give students opportunities to be involved in decision making.
- Teach students their rights and responsibilities in schools.
- Encourage cross-age tutoring that allows older students to help younger students who are experiencing difficulty.
- Develop interventions that help students learn positive ways of relating to others.
- Create a responsive interpersonal skills curriculum that focuses on enhancing interpersonal relationships, listening skills, goal setting, following directions, responding to peers, problem solving, managing and using anger in constructive ways, learning self-control, and accepting consequences related to inappropriate behaviors.

Classroom Management Strategies

In addition to aligning classroom rules with school rules and expectations, teachers might consider these classroom management strategies:

- Instructional grouping should match the academic goals to be achieved and the socialization skills students need to develop. This includes knowing when to use whole-group instruction, when to form small groups including the use of heterogeneous cooperative learning groups, and when to adjust groups as students move through learning tasks.
- Use time for learning efficiently. Disruptive behaviors are reduced when downtime and off task time are kept to a minimum and when transitions between activities run smoothly.
- Communicate and practice classroom routines, and model high standards for social behaviors (Whelan 1996).

In their study of students with behavior disorders participating in inclusive classrooms, Mills and Bulach (1996) found that collaborating teachers who developed a well-thought-out discipline plan that emphasized positive expectations for behavior had fewer behavior problems.

Keys to Effective Schoolwide Discipline for Students with Disabilities

Included in a brief description of schoolwide approaches to behavior published by the U.S. Office of Special Education Programs are "key principals of practice" that were identified as providing strong support for minimizing behavior problems by students with disabilities.

- Safe schools develop and consistently enforce schoolwide rules that are clear, broad-based, and fair.
- Effective schoolwide behavior systems are simple, proactive, positive, and applied consistently across all school settings.
- Rules and disciplinary procedures are developed collaboratively by school staff, families, students, and community representatives. Rules for student behavior should be posted throughout the school and should be referenced and reinforced frequently by all staff.
- Schoolwide disciplinary policies include a code of conduct, specific rules, and consequences that can accommodate student differences.
- Effective schoolwide approaches ensure that the cultural values and educational goals of the community are reflected in the rules.
- Supports are provided throughout the school and within classrooms to implement the rules.
- Schoolwide programs can incorporate peer mediation and conflict resolution to promote a climate of nonviolence.
- Safe schools evaluate the physical environment to ensure that the campus is safe and secure.
- Students know and can explain expectations for behavior as well as the incentives and consequences associated with adherence to or violation of those expectations.

Source: *Schoolwide Approaches to Behavior.* U.S. Office of Special Education Programs. 2000.

Summary of IDEA Discipline Regulations

✔ **Behavior Management Strategies:** Schools may use a variety of behavior and conflict management strategies, including student carrels, time-out, restrictions on privileges, etc.

✔ **Obtaining Parental Agreement:** If the principal can obtain parental consent for placement changes or other appropriate behavior management strategies, the IDEA limitations on disciplinary actions are usually not triggered.

✔ **Unilateral 10-Day Removal:** The principal may unilaterally remove a student for up to 10 days for misconduct. No services are required, and no manifestation determination is necessary.

✔ **Subsequent 10-Day Removals:** IDEA regulations clarify that there is no absolute limit on the total number of days that a student may be removed for separate incidents of misconduct, as long as no single removal exceeds 10 days per year and there is no pattern of removals. Factors considered in determining whether there is a pattern of removals include the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. However, schools must provide services to the extent necessary to allow the child to make appropriate progress toward IEP goals. School personnel make this service determination in consultation with the child's special education teacher. Manifestation determinations are only required when a child is subjected to a disciplinary change of placement.

✔ **Long-Term Suspensions and Expulsions:** Students may be suspended long term or expelled for misconduct that is not a manifestation of the student's disability.

However, any removal beyond 10 days constitutes a change in placement, triggering IDEA due process protections. Further, schools must continue to provide a FAPE to these students. For removal beyond 10 days, the student's IEP team determines what services are necessary to provide a FAPE.

✔ **45-Day Removals:** The principal may unilaterally remove a student to an alternative educational placement for up to 45 days for possession of weapons or drugs.

✔ **45-Day Removals for Dangerousness:** The principal may ask a hearing officer to remove a potentially dangerous student to an alternative educational placement for up to 45 days by presenting "substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others." The 1999 IDEA regulations state that "substantial evidence" means "beyond a preponderance of evidence."

Additional 45-day extensions may be repeated as necessary to prevent a dangerous placement.

✔ **Obtaining a Court Order:** The principal may obtain a court order for a removal or change in placement of a student who presents a serious danger to either him/herself or others.

✔ **Reporting Crimes:** The principal may report students suspected of committing crimes to juvenile authorities or other law enforcement agents, who have a duty to enforce criminal laws, and are not bound by IDEA limitations.

Notes, Reminders, and Ideas:

Staffing Issues

Some issues addressed in this chapter:

- **What supports for teachers are needed with an inclusive program?**
- **What can a principal do to increase retention of special education staff?**
- **What are some ways to help paraprofessionals be more effective?**

Professional Development to Support Inclusive Schools

Two concerns are commonly expressed by teachers implementing collaborative teaching models in inclusive schools: lack of opportunities to develop new collaborative teaching skills, and limited classroom support as they adjust to their new roles. Teachers are accustomed to working alone and seldom have opportunities to discuss, plan, and participate in ongoing projects with other adults. Thus, most teachers are ill-prepared to take on new roles as collaborators and co-teachers (Walther-Thomas, Bryant, and Land 1996).

Therefore, a good first step for schools that want to increase the success of their inclusive programs is to encourage teachers and administrators to participate in classes, seminars, workshops, conferences, etc., on cooperative teaching. Although desire and motivation is important for successful implementation, the teachers involved will also need to acquire new skills (Ripley 1997). Enhancing teacher effectiveness, whether general or special education, requires more than just technical skill and

mastery of content. It also requires a broader definition of teacher roles that includes fluency in multiple theories, creative problem solving, reflective and inquiry-based teaching, self-management, and ongoing professional growth (Ferguson 1997). To support inclusive schools, McGregor et al. (1998) identified professional development approaches that principals should consider:

- professional development activities involving collaborative interdisciplinary teams including parents, paraeducators, and professionals;
- ongoing support for implementation of new practices, including peer coaching, on-site mentoring, linking with schools experienced in implementing the innovation, and networking with subject and grade-level colleagues; and
- providing opportunities to practice and pilot new practices to inform the planning process and guide the design of future activities.

Specific topics for professional development that supports inclusive schools might include the following.

Collaboration and teaming: Models for inclusive schools are based on some form of collaboration and teamwork. For teachers accustomed to working alone, this is a new experience. Shifting from a single-teacher approach to collaborative models of support and service are associated with periods of uncertainty as teachers adapt to new roles and develop new relationships.

Instructional strategies to accommodate diverse learners: Professional development builds on and brings together a mutual understanding of the perspectives of general educators' and special educators' training and orientation. Practices that provide options for accommodating diverse learners are growing. They include: differentiated instruction; constructivist models; integrated, thematic instructional approaches; cooperative learning; peer tutoring; and curriculum based on multiple intelligences theory. Reflection and careful consideration of these issues is incompatible with traditional inservice approaches that rely on didactic, episodic approaches to information sharing. Faculties also need to adopt strategies that are consistent with their values, context, and beliefs.

Problem solving: Inclusive educational practices require people to work together to create opportunities and solutions that maximize the learning experiences of all students. Problem solving relies upon the expertise, creativity, and contextual knowledge of teachers within a school setting (McGregor et al. 1998).

Preventing Burnout of Special Education Teachers

It is well documented that special education teachers leave the profession at higher rates than general education teachers, and there is currently a shortage of

qualified special education teachers (Brownell and Smith 1992; Whitaker 2000). These two situations, combined with the increasing numbers of students identified for special education, pose a major problem for schools.

In studies of special education teacher attrition and job satisfaction, the principal's personal philosophy about special education programs and students with disabilities was reported to make a huge difference to the teachers. *Positive relationships with principals were key to their job satisfaction* (Brownell and Smith 1992; Crutchfield 1997; Gerston et al. 1995).

Special education teachers who expressed dissatisfaction with their job complained that their principal:

- lacked understanding of what special education teachers do in their classrooms;
- failed to recognize teachers' work challenges and accomplishments;
- provided inadequate levels of assistance with specific problems such as discipline or integration; and
- was reluctant to involve general education teachers in determining the shape of the school's special education program.

Special education teachers also frequently felt excluded from their school's day-to-day operations. Many of the reasons that special education teachers leave the field appear to be related to their ambiguous and isolated roles within traditional school settings, including:

- **Class size/high caseloads:** Teachers overwhelmed with large numbers of students with diverse learning needs may believe their instructional effectiveness is greatly reduced.
- **Role conflict:** The dual system of general and special education may create significant differences in role expectations. For example, special educators may believe their primary function is to assist and collaborate with general education teachers in successfully including students. General education teachers may see special educators as solely responsible for special needs students. Especially when administrative support is perceived as minimal, such role conflict may be a source of stress.
- **Role overload:** Teachers expressed frustration with the diversity of the special education population, problems with disciplining students, high caseloads, legal mandates that necessitate excessive paperwork and meetings, and lack of adequate resources and support to meet students' needs.

- **Lack of job support:** Lack of support from administrators, general education teachers, and parents was the most frequently cited reason for special education teachers leaving the classroom. Administrative support has a profound influence on special education teachers' decision to stay or leave.
- **Lack of collegiality:** Opportunities for collaboration with colleagues are positively correlated with teacher satisfaction and retention. Non-supportive general education colleagues and professional isolation influence special education teachers to leave teaching.

Various service delivery structures and categorical vs. non-categorical programming are also factors that influence special education teachers' decision to leave the classroom. Teachers in self-contained classrooms are at greater risk for attrition than their counterparts in resource rooms since they may experience more professional isolation from their peers. Preliminary data suggest that working in an inclusive educational setting where general education skills and knowledge can be more readily used may enhance job satisfaction and stability. Scott and Smith (1987) found that teachers who work in a collaborative setting reported enhanced levels of enjoyment and also perceived themselves as more effective in delivering instruction.

Special education teachers need to feel that they and their students are a part of the school, and, as professionals, that they are supported by their principals and appreciated by their colleagues. They need to feel they are making a difference. Inclusive school models have the potential to address concerns, such as these, that can lead to special education teachers leaving the classroom and the profession.

Paraprofessionals—Critical Members of the Team

Paraprofessionals can be a vital part of the instructional team for children with disabilities, and the 1997 IDEA amendments emphasized their importance. "Paraprofessionals often deliver vital services to students with exceptional needs and/or give important feedback to the special education teacher concerning the students' progress, as well as provide other support services to school staff. Additionally, IDEA now requires that paraeducators be appropriately trained and supervised to assist in the provision of special education and related services to children with disabilities" (Council for Exceptional Children 1998).

The Paraeducator Project, an initiative funded by Washington State's Office of the Superintendent of Public Instruction, Special Education and coordinated by the Washington Education Association, was established to assist in the development of competencies and related inservice training strategies for paraeducators/paraprofessionals working in special education. The 14 "core competencies" identified include:

- understanding the value of providing instructional and other direct services to all children and youth with disabilities;
- understanding the roles and responsibilities of certificated/licensed staff and paraeducators;
- knowledge of a) patterns of human development and milestones typically achieved at different ages, and b) risk factors that may prohibit or impede typical development;
- ability to practice ethical and professional standards of conduct, including the requirements of confidentiality;
- ability to communicate with colleagues, follow instructions, and use problem solving and other skills that will enable the paraeducator to work as an effective member of the instructional team;
- ability to provide positive behavioral support and management;
- knowledge of the legal issues related to the education of children and youth with disabilities and their families;
- awareness of diversity among the children, youth, families, and colleagues with whom they work;
- knowledge and application of the elements of effective instruction to assist teaching and learning as developed by the certificated/licensed staff in a variety of settings;
- ability to utilize appropriate strategies and techniques to provide instructional support in teaching and learning as developed by the certificated/licensed staff;
- ability to motivate and assist children and youth;
- knowledge of and ability to follow health, safety, and emergency procedures of the agency where they are employed;
- awareness of the ways in which technology can assist teaching and learning;
- awareness of personal care and/or health related support (Paraeducator Project Advisory Group Implementation Considerations Subcommittee Undated).

Related information is available at the Council for Exceptional Children Web site (www.cec.sped.org/ps/paraks.htm). Information is also provided on the Washington State site about specific standards developed to explain and support each of the competencies. The intent is for the competencies and standards to provide direction for schools and districts as they hire paraprofessionals and design development opportunities for them.

Vasa and Steckelberg (1997) stress the importance of periodically evaluating the performance of paraeducators and provide the checklist reproduced on page 85 to use when observing a paraeducator conducting an instructional activity. The observation should be followed by a discussion between the supervisor and the paraeducator, with goals developed that might include suggestions for development opportunities.

French (1997) suggests that developing a brief written plan for paraprofessionals providing services to students identified as eligible for special education can do much to align these services with the IEP. The sample form included on page 86 can be used to describe the short-term plan for an individual student. A similar approach could be taken to provide guidance for a paraprofessional working with small groups of students.

Notes, Reminders, and Ideas:

Evaluating Paraprofessionals: An Observation Checklist

Name_____

Date _____ Activity _____

Skills	Well Developed	Needs Improvement	Comments
Prepares for the session			
Establishes rapport with student			
Gives clear instructions			
Uses appropriate questions and cues			
Uses materials effectively			
Keeps lesson focused on objective			
Keeps student on task			
Gives appropriate feedback to student			
Uses reinforcement effectively			
Records student responses			
Follows lesson as planned			
Stays on task and uses allotted time effectively			

Source: Adapted from *Paraeducators in School Settings: Administrative Issues.* Stan Vasa and Allen Steckelberg. 1997. p. 246.

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Sample Lesson Plan Including Expectations for the Student and Related Paraprofessional Tasks

Student: _____

Date of Plan: _____ Duration of Plan: _____

1. IEP objectives:

•

•

•

•

General class topic or skill being presented:

_____

2. General class tasks:

•

•

•

•

3. Expectations for _____ (student)

•

•

•

•

4. Paraeducator tasks:

•

•

•

•

ce: Adapted from "Management of Paraeducators." In *Supervising Paraeducators in a School Setting: A Team oach.* N.K. French. 1997.

Working with Parents

Some issues addressed in this chapter:

- **How do parents of students with disabilities commonly feel about schools?**
- **What are some strategies schools can use to build effective relationships with parents?**

Parents of a child with a disability experience many difficulties and challenges, particularly if the disability is severe. A child with a disability can have profound effects on the family as a whole, which can lead to a great deal of stress, anxiety, and frustration. Some parents are able to cope and to successfully adapt; others may not. Sometimes parents have strong feelings of guilt and may blame themselves or each other for having a child with a disability. Or they may blame physicians or other professionals, including teachers and administrators.

Working with parents of students with disabilities can be rewarding, but it can also be frustrating. IDEA guarantees parents substantial input into decisions about their children's education. In addition, many parents of children with disabilities are well informed and knowledgeable about special education law and their children's rights. Some parents will do everything they can to get their child into special education, even when it is not warranted. Other parents have difficulty accepting that their child has a disability. Parents must agree with all IEP and placement decisions, and when they do not agree, school personnel sometimes view them as adversaries rather than allies.

IDEA clearly states that teachers, principals, and other school personnel must communicate with parents regarding the education and implemented programming for their children. Specific education programs must be developed in concert with the interests and desires of parents. Unfortunately, this has not always been the case. Parent-identified barriers to the IEP process included: problems with transportation,

Conference Format for Effective Communication

Bos, Nahmias, and Urban (1999) quote a parent of a fourth-grade boy with ADHD: "One key to my child's success is the consistency that his teacher and I have through regular communication." They suggest that this communication can often begin with a brief and very targeted conference that ensures parents and school staff understand each other. The meeting both begins and ends with very specific information, provides time and a format so that both sides are contributing to the plan or solution, and focuses the communication on solving a problem:

1. Identify Task Headline (2 minutes). Sentence, positively stated, about a concern or problem.
2. Analyze the Problem (3-5 minutes). Why is it a concern? Give a brief history. Whose responsibility? (teacher, parent, student) What has already been used or thought about to handle the problem? Is it similar at home and school?
3. Clarify Specific Goals (2 minutes). I wish..., I want to..., How do...? Select one or two statements for discussion.
4. Brainstorm (8 minutes). Generate, write, and clarify possible solutions.
5. Select Solutions and Make a Plan (10 minutes). Teacher and parent select preferred solution(s) and specific way(s) to implement.
6. Follow-Up and Ongoing Support (3 minutes). Specify times for follow-up and collaboration.

It is more productive if the "task headline" has a fairly narrow focus, since this both makes the "solutions" more manageable and increases the opportunity for success. For example, one task headline was "develop a plan for Kenny to stay in his seat and complete his work."

problems dealing with differing opinions, an inability to understand the school system, feelings of inferiority, and uncertainty about their child's disability (Lovitt and Cushing 1999).

In their study of the perceptions of parents of students with disabilities, Lovitt and Cushing (1999) found that parents understood the importance of shared communication and collaboration among teachers. However, parents were sometimes surprised to learn that some regular education teachers had not been informed of their children's unique educational needs or that there was often too little time for regular and special education teachers to communicate.

School personnel often assume that parents who do not interact with them do not care about their child's education. However, since communication was often negative, parents assumed that any communication from the school meant their child was in trouble, making them less interested in initiating communication. Parents may feel alienated from schools for a variety of reasons. One is their own negative school experiences, such as dropping out of school and lacking confidence when in school. Parental lack of participation also springs from diverse economic and time constraints, parents whose jobs don't allow them to attend evening school programs or meetings during the day; and diverse linguistic and cultural situations, such as lack of fluency in English. Schools can promote more active parent involvement by:

- scheduling and structuring parent interactions to minimize discomfort for them (see guidelines for conferences on page 91);
- clarifying for parents how they can help;
- encouraging them to be assertive;
- developing trust;
- building on home experiences; and
- using parent expertise.

Lovitt and Cushing (1999) also suggested that schools consider the following strategies for communicating with parents and encouraging their participation in their child's education.

- Ensure that parents assist in identifying IEP goals. Parents should take part in IEP meetings and take an active role in setting goals that the parents can support financially, physically, and in other respects.
- Ensure that parents know about and understand their rights, privileges, and due process.
- Inform parents of their child's progress and method of evaluation.

- Inform parents about major trends and issues in education.
- Ensure that parents know about other "helping" agencies.

All but one of these strategies is included in the 1997 IDEA amendments, yet they continue to be issues for parents, which perhaps suggests that some school personnel do not understand their legal obligations to parents of students with disabilities. Moreover, mere compliance with the law should never be the sole foundation of the school-parent partnership. A genuine parent-school relationship is premised on mutual respect and the desire to provide the best education possible for the student with a disability.

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Making the Most of Parent-Teacher Conferences

Children's school success is greatly influenced by teachers and parents working together. Parent-teacher conferences offer great opportunities for building trust, information sharing, and mutual planning. Here are some suggestions for both parents and teachers to help address the needs of their children:

For Parents:

- ☐ Keep good records of previous conferences and educational decisions. Review these records before attending conferences and be prepared to share them with school personnel.
- ☐ Be ready to share your observations about your child's academic progress, noting the circumstances and strategies that have been successful in the past.
- ☐ Write down any questions you have before entering the meeting. Sharing them in advance may help school personnel provide more complete answers in a timely manner. These questions should be geared towards gaining greater understanding of your child's problems and how to address them in the school setting.
- ☐ Be a good listener and participate in the meeting with an open mind, knowing that you are all there to facilitate school success for your child.
- ☐ Keep careful and detailed notes at the meeting and don't be afraid to ask for clarification if you do not understand something that was said.
- ☐ Appreciate that teachers must juggle the unique needs of many students. Offer your assistance in making suggestions that will work, given the realities of the school and the classroom.
- ☐ Acknowledge that the major motivation for success must come from your youngster. Work with teachers to keep expectations high and to nurture an enthusiasm for learning.

For Teachers:

- ☐ Write down your questions. Parents see their child's behavior in a way that you do not.
- ☐ Listen well and try to avoid being defensive. This will enhance your ability to work cooperatively with parents.
- ☐ Use the opportunity to learn as much as you can, because your perspective on the student will be enhanced by additional information that only parents can supply.
- ☐ Remember that parenting is not easy. Be patient with your expectations. Parents have had less formal training for their role than you have had for yours.
- ☐ Explore avenues for improving your skills and understanding of managing and teaching individuals with learning disabilities. Seek out individuals and organizations that can provide information and steer you to some help.
- ☐ Share ideas for the child's improvement, so that parents can have input into the process.

Every parent-teacher conference should conclude with a mutually agreed-upon plan for the next steps. These might include setting times for further consultation by phone or in person. Each person should summarize their understanding of their own role in the strategy before parting.

Source: *Making the Most of Parent-Teacher Conferences.* National Center for Learning Disabilities Web site. Undated. Online: www.ncld.org/tips/tips15.htm. Used with permission.

Notes, Reminders, and Ideas:

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Summing Up: Some Thoughts for School Leaders

While this *Essentials* was written to provide school leaders with information they need to develop and maintain an effective special education program, it does something else as well. It highlights the complexity of the issues that make up special education.

Many of these issues are legal ones, focusing on the law and what it means for schools. Other issues are educational, asking what programs or approaches seem to hold promise for helping students with disabilities reach their maximum potential. Staffing issues—including efforts to find, retain, and adequately prepare staff to deal with an increasingly heterogeneous student population—also need to be addressed on a daily basis. Efforts to build always-important relationships between schools and the families they serve are even more critical when the children involved have special needs. Finally, schools must find ways to provide safe, nonthreatening environments for their students and staff.

A school cannot successfully address all these issues unless the principal and other key staff members are knowledgeable about both the law and effective instructional practice. And specifically since the issues *are* so complex, planning, communication, and collaboration are also key strategies. These elements are emphasized in IDEA.

To return to the complexities involved with developing and managing an effective and legally sound special education program, the best advice might be to review your current practices and then select only a few to study and improve. For example, ask yourselves what aspect of the special education program—development of IEPs, collaboration between regular and special education, or discipline problems—currently seems most in need of attention. Focus on that, using this *Essentials* and the

online materials listed in it as resources that can help your school to improve its practice.

As the school leader, you can provide the structure and support needed for these efforts. It is worth reemphasizing a point that was made in a previous chapter: Special education teachers reported that *positive relationships with principals were key to their job satisfaction*. Supportive principals understand the importance of providing the time and encouragement needed by regular and special education teachers who are engaged in developing new approaches to working together—and to providing education to all students. Your efforts and your knowledge are critical.

Notes, Reminders, and Ideas:

Online Resources

Center for Effective Collaboration and Practice
www.air.org/cecp/schools_special.htm

This site, which focuses on improving services for children and youth with emotional and behavioral problems, includes a variety of resources on addressing problem behaviors. Posted for download are reports such as *Prevention Strategies that Work: What Administrators Can Do to Promote Positive Student Behavior* and *Addressing Student Problem Behavior*. There is also detailed information on conducting functional behavior assessments and developing behavioral intervention plans.

Children and Adults with Attention-Deficit/Hyperactivity Disorder
www.chadd.org/

An advocacy group that provides resources such as a series of ADHD fact sheets, a position paper on school discipline, articles from the organization's most recent journal, and frequently asked questions and answers.

Council for Exceptional Children
www.cec.sped.org/

Association that hosts the ERIC Clearinghouse on Disabilities and Gifted Education and the National Clearinghouse for Special Education Careers. Includes a wealth of information such as the topical brief, "A Curriculum Every Student Can Use: Design Principles for Student Access" and an array of short overviews (ERIC Digests) on special education-related topics.

Council of Educators for Students with Disabilities, Inc.
www.504idea.org/

This company, a provider of 504 and IDEA-related training, also posts a variety of downloadable resources including an "Overview of Section 504" and "The Down and Dirty of the Special Education Process: The Basic Questions Every Campus Administrator Should Ask at an ARD Committee Meeting."

Educational Research Service
www.ers.org

This nonprofit group serves the research and information needs of K-12 education leaders. Posted on the site is *Special Education Law: A Review and Analysis,* which was written specifically for school administrators.

E-News
www.edc.org/urban/enews.htm

An electronic newsletter designed to keep individuals informed of new developments in urban education and inclusive schooling practices in urban schools. In particular, E-News includes brief items of interest focused on the projects of the National Institute for Urban School Improvement and other organizations engaged in similar work, current research, upcoming conferences and events, new online and off-line products and resources, and other news happening in the field.

IDEAPractices Web site
www.ideapractices.org

Funded by the U.S. Department of Education's Office of Education and Rehabilitative Services. The site includes information about the law, "ideas that work," and resources on topics such as the IEP process and inclusion. Materials available for download include a guide to developing educationally relevant IEPs and training packages on the law.

LD Online, a guide to learning disabilities for parents, teachers, and children
www.ldonline.org

Provides a free electronic newsletter, articles reprinted from journals that can be printed or "mailed to a friend," and other resource information such as "Helping Young Children with Learning Disabilities at Home."

National Center for Learning Disabilities
www.ncld.org

Excellent source of easy-to-understand information that can be printed directly from the web site. Examples include a Learning Disabilities Awareness Checklist, "Effective Parent-Teacher Partnerships," "The IEP—Tips for Parents," and "Parents: Helping Yourself and Your Child." An option is also provided to order free publications.

National Association of School Psychologists
www.naspweb.org

Makes two helpful publications available on their Web site, one on attention problems and one titled "Behavioral Interventions: Creating a Safe Environ-

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ment in Our Schools." The resources can be ordered or downloaded at no charge (click on the title) at www.naspweb.org/center/orderform.htm.

National Information Center for Children and Youth with Disabilities
www.nichcy.org

Site includes a list of frequently asked questions with answers and provides pointers to Web sites with additional information. Also posted are fact sheets on topics such as ADD, as well as longer resource documents and parent guides in English and Spanish, all of which can be downloaded and printed.

Office of Special Education Programs
www.ed.gov/offices/OSERS/OSEP

Resources currently available for downloading include *A Guide to the Individualized Education Program*, fact sheets on topics related to children with disabilities, the *Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act,* executive summaries of three learning disabilities research syntheses, and a training kit on IDEA.

Paraeducator Support of Students with Disabilities in General Education Classrooms, a project of the Center on Disability and Community Inclusion at the University of Vermont
www.uvm.edu/~uapvt/parasupport/

Available for download are an article, "Developing a Shared Understanding: Paraeducator Supports for Students with Disabilities in General Education," and the report, *A Guide to Schoolwide Planning for Paraeducator Supports.*

Parents Engaged in Education Reform, Project of the Federation for Children with Special Needs
www.fcsn.org/peer/ess/esshome.html

The PEER Fact Sheets, while developed primarily to help parents understand standards-based education and how to advocate for their children with disabilities, include a range of information that would also be helpful for educators. Current topics include "Raising Standards of Learning: Students with Disabilities and Standards-Based Education" and "Curriculum and Instruction."

Schwab Foundation for Learning
www.schwablearning.org

Provides information and support for parents and educators helping children with learning differences. A resource currently posted is a guide to assistive technologies.

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Glossary of Legal Terms

Behavioral Intervention Plan (BIP)

IDEA now emphasizes a proactive approach to behaviors that interfere with learning by requiring that, for children with disabilities whose behavior impedes their learning or that of others, the IEP team consider strategies to address that behavior, including positive behavioral interventions and supports. In making the determinations, the primary focus must be on ensuring that the behavioral management strategies in the child's IEP reflect the IDEA's requirement for the use of positive behavioral interventions and strategies to address the behavior that impedes the learning of the child or that of other children. The needs of the individual child are to be considered of paramount importance in determining the behavioral management strategies that are appropriate for inclusion in the child's IEP. Parents who disagree with the behavioral interventions and strategies included in their child's IEP can utilize IDEA's procedural safeguard requirements, which give them the right to request an impartial due process hearing and the option to use mediation.

Change of Placement

Change in the setting in which the student receives educational services from that originally specified in his or her IEP. IDEA now includes a definition of what constitutes a "change of placement" in the disciplinary context. A disciplinary "change of placement" occurs when: 1) a child is removed for more than 10 consecutive school days; 2) when a child is subjected to a series of removals that constitute a pattern a) because they cumulate to more than 10 school days in a school year, and b) because of factors such as the length of the removal, the total amount of time the child is removed, and the proximity of the removals to one another.

Child Find

The requirement that all states must have in effect procedures and policies to ensure that:

- All children with disabilities residing in the state, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and
- A practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

The law also specifically requires that these policies and procedures ensure that the schools do not overlook highly mobile children with disabilities (such as migrant and homeless children), as well as children who are suspected of qualifying for IDEA services even though they are advancing from grade to grade.

Functional Behavioral Assessment

Process of searching for explanations, some of which may be connected to the classroom environment, for problem behavior. Using this information, a behavioral intervention plan (BIP) may be developed as part of the IEP. Although not required for all students determined to be

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eligible for IDEA-related services, it is required if disciplinary problems trigger the need for change of placement decisions.

Free Appropriate Public Education (FAPE)

Special education and related services that: 1) are provided at public expense, under public supervision and direction, and without charge; 2) meet the standards of the state educational agency; 3) include an appropriate preschool, elementary, or secondary school education in the state involved; and 4) are provided in conformity with the Individualized Education Program.

Interim Alternative Educational Setting (IAES)

Change in placement triggered by disciplinary problems. An IAES is to be determined by the IEP team. It:

- must enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- should include services and modifications designed to address the problem behavior so that it does not recur.

Independent Educational Evaluation (IEE)

An evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be *required,* and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

Least Restrictive Environment (LRE)

IDEA requires 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. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Manifestation Determination Review

Designed to determine whether the problem behavior of the child with a disability was a manifestation of the child's disability.

The manifestation determination review is to be conducted by the IEP Team (and other qualified personnel) which considers, in terms of the behavior subject to disciplinary action, all

relevant information, including: 1) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child; 2) observations of the child; and 3) the child's IEP and placement. The team then determines whether:

- in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement; *and*
- the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action or the ability of the child to control the behavior subject to disciplinary action.

In general, if the result of the review is a determination that the behavior of the child with a disability was *not* a manifestation of the child's disability, disciplinary procedures may be applied to the child in the same manner in which they would be applied to children without disabilities.

Mediation

Procedures must be established and implemented to allow disputes between schools/school districts and parents to be addressed through a mediation process. The procedures:

- must be voluntary on the part of the parties;
- must not be used to deny or delay a parent's right to a due process;
- must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

A local educational agency or a state agency may also establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with either a parent training and information center or community parent resource center in the state or an appropriate alternative dispute resolution entity, in order to encourage the use, and explain the benefits, of the mediation process to the parents.

The state must maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. In addition, the state bears the cost of the mediation process, including the costs of meetings. Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute. An agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement. Discussions that occur during the mediation process must be confidential, and may not be used as evidence in any subsequent due process hearings or civil proceedings; the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

Related Services

The term "related services" means transportation, and developmental, corrective, and other supportive services such as speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, and social work services as may be required to

help a child with a disability benefit from special education. It also includes the early identification and assessment of disabling conditions in children.

Special Education

Specially designed instruction, at no cost to parents, to meet the unique needs of a child with disability .

Stay-put Provision

This provision requires that the student stays in the setting and receives the services specified in the IEP while any discussions or proceedings about a change of placement are pending—unless the state or local educational agency and the parents agree to the change. However, if school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during due process proceedings, the local educational agency may request an expedited hearing. The stay-put provision does not supercede IDEA components that permit a student to be moved from the setting specified in the IEP for 10 days or less for disciplinary purposes.

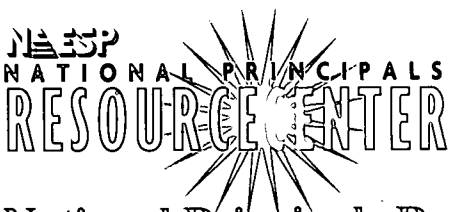
Supplementary Aids and Support Services

IDEA does not specify particular supports, but requires aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. Before a disabled child can be placed outside the regular educational environment, the full range of supplementary aids and services that might facilitate the student's placement in the regular classroom setting must be considered.

Triennial Assessment

Assessment conducted every three years after a child has been judged eligible for special education services to determine whether he or she is still eligible. Prior to the IDEA reauthorization in 1997, the regulation required the school district to repeat testing that had initially been done. The IDEA amendments of 1997 make it clear that districts no longer need to conduct testing to determine whether a child still has a disability, if the evaluation team determines this information is not needed and the parent agrees. However, while the regulation permits the team to dispense with unneeded testing to determine whether the child still has a disability, the team still has an obligation to meet to:

- Review any existing evaluation data; and
- Identify what additional data are needed to determine whether the child is still eligible for special education and related services, the present levels of performance of the child, and whether any modifications in the services are needed.



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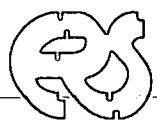

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