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Welcome to this briefing addressing West Virginia State Board Policy 2419, Raleigh County Policy D.3.17, Providing Appropriate Services for students with exceptionalities.

During this briefing we will be digging deeper into the Phrase:

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Free Appropriate Public Education in effort to understand What is it and what does it mean in relationship to students with exceptionalities.

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A Free Appropriate Public Education, within the context of Raleigh County Policy D.3.17, applies to students that have been found eligible for specially designed instruction under the auspice of the Individuals with Disabilities Education Improvement Act, or IDEA. Eligibility is determined by a multidisciplinary evaluation team who then provides information for consideration to an Individualized Education Program Team, better known as the IEP team. The IEP team considers the evaluation findings and designs **Appropriate** and specialized educational services for students.

The IEP team constructs the IEP following strict guidelines outlined within county and state policy. The county policy D.3.17 mirrors West Virginia State Board Policy 2419, Regulations for the Education of Students with Exceptionalities, thus promoting uniform and cohesive services. These policies provide guidance as to the WHO, WHAT, WHERE, WHEN, HOW and WHYs of IEP development.

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Lets take a moment to detail the components we will be discussing.

We have already begun, but will continue to discuss **WHO** is involved in designing IEP services.

We will discuss **WHAT** types of services students may receive

As well as **WHERE** and **WHEN** these services are provided

More importantly we will look closely at **HOW** to discern meaning from the IEP and design a documentation method for required IEP services.

Throughout our discussion of these topics you will begin to discover why each service is required and why must you follow the IEP even when you believe one or more services are no longer needed.

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So back to our conversation about, WHO designs services found in the IEP and WHO is responsible for implementing.

A team of individuals that represent the school, family and school district designs the services found in the IEP. It is very typical for the team to consist of at least one General education teacher that has current knowledge of the student, one special Education teacher that will be serving the student, a school or district administrator and most importantly the family.

This team, while small in number, represents a large constituency.

The General Education Teacher is the voice of the entire General Education staff that will be working with the student. The input and advice of this teacher is likely to become the basis for the accommodations and modifications mandated within the IEP. Therefore it is best practice for the general education teacher chosen to represent the staff to be able to recommend accommodations meeting student needs across all discipline areas.

The special education teacher also has instructional expertise and can share methodologies and strategies that are typically successful with students having similar needs. Additionally the special education teacher needs to be the policy expert. Many times they will be the only special educator at the table and must be prepared to write a defensible IEP.

The administrator represents the district. It is their job to ensure the best interests of the family and school are both considered when assigning resources and services.

Most importantly the family should be involved. If for any reason the family cannot participate in an IEP meeting, then the special education teacher should make every attempt to gain insight from the family for consideration during the formal meeting.

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As the IEP team members collaborate they design services to meet the individual needs of the specific student. These specific needs are met through an array or continuum of services. To be specific, the IEP will outline the need for support in three distinct areas;

- Supplemental Aids and Services
- Special Education Services
- Related Services

These services work together to maximize the educational benefit and access to the general curriculum.

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These three areas of service are very recognizable on the IEP document. The IEP service page, PART IX, is segmented into three distinct regions that outline the service details.

Supplemental Aids and Services are always found in the upper most region of the form. This region, section A, outlines the type of services, frequency of services and location of services.

These services located in section A, are the express responsibility of the General Education Staff to implement and document. Once the IEP team has designed these services with the input of a general educator, each service becomes a mandate for the life of the current IEP.

These rules hold true for section B of the form except that they are the express responsibility of the special educator.

A related service is provided when the student needs specific supports to enable them to access and benefit from specially designed instruction. These services typically never stand-alone and are provided by therapist, nurses and other related service providers. Similar to the services listed in sections A, and B., the services within section C, are not negotiable. The only way to revise any IEP service is through an IEP team decision.

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To answer the next question of WHAT types of services do students receive, let's define the meaning of ACCOMMODATION and MODIFICATION. For many students with disabilities—and for many without—**the key to success in the classroom** lies in having appropriate accommodations, and modifications made to the instruction and other classroom activities.

Some adaptations are as simple as moving a distractible student to the front of the class or away from the pencil sharpener or the window. Other modifications may involve changing the way that material is presented or the way that students respond to show their learning.

Accommodations, and modifications need to be individualized for students, based upon their needs and their personal learning styles and interests. If a particular accommodation or modification needs to be added to the IEP or removed, it must be done through the IEP team process. Until the accommodation is removed, you are required to provide it in the locations specified while honoring the extent and frequency listed within the IEP.

The good news is that you do not need an IEP to tell you to provide an accommodation. If a student needs an accommodation or modification not listed, feel free to provide it as that constitutes good differentiated instruction.

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The first column of the services page always represents the service to be provided to the student.

In other words, this is WHAT you do.

Some common examples you may see on the IEP include;

- Extended time
- Alternate Assignments
- Modified grading
- Oral directions
- Math
- Reading
- Social Skills
- Speech
- Occupational therapy
- And transportation

These are only a few among the myriad of choices. Remember, these services are to meet the needs of the student and should be substantiated within the narrative sections of the IEP that describes the student's present levels of performance.

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Now that you know WHAT to do, you may be wondering WHERE and WHEN must I provide these services.

To be direct, wherever and whenever the IEP dictates, but to be specific lets look at the Services page again.

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The location of the service is located in the second column of the services page.

It is very typical to find these types of entries within this section of the IEP. Sometimes they are very specific, such as "during math class," but others are more general such as "all school environments."

A general statement such as "all school environments" means just that. This accommodation or modification must occur within every setting of the school when it is applicable. Additionally, it must be documented it occurred as well.

As for Special services, the descriptors are a little more general in that each indicate either General Education or Special Education as the environment. General education services from a special education teacher is typically a co-teach situation. Special education environment services from a special education teacher typically utilizes the pullout or self-contained service model.

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Just as important as WHERE the service is provided, is WHEN the student should receive the service.

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The frequency or WHEN service must be provided can be found in the third Column of the service page.

Similar to location of service, the descriptors can be specific or general. Daily is an example of a very general extent/frequency statement. This means that this accommodation should occur on a daily basis and be documented on a daily basis.

If the modification said tests and quizzes, then the accommodation must be provided on all tests and quizzes.

Special education services indicate the extent of services quantifiably. Each special education service will be represented with a quantifiable amount of time to occur on a weekly or monthly basis.

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Now that you can identify WHAT you must do and WHERE and WHEN you must do it, an important question is HOW do I do it?

When pondering the question How do I discern meaning from this IEP and HOW do I document consider the story of Jack and Jill.

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Jack is a 9th grade student who has learning disabilities in reading and writing. He is in a regular 9th grade class that is co-taught by a general education teacher and a special education teacher. Modifications and accommodations provided for Jack's daily school routine (and when he takes state or district-wide tests) include the following:

- Jack will have shorter reading and writing assignments.
- Jack's textbooks will be based upon the 9th grade curriculum but at his independent reading level (6th grade).
- Jack will have test questions presented auditorily.
- Jack will give his answers to essay-type questions by speaking, rather than writing them down.

The general education teacher planned a documentation routine with the co-teacher and collaboratively they document when these accommodation and modifications occur. This team has elected to use their technology resources and collect the data on their iPads for easy of documentation and reporting using the Easy Behavior Tracker application.

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Jill is a 12th grade student who has an intellectual disability. She is in special education classes that support her needs in accessing the curriculum of the core areas, but participates in the general education environment during related arts. This provides Jill time to experience her typical peers and engage in cooperative learning situations. A general educator without the assistance of a special educator provides the related arts instruction. Modifications and accommodations provided for Jill's daily school routine include the following:

- Jill will have digitally recorded reading materials and alternate writing assignments.
- Jill's textbooks will be large print and presented via technology.
- Jill will be assessed by completion of work samples rather than competency of concept.
- Jill will be provided a cool-down area to deescalate if environmental stimuli becomes too great.

The related arts teacher must design a method for tracking the IEP accommodations and modification listed on the IEP. This teacher asked for input from other veteran colleagues and discovered a school-wide documentation format that most teachers had adopted.

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Sometimes the IEP terminology can be ambiguous and confusing. There are many ways to phrase the intent behind accommodation and modifications, but the root meaning can be characterized by these categories.

- Scheduling
- Setting
- Materials
- Instruction
- Student Response

These are some typical illustrations of these categories, but many more could be devised. As technology usage increases so will the possibilities in offering meaningful accommodation and modification tailored to the students' needs.

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Be sure that you have a good understanding of what it is you are responsible for. If you are not sure,

- Review the IEP service page provided by the special education teacher.
- For further clarification, request access to the student's full IEP record.
- Request a meeting with your special education provider and ask the questions that you need answered.
- You can always conference with the student to help you design meaningful and confidential ways of providing supports.
- A parent conversation will go a long way in discovering the intent and expectation behind the IEP. It is also a good starting point when a particular accommodation seems to be unnecessary or un-preferred by the student.

- If you feel strongly about adding or removing items from the IEP, then request an IEP meeting. The IEP team will weigh your concerns and then act accordingly. Just remember, don't act in isolation. You must implement the services as stated.
- Most importantly, document the provision of all services and devise a way to give yourself accountability and credit for the hard work you do every day.

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So, why is there so much emphasis on documentation and following the IEP to the letter? The answer to WHY is not simple, but it is well documented and expected.

In no less than four highly visible places

- Federal Public Law 108-446
- West Virginia State Code -126CSR16
- West Virginia State Board of Education Policy 2419 and
- Raleigh County Board Policy D.3.17

All of these cited laws and policies have a common theme

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If the IEP team has determined that the child can be satisfactorily educated in the regular classroom with the support of a given supplementary aid or service, those aids or services **must** be specified in the child's IEP and must be provided to the child. (Volume 71 of the Fed Reg. Number 156, Page 46588)

This regulation is significant to educators in WV because of the legal precedent set forth in what is known as the Doe vs Withers case which originated in Taylor County WV.

Based upon a decision out of the 4th Circuit Court of Appeals, a jury in Taylor County Circuit Court, awarded the parents of a 16 year old boy with a learning disability \$5,000 in compensatory damages and \$10,000 in punitive damages in a suit that alleged the child's civil rights were violated. The courts found that Sen. Mike Withers refused to provide their child with oral exams in Withers' history class, despite the fact that oral exams were identified in the student's IEP as a modification needed for him to be successful in the general education classroom. .

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Considering all this, the FAPE standard is a high one indeed. Schools must provide the services a student needs to;

- access the content,
- be college ready if desired, and
- be prepared to secure employment and live independently in their community.

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A Free Appropriate Public Education. What is it? It's a right.