

Special Education Handbook

USD 311 Pretty Prairie

2020

“Striving For Excellence”

Approved 7.13.2020

A story from Jay Leno:

“I got all C’s and D’s in school and I am mildly dyslexic. But I am very persistent and ambitious. When I applied to college, the admissions office said I wasn’t what they wanted. So I sat outside his office 12 hours a day until the admissions officer said he would let me in if I attended summer school. The tuition was \$12,000, so I took out my wallet and gave him \$12,000 in cash. I was already making good money in nightclubs. I think that having dyslexia is a competitive advantage. Dyslexic people are good at setting everything aside to pursue one goal. Ambition beats genius 99 percent of the time.”

Introduction

This handbook will assist faculty and staff to be updated regarding policies, procedures, services, and legal requirements related to students with learning disabilities and their educational needs here at Pretty Prairie USD 311.

It should be noted that this handbook is not intended as a comprehensive text on learning disabilities, nor as a scholarly work. The topics which are included come from surveying faculty, staff, and students about what information regarding learning disabilities was needed.

Teaching is an admirable and difficult profession. We attempt to differentiate instruction delivery methods and techniques so that every student in our classrooms has the opportunity to learn. When students have a learning disability, the task of teaching new material and skills becomes more difficult, but also teaching becomes much more rewarding.

KSDE Eligibility Indicators

Eligibility Determination

The initial evaluation must include a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information. This includes information provided by the parent that may assist in determining whether the child is an exceptional child, the educational needs of the child, and the content of the child's IEP, including information related to enabling the child to be involved, and progress in the general education curriculum or, for preschool children, to participate in appropriate activities (K.S.A. 72-986(b)(1)).

The Special Education Process Handbook outlines two methods of evaluation, (i) "the child's response to scientific research-based intervention" and (ii) "a pattern of strengths and weaknesses", which are outlined in federal regulations with regard to the identification of students with specific learning disabilities. However, in Kansas, both are also appropriate to be used to determine eligibility for any of the areas of exceptionality. Regardless of the method chosen, evaluation teams will use existing and/or new data that comes from a variety of sources. The richest source of this information comes from the data collected in the provision of interventions. Interventions typically occur as a part of the General Education Intervention process, but may also be collected from interventions conducted during the initial evaluation process.

When interpreting evaluation data from either of the two methods of evaluation for the purpose of making an eligibility determination, the team must ensure that the child meets the definition of one of the categories of exceptionality and, as a result of that exceptionality, needs special education and related services (KAR 91-40-1(k)(w); 34 CFR 300.8).

This is known as the two-prong test of eligibility. If a child meets the definition of an exceptionality category but does not need special education and related services, s/he will not be determined to be eligible. If the child has a need for special education and related services but does not meet the definition of an exceptionality category, s/he will not be determined to be eligible. In the case of a child who is found to have a disability, but does not need special education and related services, a referral for a Section 504 evaluation may be considered.

1.

Determining Whether the Child is a Child with an Exceptionality

"Exceptional children" means children with disabilities and gifted children (KAR 91-40-1 (w)).

"Child with a disability" means

the following: (1) ***a child evaluated as having intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services;*** and (2) for children ages three through nine, a child who is experiencing developmental delays and, by reason thereof, needs special education and related services ((KAR 91-40-1 (k); CFR 300).

When considering the first prong of the two-prong test of eligibility, the team reviews the initial evaluation and other data to determine whether or not the child is a child with an exceptionalty. To do this, team members compare the data about the child to see if there is a match to one of the exceptionalty categories defined in the regulations. However, even when the data points to a particular area of exceptionalty, there are exclusionary factors that must be examined before determining the child is a child with an exceptionalty.

Regulations are very clear with regard to the fact that a child must NOT be determined to be a child with an exceptionalty if:(a)the determinant factor is:

Lack of appropriate instruction in reading, including the essential components of reading instruction (defined in section 1208(3) of the ESEA (NCLB) as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies); or

Lack of appropriate instruction in math; or

Limited English proficiency; and

(b)the child does not otherwise meet the eligibility criteria as a child with an exceptionalty (KSA 72-986(f); KAR 91-40-10(c); 34 CFR 300.306(b)).

In addition to these exclusionary factors which apply to all categories of exceptionalty, there are exclusionary factors specific to certain disabilities that must also be ruled out. Those factors are contained in this document and guidance is provided to assist teams in their evaluation of these factors as they determine eligibility.

If the evaluation data indicates there is a match with a particular category of exceptionalty and the team has ruled out the presence of any exclusionary factors, the team may determine that the child meets one of the requirements of eligibility as a child with an exceptionalty (Prong 1 of the testof eligibility). If there is not a match or exclusionary factors are present, the team must determine that the child does not meet the eligibility of a child with an exceptionalty. However, being gifted or having a disability does not necessarily qualify a child for special education services. Thus teams must also consider the component of the definition which states: “and who, by reason thereof, needs special education and related services.”².

Determining Whether the Child Needs Special Education and Related Services

The second prong of the test of eligibility is to determine whether or not the child needs special education and related services as a result of the exceptionalty. It is helpful for teams to remember that by definition special education means specially designed instruction (KAR 91-40-1(kkk); 34 CFR 300.39(a)(1)), and, that specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of a child that result from the child’s exceptionalty to ensure access of the child to the general education curriculum in order to meet the educational standards that apply to all children (KAR 91-40-1 (lll); 34 CFR 300.39(b)(3)(i-(ii)). This implies that in order to have a need for special education, the child has specific needs which are so unique as to require specially designed instruction in order to access and progress in the general education curriculum.

Kansas regulations at KAR 91-40-7(c)(1

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2), require that prior to referral for an initial evaluation the school must have data-based documentation of the following:

(1) having provided appropriate instruction to the child in regular education settings that was delivered by qualified personnel

(2) repeatedly assessing the child's academic achievement at reasonable intervals which reflect formal assessment of the child's progress during instruction;

(3) having provided the assessment results to the child's parents; and,

(4) that the assessment results indicate an evaluation is appropriate. Gone are the days where school teams can simply indicate the interventions tried with anecdotal remarks to indicate the need for evaluation. The data collected prior to referral must now be documented as indicated above and, if the child goes on for evaluation, that data becomes an integral part of the eligibility determination of need. Whether the school is implementing a system of school-wide multi-tiered model of intervention (MTSS) or uses an individual problem solving approach (SIT, SAT, CARE, etc.) to carry out interventions and document the child's progress, the school will have data regarding the child's needs related to the intensity of instruction and supports required for the child to be successful. The team must review the evaluation data in such a way as to understand the extent of the child's needs with regard to specially designed instruction. Teams should be able to use the data to describe the intensity of the support needed to assist the child in accessing and progressing in the general education curriculum. It is only through this discussion that the team can determine whether or not the child's need for having adapted content, methodology, or delivery of instruction is so great that it cannot be provided without the support of special education.

If the team determines that the child's need for having adapted content, methodology, or delivery of instruction is so great that it cannot be provided in regular education without the support of special education, the team may determine that the child needs special education and related services (Prong 2 of the eligibility test). If the data suggests the child's needs for instruction can be provided within regular education without the support of special education and related services, the team must determine that the child is not in need of special education and related services.

The General Education Intervention (GEI) Process

The GEI process is an opportunity to identify methods and procedures that help ensure a student's educational progress.

A student may be referred for a GEI meeting by the teacher when a student is exhibiting poor performance in the classroom and intervention strategies implemented by the teacher have not been as successful as expected for this particular student.

A GEI team is comprised of three to five educational professionals, including grade level teachers, an administrator, and a counselor.

Other teachers and resource persons are invited to participate as indicated by the uniqueness of the situation for the student. Parents are welcomed to attend.

The GEI process:

1. A parent or school staff member identifies area(s) of academic, behavioral, or social concern. The teacher provides documentation of classroom interventions which identifies the strategies already tried and the results of those efforts.
2. The building administrator or designee chairs the GEI meeting, following the CPS model on the GEI Form. GEI Meeting Notes, recording the discussion and decisions of the GEI team. The GEI team develops the action plan which is recorded on the GEI Form
- 3: GEI Intervention Action Plan, identifying the intervention strategies, implementation process, and progress monitoring. The GEI team records a date and time to reconvene to review the student's progress on the action plan.
4. The GEI team reconvenes at the appointed date and time to review the student's progress, recording progress and strategies used and the GEI Intervention Action Plan Review. Additional Strategies may be identified, and recommendations for future action are determined.

Below are Ten Common Difficulties and Realistic Classroom Accommodations:

1. The student who can't take meaningful, NEEDS -a copy of peer or teacher notes legible notes .
2. The poor reader NEEDS -content presented orally first before reading it -texts taped by parent or peers -skeletal outlines -color coded highlighted texts .
3. The student who learns by hearing it NEEDS -to study orally at home -to have tests and content read -to "say" the material internally.
4. The student who fails tests NEEDS -alternative means of evaluation -modified tests -retakes/extra credit -more time -review sheets.
5. The student who "can't get started" NEEDS -one-on-one time with the teacher on a major assignment occasionally .
6. The student experiencing organizational NEEDS -a monthly/quarterly class problems -a notebook/folder system modeled the teacher -clearly delineated expectations 3 -short-term due dates -a schedule for homework -a highly structured classroom.
7. The student who has difficulty with NEEDS -study techniques such as color-coded note vocabulary cards -operational definitions -vocabulary words paired with common terms -fewer but most important vocabulary .

8. The student who can't do the work NEEDS -reduced or alternative assignments -some assignments eliminated -more time -to be taught different ways of learning
9. The student who learns by "hands-on" NEEDS -projects -hands-on experiences -skeletal outlines -manipulatives, note cards, tools
10. The student with low self-esteem NEEDS -teachers who believe and expect that the student can and will -frequent positive feedback -positive rapport initiated by teachers; i.e. classroom greeting, small talk, interest in a student's non-class activities -emphasis on success -less emphasis on labels-"LD" -to be called on when the student knows the answer -a caring classroom environment

These are just some of the problems experienced by students who are not adept at typical school skills of reading, note taking, completing assignments, and taking tests. Students facing difficulties like those mentioned above require skilled teachers to create opportunities for success.

Accommodations:

Alter the **classroom setting** to reach the child's maximum potential and to demonstrate the child's knowledge and educational progress.

Examples include:

- Seating near the teacher or board
- Increased response time
- More frequent review
- Paraphrasing new information
- Simplified instructions
- Extended time to complete tests & assignments
- Enlarged print
- Oral test/response
- Assistive technology
- Seating with a buddy
- Un-timed "timed" tests
- Practice activities to fit learning style

Modifications:

Alter the **school work** required, making it different from other students', if needed, to reach the child's maximum potential in school success.

Examples include:

- > Copies of teacher notes
- > Help with note taking
 - > Reduced or altered assignments
- > Alternative testing format
- > Modified tests
- > Peer assistance
- > Cooperative learning

- >More assignments in areas of strength
- >Modified grading
- >Modified expectations
- > Modified texts
- > Taped reading materials
- > Step-by-step assignments

School Modifications and Accommodations

When it is necessary to modify or adapt a student's educational program so that he or she can be successful in school, it is important to include the student in the discussion. Ask him or her what would be helpful.

Modifications and adaptations should be chosen to fit the student's learning style. They may be written into the student's Individualized Educational Plan or Section 504 Plan. Any section of the following ideas should be based on the student's need for changes in curriculum, teaching methods, classroom organization or individualized behavioral strategies.

A more thorough list of modification and accommodations is available in the office and will be distributed during inservice or staff meetings.

IDEA

Special education teachers are not the only ones who need to know about laws and policies regarding students with disabilities. In the general classroom setting, informed teachers can deliver necessary and appropriate services to students with special needs, while at the same time work toward successful outcomes for those children, their peers, and their parents.

Free and Appropriate Public Education (FAPE)

IDEA defines FAPE as special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet standards of the state educational agency; include an appropriate preschool, elementary, or secondary school education in the state involved.

Individualized Education Program (IEP)

An individualized education program is required for each child with a disability to ensure that services are specific and individualized for their needs.

Least Restrictive Environment (LRE)

IDEA mandates that students with disabilities be educated with children without disabilities to the maximum extent appropriate, and that students with disabilities be removed to separate classes or schools only when the nature or severity of their disabilities is such that they can not receive an appropriate education in a general education classroom with supplementary aides and services.

Confidentiality

The special education law specifically states that teachers, related services providers, and others who work with the child must have easy access to the child's IEP. This is the only way the adults will know the student's needs and what the adults need to do to meet the child's needs.

See more at: <http://www.wrightslaw.com/blog/?p=4255#sthash.48NIK67J.dpuf>

USD 311

Statement of Confidentiality

Confidentiality of Information regarding students with disabilities must follow the provisions of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations at 34 CRF, part 99, and must follow the provisions established for special education under the IDEA and its implementing regulations at 34 CRF 500.560 through 500.577.

Confidentiality of Information for students with disabilities shall follow the established policies and procedures of the school district. This shall include protecting the confidentiality of personally identifiable information.

All records and data collected and maintained on students with disabilities will remain confidential. Confidential records and documents may be released to persons, or agencies and schools outside USD 311 only with written parental consent.

When working with a student receiving special education services, all information relative to that student will be kept confidential. For example information may include records, documents, data collected and maintained, and individual education plans implemented across school settings.

___ I have read and understand the above statement. I will adhere to this confidentiality statement.

___ I have received a copy of all approved modifications and student's IEP.

Signed: _____ Date: _____
Teacher