

Hamilton-Wenham Regional School District

Special Education

Regulations

Mandatory Training

2018-2019

Student Services Department

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Why do we give this presentation?

- Every district is mandated to provide this information to all staff:
 - “The school district shall provide training to all school district staff including general and special educators, administration and paraprofessionals on the requirements of special education”.

MA DESE 603 CMR 28.03(1) (a)

- To understand the relationship and connections between general education and special education including roles and responsibilities of Principals, General Education teachers and Special Education teachers

Special Education Regulations

IDEA- Individuals with Disabilities Education Act

Federal law covers special education services provided by school districts for children ages 3 through 21

State Law

- Governs the provision of special education and related services to students with disabilities
- Governs the approval of public, private day and residential schools seeking to provide services for publically funded students

❖ 603.CMR. 28.00-Massachusetts' Special Education Regulations- Original Law was called 766

Related Laws

➤ **Massachusetts Education Reform Act**

Includes language that makes clear Ed Reform is intended to apply to *ALL* students...including those with disabilities

➤ **Section 504 of the Rehabilitation Act**

Civil Rights Law that provides services and accommodations to people with disabilities

Applies to students and adults

Related Laws continued

➤ Chapter 688 of the Acts of 1983

➤ Often referred to as the “Turning 22” Law

- Provides planning for services that might be needed from adult Human Services Agencies (DMH, DDS, Mass Rehab)
- Does not entitle students to services, but provides a basis for considering what services may be available

➤ ADA (Americans with Disabilities Act)

- Ensures people with disabilities are not subject to discrimination in all areas of public life (includes jobs, schools, transportation and all public and private places that are open to the general public)

Six basic Principles

- Special education laws and regulations are founded on SIX basic principles:
 - Student and Parent Participation in the entire process
 - The provision of a Free and Appropriate Public Education (FAPE)
 - Appropriate Evaluation
 - Individualized Education Program
 - Consideration of the Least Restrictive Environment (LRE)
 - The provision of Procedural Safeguards

Roles and Responsibilities

General Education Teachers and School
Administrators

All Schools Must Provide:

- A Pre-Referral and Referral Process
 - IST (Instructional Support Team)
 - Provide interventions and documentation of such
- DCAP (District Curriculum Accommodation Plan)
 - Interventions and Accommodations available to ALL students. Students have a right to accommodations to support success within the school environment regardless of whether a student is on a 504 or IEP.
- Home/Hospital Services, if needed
 - Specific criteria to be identified by Physicians and documented on the Physician's Statement Form. Students who miss 14 or more school days (20 or more school days cumulative throughout the school year) due to documented health or medical issues which restrict them to the home or hospital have the right to tutoring services to ensure they continue to progress in the curriculum.
- Child Find Efforts
 - Requires districts to find, evaluate and service children with a suspected area of disability from age 3 thru their 21st year.

Principal or Designee Must:

- Promote instructional practices responsive to individual needs for all students
- Ensure adequate instructional support
 - Prior to a student receiving special education services
 - interventions, accommodations, consultation, ELL support-for those students identified as English Language Learners
- Ensure efforts and results of instructional support are documented in the student record and considered during during the referral process and the special education evaluation process

All Districts Must

- Develop and Implement a DCAP
 - (District Curriculum Accommodation Plan)
 - Accommodations are provided for ALL students
 - DCAP is a plan to assist general educators in providing supports and services in the general education setting
 - Teachers must implement accommodations for ALL students who require support to access the curriculum
 - **Provide training for general educators in:**
 - Analyzing and accommodating diverse learning styles
 - Systematic reading instruction and behavioral interventions
 - Methods of collaboration between general educators, special educators and teaching assistants

All Schools Must:

- Provide an active Pre-Referral and Referral process (Instructional Support Team)
 - The IST must actively work to determine appropriate accommodations and interventions to support students prior to a referral for a special education evaluation.

- When a student is referred for an evaluation to determine eligibility for special education, the principal ensures:
 - Documentation of the use and effectiveness of a variety of instructional supports is available and provided as part of the evaluation information

Disability Categories

- **Autism**
- **Developmental Delay**-*this category can only be identified up to the age of 9.*
- **Intellectual Impairment**
- **Sensory Impairment**
 - Hearing
 - Deaf/Blind
 - Vision
- **Neurological Impairment**
- **Emotional Impairment**
- **Communication Impairment**
- **Physical Impairment**
- **Health Impairment**
- **Specific Learning Disability**

The Regulations outline specific criteria when determining an area of disability during the Team Process.

Eligibility Determination

Three considerations:

- Presence of a disability
- Lack of progress caused by disability
- Need for specially designed instruction to make progress

The IEP (simplified)

Includes description of:

- How the student learns
 - Strengths are as important as weaknesses
- What supports and services are necessary to help the student learn
- How all school staff will participate in these services
- What goals and objectives will be addressed

IEP and the General Educator

- Each teacher and provider must be provided access to students' IEPs
- If you do not understand something in the IEP: **ASK!**
- General Ed Teacher input at the TEAM meeting is essential in developing the IEP...they do not simply provide a progress report! Data and work samples should be provided.
- Reminder:
 - *The education of students on IEPs is the responsibility of ALL educators...not just special education teachers. Special Education staff support and consult to assist the Gen Ed Teacher, as needed.*

Confidentiality

- The act of protecting “all personally identifiable information, data, and records used by a school district about a student”
- This includes discussions with anyone about a student and/or his or her records
- No student records or information can be shared without written consent of the parent.
- All students have the right to privacy
 - As professionals, we must protect that right
 - Avoid “ball park” talk and community conversations
 - Be aware of conversations in the presence of students

Requirements for IEP Team

- Parent(s)/Guardian(s)
- At least ONE general educator and ONE special educator (ideally a teacher whose subject area is relevant to the student's area of disability)
- Individual who can interpret instructional implications of evaluation results
- District representative who is able to commit the resources of the district (Designated LEA Representative which may include Special Education Coordinators, Team Chairperson, Administrators)
- The child (age 14 and over)
- Others who have knowledge or expertise regarding the child

Least Restrictive Environment (LRE)

- The team must FIRST consider placement in the general education classroom with the use of supplemental aids, services and modifications (CMR 603.28.06(2))
 - General Education Classroom FIRST
 - If the student is removed from the general education classroom at any time, the Team must state and document why removal is essential and could not be provided with supplementary aids, services and modifications within the general education setting.

Transition Planning

- When a student turns 14 within the IEP period, he/she must be invited to attend and participate in their Team Meeting.
- The Team is required to begin Transition Planning within the IEP period in which the student is turning 14.
- The Transition Plan should be reviewed and completed first at Team Meetings.
- The Transition Plan drives the Vision Statement and Goals within the IEP.

Observation Law (2009)

Outlines the rights to classroom observation by parents or their “designees”

- District must grant “timely access” to student’s current and proposed program
- Must be reasonable in regards to length of time and conditions
- District has time to coordinate observation with all staff involved/prior notice given to teachers
- May indicate times of year when observations are not scheduled (MCAS, first and last weeks...)
- *If a request is brought to the teacher...immediately forward to principal and/or Special Education Coordinator*

Roles and Responsibilities in the Team Process

What is the role of the Team Chairperson/Facilitator?

The role of the Coordinator/Team Chairperson/Facilitator is to:

- Ensure that the services will be provided by the district (allocation of resources);
- Ensure that legal requirements of federal and state laws are met;
- Ensure the Team determines disability category based on DESE determination requirements;
- Assist the team in identifying the variety of service delivery and placement options available in the district;
- Clarify questions regarding curriculum adaptations and modifications;
- Coordinate the acquisition of needed services; and
- Provide information on community services, as appropriate.

What is the role of the Regular Education Teacher?

The role of the regular education teacher, at a minimum, is to:

- Provide information regarding the student's current level of performance in the regular education environment, **including assessment data and interventions student is receiving and work samples**;
- Provide information on the MA DESE Standards, curriculum and classroom expectations;
- Assist in determining appropriate positive behavioral interventions and strategies;
- Assist in determining supplementary aids and services; and
- Assist in determining accommodations, program modifications and supports needed for the student to access the curriculum and make effective progress.
- Complete Educational Assessment A & B for Initial Evaluations and Three-year Evaluations.
- For Annuals: Bring a summary report reflective of how the student is doing in areas related to the IEP. **This should include assessment data.** *A template will be provided for annual reporting.*

What is the role of the Special Education Teacher/BCBA/School Psychologist?

The role of the specialist is to:

- Conduct an evaluation to address the areas of concern or suspected disability, answer the referral question and acquire baseline data on the student before the meeting;
- Gather input from other team members before the meeting;
- Develop (or support the development of) goals and objectives and share them with team members, including the parents, for a student determined eligible (for services providers);
- Identify instructional strategies that would meet the needs of the student;
- Discuss how to modify the general education curriculum to help the student learn;
- Identify the supplementary aids and services that the child may need to be successful in the regular classroom and elsewhere;
- Describe how to modify testing or to provide the test with individual appropriate accommodations so the student can show what he or she has learned; and
- Describe how instruction can be individualized and how the program will be implemented throughout the course of the school day.

What is the role of the Related Service Provider?

The role of the related service provider (OT, PT, SAC, SLP, AT, Nurse), at a minimum, is to:

- Conduct an evaluation to address the areas of concern or suspected disability, answer the referral question and acquire baseline data on the child before the meeting;
- Identify the student's present level of performance by contributing performance statements, data and baseline information related to the student's academic and functional performance;
- Identify the student's needs related to academic and functional performance;
- Develop goals and objectives and share them with team members, including the parents, for a student determined eligible (if a service provider); and/or contribute to the development of the goals and objectives for parents and team members to discuss;
- Identify instructional and environmental modifications or accommodations that would assist the student in benefiting from special education and/or related services; and
- Recommend and describe the nature, frequency and amount of related service to be provided, once the student's goals and objectives have been established.

Educational Assessment Form

Part A and B

Guidelines

- This form is required whenever a student is being evaluated/considered for special education services. This form is required for both Initial Evaluations and Re-Evaluations. Educational Assessment A and B is considered an assessment and follows the regulatory timeline requirements for completion of the assessment (30 days from date of receipt of parental consent) and availability to parents (48 hours-2 school days, in advance of the meeting).
- The purpose of this form is to provide information regarding a student's current and past performance from the perspective of a general education teacher. As we assess a student's eligibility for special education services, it is essential that we look at their performance (supported by data) within the general education setting. It is also essential that we look at the student from an historical perspective to document if there are any factors unrelated to a disability that are interfering with performance, and that need to be addressed.
- This assessment will become part of the student's record, so please remember to use language that is professional without the use of slang, abbreviations, or judgement statements. This assessment has an audience, which includes parents, and may include advocates, legal counsels, DESE, and the BSEA (Bureau of Special Education Appeals).
- Should you have any questions regarding this form, please contact the Special Education Coordinator assigned to your level.
- Please review the Ed Assessment A and B Document for required information on form completion.
 - https://drive.google.com/file/d/1XUG9TWsHChkE2_BTcZiyFsY4i2-WQVzt/view?usp=sharing

General Reminders:

- **IEP Meetings**
 - are not the time for a parent/teacher conference.
 - Don't focus on anecdotes or a present isolated situation.
 - are not the time to bring out your frustrations regarding a student.
 - are to focus on the individual student, don't discuss other students.

- **Be efficient in your reporting. Focus on how the student's disability impacts or does not impact their classroom performance**
 - Review specific accommodations that have been beneficial/not beneficial for the student to access instruction/curriculum.

- **If you identify a problem, share strategies that you have tried or are in the process of trying.**

- **ALWAYS, ALWAYS, ALWAYS start with strengths. Do not focus the meeting on negatives.**

IEP Implementation

Special Education Staff and/or Related Therapies Staff are responsible for:

- services as outlined in the service delivery grid.
- modifications as outlined in PLEP A and PLEP B.
- progress reports documenting student progress towards goals.

General Education Staff are responsible for:

- Implementation of Accommodations outlined within PLEP A and PLEP B of a student's IEP.

Thank you for:

- Your time and consideration of this training
- Your continued efforts to collaborate to meet the needs of ALL students in the district
- Any questions, please contact:
 - Student's Special Education Liaison
 - Principal
 - Coordinator of Special Education
 - Director of Student Services
 - MA DESE Special Education Laws and Regulations CMR 603 28.00 can be accessed through this link
 - <http://www.doe.mass.edu/lawsregs/603cmr28.html>