

Educational Services for Youth



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Agenda



Overview of IEPs vs 504s

Role of DHS in Spec Ed

Role of Foster Parents in Spec Ed

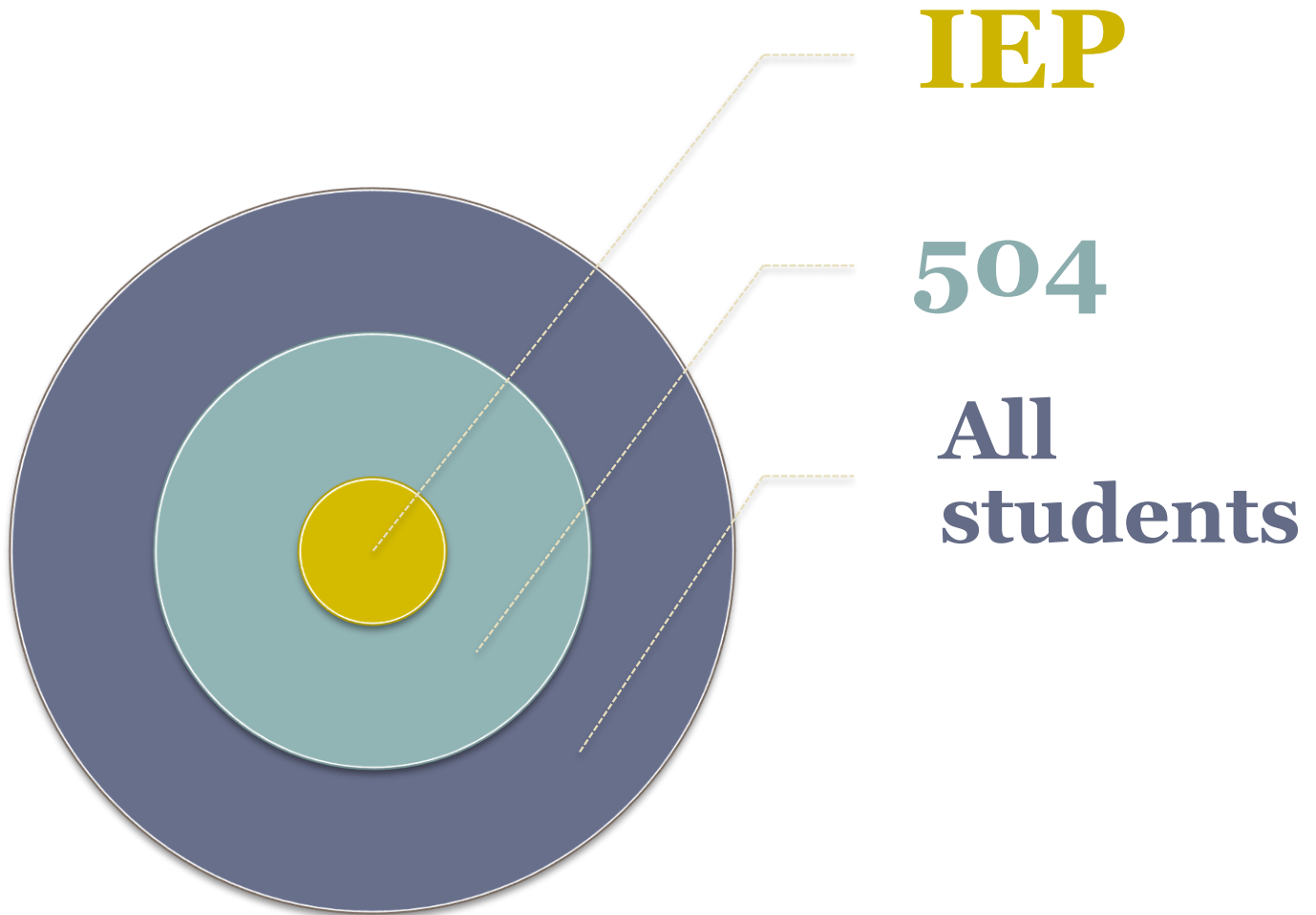
Spec Ed evaluations

Behavioral Assessments and BIPs

ADR in Spec Ed case

§504 and IEP Similarities & Differences





	IEP	504
What is it?	ABILITY to learn	ACCESS to learning
What does it do?	Provides individualized education and related services to the child	Provides services and changes to learning environment to meet needs of the child AS ADEQUATELY as other students
What law?	IDEA *Fed spec ed law for children with disabilities	Section 504 of the Rehab Act of 1973 *Fed civil rights law to stop discrimination against people with disabilities
Who uses it?	<ul style="list-style-type: none"> •Child meets requirement for one or more of the 13 specific disability categories listed in IDEA. {learning and attention issues may qualify} 	<ul style="list-style-type: none"> •Child has mental or physical impairment which limits one or more major life activities •Has a record of such impairment or •Is regarded as having such an impairment

- Parent generally makes initial referral for Special Education/504 evaluation but it can be anyone concerned about the student's educational needs.
- WRITE a "Request for Assessment" letter to Special Education director or District 504 coordinator (or both); cc others if needed.
- **SAFEGUARD:** If you ask verbally, the district is obligated to help you put your request in writing **BUT just put it in writing**

	IEP	504
Who creates it?	<p>IEP TEAM must include:</p> <ul style="list-style-type: none"> •Child’s parent •At least 1 of the child’s general ed teachers •At least 1 spec. ed teacher •School psychologist or other individual who can interpret evaluation results •A district representative with authority 	<p>Created by a team of people who are familiar with the child and who understand the evaluation data and special services options</p>
What do they create?	<p>Set learning goals and describe in detail what services the school will be supplying. The IEP MUST include:</p> <ul style="list-style-type: none"> •Present level of academic and functional performance •Annual education goals and how progress will be tracked •Services the child will receive, when they will be given, how often and how long they last •Appropriate accommodations •Any modifications to instruction •How the child will participate in standardized tests •How will the child be included in gen ed and school activities 	<p>No standard. Doesn’t even have to be a written document BUT.... Surely it will be</p> <p>A 504 plan generally includes:</p> <ul style="list-style-type: none"> •Specific accommodations, supports or services •Person(s) responsible for ensuring the plan is implemented

	IEP	504
Parent Notice	<ul style="list-style-type: none"> •Change in placement Location change is not necessarily a change in placement BUT •Removal of 10 or more days may be considered a change in placement -must be in writing <p>Stay Put rights</p>	<ul style="list-style-type: none"> •Evaluation •Significant change in placement -doesn't have to be in writing
How often is it Revised and Reviewed	<ul style="list-style-type: none"> •Must be reviewed AT LEAST ONCE PER YEAR •Student must be re-evaluated every 3 years 	<ul style="list-style-type: none"> •Rules vary by state •Reviewed once per year

- Students must be comprehensively evaluated “in all areas of suspected disability” to determine need for special education and related services.
- **TIP:** If eligibility evaluation, include “504 assessment” request in case child does not qualify under IDEA. **Saves precious time.**

IDEA



1. Appropriate Evaluation/Assessment
2. Free Appropriate Public Education (FAPE)
3. Individualized Education Program (IEP)
4. Least Restrictive Environment (LRE)
5. Parent (and student if appropriate) participation in the decision-making process
6. Procedural Safeguards

IDEA



- Individuals with Disabilities Education Improvement Act (2004)
...to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services **designed to meet their unique needs and prepare them for further education, employment and independent living...**
- Part B
 - ✦ Child Find
 - ✦ LRE (Least Restrictive Environment)
 - ✦ Change of placement
 - Manifestation determination

Child Find



- Requires school districts to “identify, locate, and evaluate all children with disabilities, including children who are home schooled, homeless, wards of the state, and children who attend private schools.”
- This includes children suspected of having a disability and needing special education, even though they may be advancing from grade to grade.

Americans with Disabilities Act Rehabilitation Act of 1973

- Section 504
 - A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.
 - ✦ Substantially limits at least one major life activity
 - Learning
 - Reading
 - Concentrating
 - Thinking
 - ✦ Based upon the child's disability as it presents itself **without mitigating measures** (hearing aids, medications, learned behavioral adaptations).
 - Provides for FAPE 34CFR §103.33 (a)

Section 504-

- Requires notice to parents but not consent
- Requires local education agencies to provide **impartial hearings** for parents who disagree with the identification, evaluation, or placement of a student
- **Mediation and Facilitation services are also available for this population in Arkansas BUT...**

Remedies



- **LITIGATION** and/or
- All Section 504 complaints against education agencies will also be Title II ADA complaints.
- OCR will respond to all complaints. It will investigate the complaint allegations and issue a Letter of Findings.
- OCR can also refer the matter to the Department of Justice for litigation.
- OCR will not review the results of individual placement and other educational decisions, limiting its review to assure that the process requirements of the Section 504/ADA regulations have been met.

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Role of DHS in Education



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DCFS EDUCATIONAL PRACTICES



- Educational decisions are based on the best interest of the child.
- DCFS works collaboratively with all stakeholders toward assuring the continuity of education for children in foster care.
- Assure that all children in care have access to educational opportunities.
- Maintain the child's enrollment in the school attended prior to placement into foster care.

If the child REMAINS IN THE SAME SCHOOL after entering into foster care or a change in placement:



THE FAMILY SERVICE WORKER WILL:

- Assess the academic status of the child and complete the Medi-Alert immediately.
- Notify the LEA of changes in the child's placement or traumatic events by the next business day.
- Provide the counselor authorization of who can pick the child up from school. Present the school counselor with the child's court order once it is received.
- Provide guidance to the school counselor on the role of the child's biological parent in the case.
- Share with the school any information that may impact the health and safety of the child in foster care as well as the safety of other children in the school.

DCFS RESPONSIBILITIES-continued



- Obtain the school records from the school counselor for documentation in the child's case plan to help address the child's educational needs in the case plan.
- Provide the UAMS PACE Program any school records available to assist in the Comprehensive Health Assessment.
- Ensure that a school designee completes the Educational Assessment within 20 days of child entering care.
- Ensure that the foster parents are given the names of the child's teacher and counselor.
- Complete and update, as needed, the Medical Passport information related to the child's educational needs.

If the child is ENROLLED IN A NEW SCHOOL after entry into foster care



THE FAMILY SERVICE WORKER WILL:

- Complete each step outlined if the child remains at the same school.
- Notify the child's previous school of the transfer and request copies of the school records with in one business day.
- Notify the new school counselor of changes in child placement, experiences of traumatic events and enroll the child in the new school within two business days.
- Provide the school with copies of any documents that would assist in the child's educational program and have an impact on the child's health and safety.
- Hold a change of placement staffing to discuss the impact of the child transferring to a new school.
- Notify the parents that a change in schools was necessary if their parental rights have not been terminated.

DCFS Responsibilities in Addressing Special Education Needs

- Enroll the child in school and provide the school with copies of any documents that would assist in the child's educational program.
- Notify the DCFS Health Specialist of all placement changes.
- Health Services Specialist will forward all notifications to UAMS PACE Program for a Comprehensive Health Assessment (CHA) within 3 working days of the child entering care.
 - These results and recommendations can be used by the child's school in the process of determining the child's educational needs and Spec Ed placement.
- The FSW/Health Specialist will present written requests for Special Education consideration to the school building principal and local school district Special Education Supervisor.

DCFS Responsibilities in Addressing Special Education - continued



- Provide the school with the name and address of the child's biological parent(s), if available, so that the school can send notice of the conference to the parent. If not appropriate, DCFS will request the school to appoint a surrogate parent for the child.
- If DCFS is unable to locate the child's parent, if the parents are not involved in the case, or the court order states that the parent's rights have been terminated, the FSW will request that the child's foster parent be appointed as the child's surrogate parent.
- A referral conference will be scheduled with the appropriate school personnel, the FSW the biological parent, and foster parents/surrogate parent, to discuss the child's needs.
- The foster parent will be actively involved in the child's educational process and must attend all scheduled conferences and meetings, upon notification by the school and or DCFS, for children placed in their home

Role of Foster Parents



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Foster Parents Educational Responsibilities



- Be actively involved in the child's educational process and must attend all scheduled parent /teacher conferences, meetings and school open house upon notification by the school and or DCFS, for children placed in their home
- Act as the surrogate parent under Individuals with Disabilities Education Act (IDEA) if the court orders that the child's parent(s) shall have no involvement in the child's educational planning.
- Encourage the children living in their home to participate in school extracurricular activities and provide transportation to those activities.

Role of Foster Parent(s)



- Every child with a disability or suspected of having a disability must have a legally authorized “parent” who can act on his or her behalf.
 - IDEA rights belong to the “parent” – notice, participation, decision-making, consent, procedural safeguards.
 - In AR, foster parents are recognized as parents and have same rights and responsibilities if biological parents unavailable or rights terminated. However, a judge may appoint a specific decision-maker.
 - If no “parent” is available, school must appoint a “surrogate parent” to act on child’s behalf.
- <http://askresource.org/wp-content/uploads/2014/09/Special-Education-Decision-Making-Role-of-the-Foster-Parent.pdf>

Continuity of Education for Foster Children



- **Ark. Code Ann. § 9-28-113**
 - Continuity of education and school stability must be considered in making foster placement decisions.
 - Foster child has right to remain in school of origin.
 - Each district is required to have a foster care liaison.
- **Every Student Succeeds Act (ESSA)**
 - Requires states to develop plans to ensure education stability and designate state point-of-contact.
 - Requires districts to develop plans to address transportation for foster children.
 - Requires data collection and reporting on achievement and graduation.

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<http://www.arkansased.gov/divisions/learning-services/foster-care-liaison>

Special Education Evaluations and Timelines



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Referral



- Within seven (7) calendar days of receiving a written referral, the school must schedule a referral conference at a mutually agreeable time and place and provide notice to parent(s).
- Referral conference must be held within 21 calendar days from receipt of referral.
- Three (3) persons must attend conference including principal and one teacher.
- Written notice of decision must be provided to parent(s).

Evaluations



- School must conduct a full and individual evaluation to determine eligibility and before initial provision of special education and related services to a child.
- Initial evaluation must be conducted within sixty (60) calendar days of receiving parental consent.
 - Unless parent repeatedly fails or refuses to produce child for evaluation or child enrolls in a new district during timeframe.
- Evaluations must be administered in native language or mode of communication.
- Existing data must be reviewed as part of initial evaluation and re-evaluation.

Determining Eligibility



- Upon completion of evaluation, a meeting must be conducted within thirty (30) calendar days to determine whether child meets eligibility criteria.
- No single evaluation may be the sole basis for determining eligibility or appropriate programming.
- If child is determined eligible, an IEP must be developed in accordance with required procedures.

School Discipline



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School Discipline



- Each school district develops own handbook and discipline policies
- Corporal punishment in certain districts

Expulsion



- In Arkansas, schools are allowed to refuse to admit students that have been expelled from other school districts until their period of expulsion is over.
- Some schools do not have this restriction, and some schools will make exceptions depending on the reason for expulsion.

Expulsion Hearing



- Student opportunity to fight expulsion by giving his/her side of story or by presenting evidence
 - Written statements, recommendation letters
- Hearing procedure varies by district
 - Always allowed to have an attorney

Alternative Learning Environment



- "Alternative learning environment" means an alternate class or program within a public school or school district that affords all students an environment that seeks to eliminate barriers to learning for any student whose academic and social progress is negatively affected by the student's personal characteristics or situation. (Arkansas Dept. of Education Website).
- An ALE shall not be punitive but shall provide the guidance, counseling, and academic support necessary to enable students who are experiencing emotional, social, or academic problems to continue to make progress toward educational goals appropriate to each individual student's specific situation, characteristics, abilities, and aspirations.

Alternative Learning Environment



- An ALE is supposed to: (1) Assess a student either before or upon entry into the ALE; (2) Provide intervention services designed to address a student's specific educational needs.
- Intervention services include, without limitation, access to the services of a school counselor, a mental health professional, a nurse, and support services substantially equivalent to those provided to other students in the regular educational environment.
- ALE must provide special education and 504 services
- A student assigned to an alternative learning environment for behavioral reasons must receive intervention services designed to address the student's behavioral needs. The intervention services cannot not be punitive in nature and must be designed for long-term improvement of the student's ability to control his or her behavior.

ALE “Eligibility”



- To be “eligible” for ALE placement, a student must meet 2 or more of the following characteristics:
 - Ongoing, persistent lack of proficiency levels in english and math;
 - Physical, mental, or sexual abuse;
 - Frequent relocation of residency;
 - Homelessness;
 - Inadequate emotional support;
 - Mental or physical health problems;
 - Pregnancy;
 - Single parenting;
 - Personal or family problems or situations;
 - Absenteeism;
 - Dropping out of school;
 - Disruptive behavior.

ALE Intervention Services



- Within 7 days of ALE placement, the Placement Team must assess the student's current functioning abilities and all relevant social, emotional, academic, and behavioral information. They must use this information to develop a Student Action Plan (SAP).
- The SAP must contain:
 - Intervention services to be provided
 - Goals and objectives necessary to achieve positive reintegration into the traditional school environment
 - Exit criteria on which to base a student's return to the regular school environment
 - Documentation of the eligibility characteristics for which placement was based

Behavior Problems with an IEP



- If child's behavior prevents him/her or other children from learning, the IEP should include goals to address that problem behavior.
- The use of seclusion time-out and the behaviors which will result in its use must be explicitly stated in the student's IEP. Parent consent for the use of a time-out seclusion procedure should be documented.

School Discipline and IEP



- **Special requirements when:**
 - Suspended for 10 or more days
 - Expulsion
 - Subjected to a series of shorter suspensions for the same or similar behavior problems, that total more than 10 days

School Discipline and IEP



- **Manifestation Determination Review**
 - Within 10 days
 - IEP team, parent, district meet and decide whether the child's misbehavior was caused by the child's disability
 - If the school decides that the misbehavior was caused by the child's disability, the school **MUST** let the child back in school.
 - ✦ The school must also conduct a functional behavioral assessment and implement a behavior intervention plan
 - If the school decides that the misbehavior was not caused by the child's disability, it will continue with the expulsion.
 - ✦ The student still has a right to a hearing and should request one.

Functional Behavior Assessments



- Identifies the purpose a behavior serves
- Trained person collects and analyzes data
- Triggers and types
- Form v. function
- Consequence v. reward
- Environmental, social, personal factor

FBA



- Evaluator observes child in different environments
- What is the behavior?
- Hypothesis
- Intervention
- Data
- Re-evaluate

Behavior Intervention Plan



- Positive intervention plan that is designed to teach or reinforce positive behavior
- Skills training to increase good behavior
- Changes in classroom or other environments to eliminate problem behaviors
- Replacement
- Supports
- Data collection

Parts of the BIP



- **Description of the problem behavior**
 - Specific and detailed
- **Statement of frequency, duration, and intensity**
 - How often, how long, how severe
- **Antecedent Analysis**
 - What immediately precedes? What was teacher, child, and others doing? What seems to trigger it? People? Noises? Crowd? Demands? Criticism? Under what conditions does it become worse or better? With whom does the behavior not occur? Home?
- **Consequence Analysis**
 - What was done? What is usually done? Is the consequence the same? What reactions do teacher/students have? What do parents/administrators do? How does it effect others? Have any interventions resulted in improvement? Made it worse?
- **Communicative Intent of the Behavior**
 - Hypothesis. Avoidance? Uncomfortable? Attention?
- **Environmental Analysis**
 - Expectations of teacher, nature of learning activity, teaching style, physical limitations, comfort, constraints, teacher: student, behavior of others

Types of Interventions



- “Antecedent intervention” – prevent unwanted behavior by identifying the trigger
- “Replacement intervention”- occur at the point of the unwanted behavior and serve the same purpose as the problem behavior, but are appropriate
 - Example: Mary Claire is non-verbal. When she gets frustrated, she hits her aid. Replacement intervention would give Mary Claire something else to do to let her aid know she is frustrated.
- “Consequence intervention”- follows the behavior and addresses it through punishment or reinforcement

DIFFICULTY

Not trained in FBA

Requires a lot of resources

Understanding the disability

Difficult to pin point what is causing the behavior

Schools get frustrated with extreme behaviors

Requires lots of changes

COMMON MISTAKES

No FBA completed

School does not collect data

Using 'master list' of interventions

Misinterpreting behaviors as willful

Treating everyone with a disability the same

No function analysis, only form

Areas of Concern



PIPELINE TO PRISON

How many youth with Disabilities are in the Juvenile Justice System

- Although researchers agree that it is difficult to conduct meta-analytic studies on the prevalence of disability in juvenile justice systems, one study indicated that the rate of disability in this population ranges from

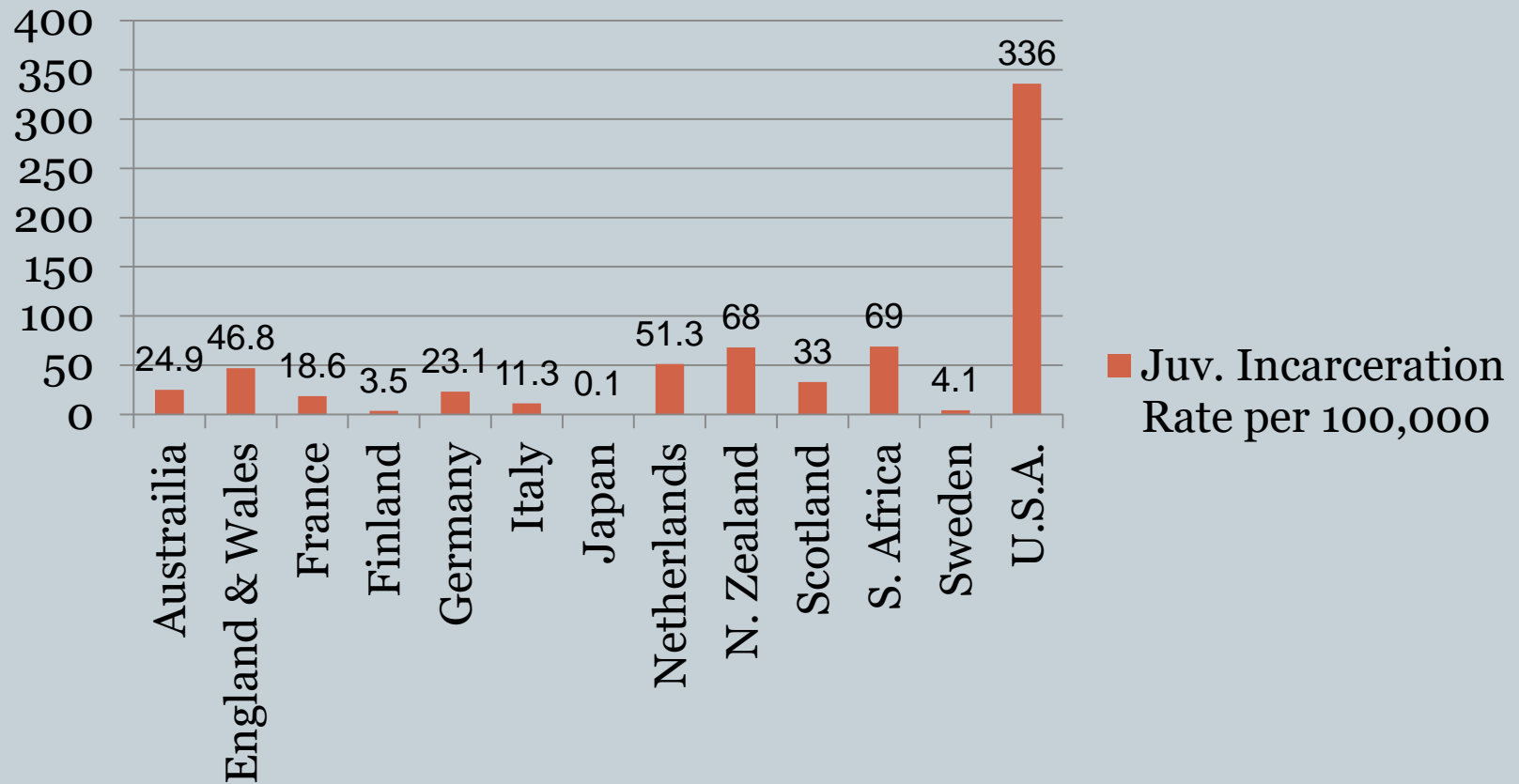
42-60%

P. Perryman et al., Recidivism of Handicapped and Non handicapped Juvenile Offenders: An Exploratory Analysis(1989).

An International Comparison

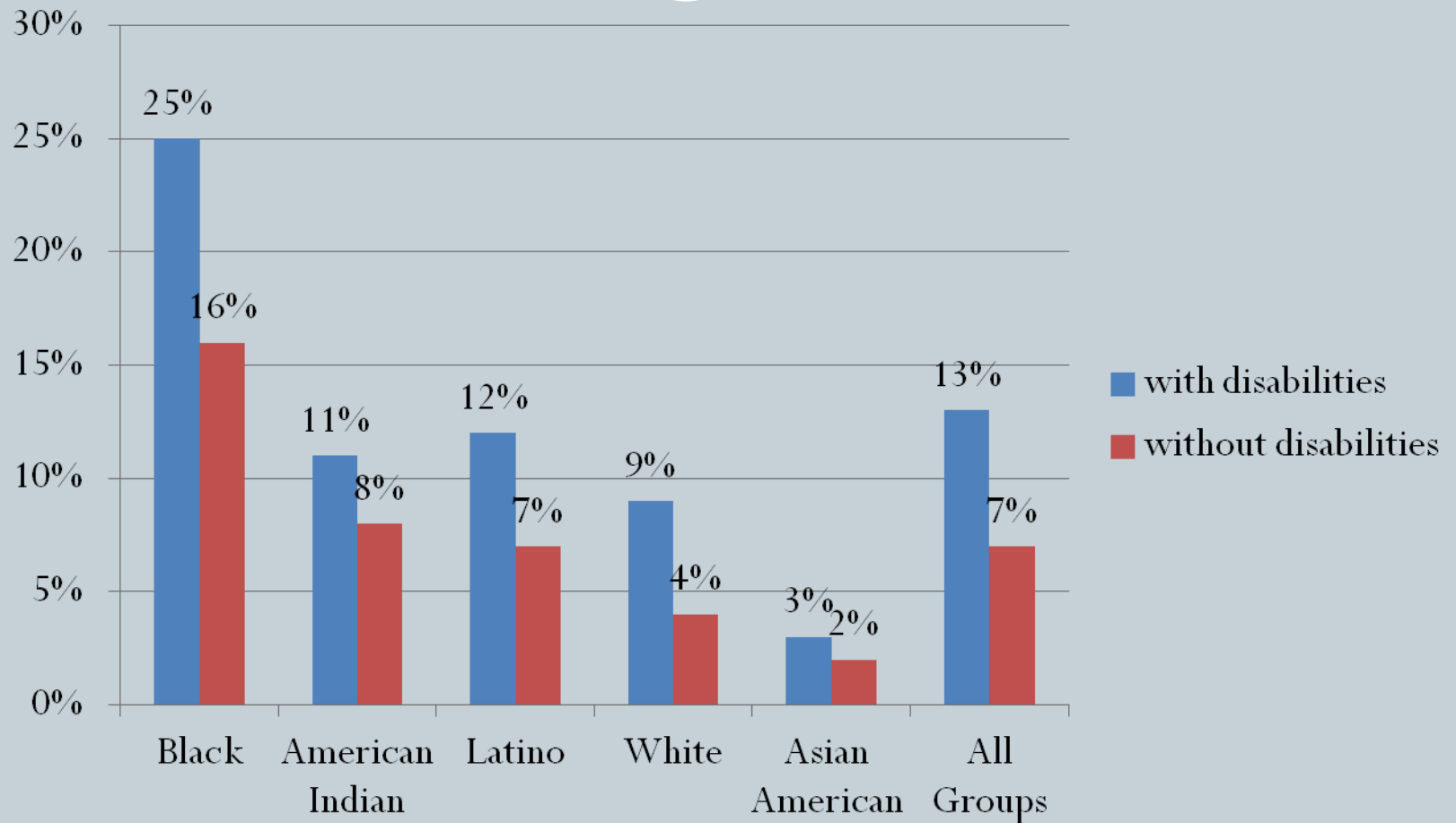
Source: Hazel, Neal, Cross-National Comparison of Youth Justice, London:
Youth Justice Board, 2008

Juv. Incarceration Rate per 100,000



Impact by race and disability of the use of out-of-school suspensions

Source: Losen & Gillespie, Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School (2012) (Data CRDC 09/10 SY)



Bridging the GAP



**USE OF MEDIATION AND FACILITATION
RESOURCES**

CADRE Continuum of Dispute Resolution Processes & Practices

Stages of Conflict	Stage I			Stage II		Stage III			Stage IV		Stage V							
Levels of Intervention	Prevention			Disagreement		Conflict			Procedural Safeguards		Legal Review							
Assistance/ Intervention Options	Parent Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Meeting	Mediation under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance								Third-Party Intervention								
		Decision Making by Parties								Decision Making by Third-Party								
		Interest-Based								Rights-Based								
		Informal & Flexible								Formal & Fixed								



Cost Analysis

Options	Cost
Facilitation	\$135.00
Mediation	\$300.00
State Complaint Investigation	\$4,000.00
Parent Attorney Fees DP	\$19,000.00
Outside Counsel for School	\$10,500.00
Settlement Prior to DP	\$23,800.00
Insurance deductible	\$7200.00
Other DP hearing related costs (IEE, Subs for teachers, etc...)	\$7700.00

Arkansas Special
Education Mediation
Project

- Mediation
- Facilitation

Arkansas Early
Intervention Mediation
Project

- Mediation
- Facilitation

Dependency Neglect
Mediation Project

- Mediation
- Facilitated Staffings

Juvenile Delinquency
Mediation

- Mediation

Family In Need of
Services

- Mediation

Differences-Similarities

Mediation

Usually positional

Required by law

Attorneys may **not** attend

Focuses on repairing relationships

Usually more complex

Voluntary

Facilitation

Hopefully not positional yet

Not required by law

Attorneys may attend

Opportunity to grow relationships

Misunderstandings and beginnings of trust concerns

Voluntary

Communication Continuum



Cooperation	Coordination	Collaboration
		WHERE THE MAGIC HAPPENS
Short-term, informal relationships	Longer-term effort around a specific task	Ongoing, durable relationships
Sharing information	Some planning and division of roles	Commitment to a common goals
Separate goals, resources, and structures	Some shared resources, rewards, and risks	All partners contribute resources and share rewards

Mediation/Facilitation-why it works



What Does the Research Say on the Importance of Family Engagement?

- Parent involvement at home and at school has a measurable impact on student performance in school, and is particularly important for English learners and students from low-income families.
- Improved communication between teachers and parents increases student engagement as measured by homework completion rates, on-task behavior and class participation.
- At-risk behaviors such as alcohol use, violence and other anti-social behaviors decrease as parent involvement increases. (Thigpen & Freedburg, 2014)

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