1 Key Roles in The Special Education Process

PINGORA CONSULTING
WYOMING LEADERSHIP SYMPOSIUM
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2 Goals of this session:

Why is it a team process? Required team membership. Roles and Responsibilities. Agenda Building.

3 Team

A group in itself does not necessarily constitute a team.

Teams normally have members with complementary skills and generate synergy through a coordinated effort which allows each member to maximize his/her strengths and minimize his/her weaknesses

- Wikipedia

4 Teams Develop

A team becomes more than just a collection of people when a strong sense of mutual commitment creates synergy, thus generating performance greater than the sum of the performance of its individual members.

Wikipedia

5 Why Teams?

Before the date of enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142), the educational needs of millions of children with disabilities were not being fully met because—

- ∘(A) the children did not receive appropriate educational services;
- •(B) the children were excluded entirely from the public school system and from being educated with their peers;
- (C) undiagnosed disabilities prevented the children from having a successful educational experience; or

•(D) a lack of adequate resources within the public school system forced families to find services outside the public school system.

20 U.S.C. §1401(c)(2).

6 Why Teams?

To write an effective IEP for a child with a disability, parents, teachers, other school staff—and often the child—come together at a meeting to look closely at the child's unique needs.

These individuals combine their knowledge, experience, and commitment to design an educational program that must help the child to be involved in, and progress in, the general education curriculum—that is, the same curriculum as for children without disabilities. The IEP guides the delivery of special education and related services and supplementary aids and supports for the child with a disability. Without a doubt, writing—and implementing—an effective IEP requires teamwork.

Partners Resource Network

7 Working Teams Lead to Consensus

8 Consensus is...

Consensus is finding an acceptable proposal that <u>all</u> members can *support*.

9 Consensus is <u>not</u>...

A unanimous vote
A majority vote
Everyone 100% satisfied

10 Consensus requires...

Time

Active participation by all Good listening and communication skills by all The ability to communicate the "WHY" Open-mindedness

Creative thinking

11 Interests vs. Positions

- **INTERESTS AND NEEDS**
- Human needsConcerns

Values

- **3 POSITIONS AND DEMANDS**
- Demands

End products

Bottom lines

- 12 Special education is a team process ALWAYS.
- 13 Building Trust
- 14 Measuring success

The drive to win is not, per se, a bad thing, unless when what you achieve is no longer tied to WHY you set out to achieve it in the first place.

15 Think about it. . .

Give 'Em a Cathedral

- 16 Putting the WHY in the IEP?
- 17 The WHY of the IEP

What is the purpose?

What is the belief?

Why should anyone care?

WHY do we do what we do?

- 18 The Message of the IEP
- 19 Why Is Trust Important in the IEP Process?
- 20 Where Does Trust in the IEP Process Start?

LEADERSHIP

21 THE Difference

- Holding the highest rank or title Successfully navigating internal politics "Leader" is a noun, but it doesn't mean you are good at leading.
- Others follow you because they want to—
 - Not because they have to, or
 - •Not because they get paid to do it.
 - "Leading" is a verb, and requires action.
 - "Leading" is NOT a title.
- 3 Leaders
- 4 Leading

22 34 C.F.R. §300.321 IEP TEAM

- (a)General. The public agency must ensure that the IEP team for each child with a disability includes –
- (1) The parents of the child;
- (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- (4) A representative of the public agency who --
- (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

23 **34 C.F.R. §300.321 IEP TEAM**

o(ii) Is knowledgeable about the General Curriculum; and

- (iii) Is knowledgeable about the availability of resources of the public agency.
- (5) An individual who can interpret the instructional implications of evaluation results
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) Whenever appropriate, the child with a disability NOTE: A person may serve in more than one role. For example, the special education teacher may also be the LEA representative, or the person who can interpret evaluation results.

24 DEA Team Membership

The IEP team is a group of people who come together at an IEP meeting in order to develop, review and revise a student's IEP.

Each member of the team has a clearly defined role. Although the individuals in a school may change from meeting to meeting, the roles remain the same.

The members are knowledgeable or have special expertise about the student and the special education services, activities and supports that could benefit the student.

25 Who?

Building Principal
Case Managers
Special Education Teacher
General Education Teacher
Other Service Providers
Parents

26 The Principal

27 Principal

Instructional Leader

Help ensure FAPE in the LRE through culture and climate

Oversee and ensure implementation of IEP

Supervise regular and special education staff

Vested interest in improved outcomes

Ensure Case Manager has time to carry out duties

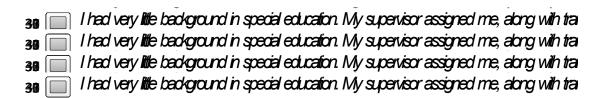
28 Principal as Leader

- Principals play critical roles as facilitators in reculturing efforts, which are recognized as the sine qua non of progress.
- ❖Their commitment and leadership provide support and reassurance for teachers, students, specialists, and others about the value of their efforts.
- ❖ Principals who focus on instructional issues, demonstrate administrative support for special education, and provide high-quality professional development for teachers produce enhanced outcomes for students with disabilities and others at risk for school failure.

Principals and Special Education: The Critical Role of School Leaders (2003).

29 A Principal's Voice

Ten years ago when I became a high school assistant principal I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra I had very little background in special education. My supervisor assigned me, along with tra



Providing related services, supplementary aids and services Documenting progress
Evaluations
IEP meeting participation

44 The General Education Teacher

45 General Education Teacher

- Share knowledge of educational and behavior interventions within the general education setting.
- Provide input regarding student's goals, supplemental supports and accommodations/modifications during the evaluations and IEP process.
- Actively participate in team meetings.
- Implement modifications, accommodations and supplemental services on students' IEP.
- If a student is struggling, communicate with case manager, special education teacher.

46 Importance of the Regular Education Teacher

IDEA requires that at least one regular education teacher be represented on the team "if the child is, or may be, participating in the regular education environment."

34 C.F.R. §300.321(a)(2).

47 Importance of the Regular Education Teacher

- ❖IDEA requires that at least one regular education teacher be represented on the team "if the child is, or may be, participating in the regular education environment." 34 C.F.R. §300.321(a)(2).
- ❖A regular education teacher of a child with a disability, as a member of an IEP team, must to the extent appropriate, participate in the development of the IEP, including the determination of –
- ❖Appropriate positive behavioral interventions and supports and other strategies for the child; and
- Supplementary aids and services, program modifications, and support for school personnel, and
- 34 C.F.R. §300.324(a)(3).
- ❖Participate in the review and revision of the IEP.
- 34 C.F.R. §300.324(b)(3).

48 Regular Educator

The regular education teacher knows the curriculum for a child's grade level and what children in regular education classes are typically expected to do.

If the child is going to be educated in the regular education environment for any part of the school day, then the child's regular education teacher may talk at the IEP meeting about what the child will be taught and expected to learn.

This information can contribute directly to making decisions about what types of supplementary aids and services the child may need to be successful in that setting. These supports and services might include:

49 Regular Educator

- ❖adapting the curriculum,
- providing reading materials written at a lower reading level,
- using graphics along with written materials, or
- ❖providing the child with a child assistant.

The regular education teacher may also tell the rest of the

team what he or she needs to help the child understand the general curriculum and achieve the goals listed in the IEP.

NICHCY.org

The Importance of a General Education Teacher in the IEP Meeting

R.G. v. New York City Dep't. of Educ., 62 IDELR 84 (E.D.N.Y. 2013).

The absence of any general education teacher at the child's IEP team meeting impeded the student's right to FAPE.

The court observed that because the student was currently participating in a general education classroom, and based on the IDEA's preference for mainstreaming, it was critical to include a general education teacher at the meeting.

- 51
- 52 The Paraprofessional

53 The Role of the Paraprofessional

Assist, support and work closely with teachers, administrators and other team members in providing education benefit for students

Reinforces learning

Monitors students while working

Supervises students during non-academic sessions

54 The Role of the Paraprofessional

States must allow paraprofessionals who are appropriately trained and supervised to assist in the provision of special education and related services. 34 C.F.R. §300.156(b)(2)(iii).

However, this provision should not be construed to permit or encourage the use of paraprofessionals as a replacement for teachers or related service providers who meet state qualification standards. TO THE CONTRARY, USING PARAPROFESSIONALS AS TEACHERS OR RELATED SERVICE PROVIDERS IS INCONSISTENT WITH THE STATE'S DUTY. . . 71 Federal Register 46612.

TRAINING AND SUPERVISION LEADS TO ASSISTING, BUT NEVER INSTRUCTING.

55 The Role of the Paraprofessional

Because paraprofessionals provide instructional support, they should not be providing planned direct instruction, or introducing to students new skills, concepts, or academic content.

Title I Paraprofessionals (USDE 2004).

56 The Parents

57 Parents' Role

Parents are the protector of the student's IDEA rights. Parents are equal participants in team processes. Parents have the right to disagree with decisions.

58 Parent Participation

34 C.F.R. §300.322(a) Each public agency must take steps to ensure that one or both parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate.

- ♦(b) Parents are entitled to a meeting notice.
- ❖(c) Schools may use other methods to ensure parent participation.
- ❖(d) It is possible to conduct an IEP team meeting without a parent in attendance in LIMITED CIRCUMSTANCES.
- ❖(e) Schools must take what ever action is necessary to

ensure that the parent understands the proceedings of the IEP team.

❖(f) Parents must be provided a copy of the IEP at no cost.

59 Parent Participation

34 C.F.R. §300.501 Parent participation in meetings

- ∘(1) The parents of a child with a disability must be afforded an opportunity to participate in the meetings with respect to –
- ∘(i) The identification, evaluation, education placement of the child; and
- ∘(ii) The provision of FAPE to the child.
- °(2) Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.

60 Parent Participation

Equal participation

No veto power

District retains the affirmative obligation to develop and implement the IEP

61 Adam J. v. Keller ISD, 39 IDELR 1 (5th Cir. 2003).

No denial of parental participation was found as at least one parent, and often both, were in attendance at every IEP meeting, and the parents frequently presented supplemental "parent statements" to voice their concerns and frustrations. The 5th Circuit characterized these facts as "active participation in crafting the IEP."

62 Buser v. Corpus Christi Indep. Sch. Dist., 22 IDELR 626 (5th Cir. 1995).

Although parents are "equal" participants in the IEP process, they do not have veto power over the IEP.

Nor is there any "majority vote" rule for IEP team meetings. According to the ED, if the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program.

63 White v. Ascension Parish School Board, 39 IDELR 182 (5th Cir. 2003).

In a 5th Circuit decision, the parents argued that since the school refused to do what they wanted (move the student back from a centralized site for hearing impaired students to his neighborhood school) the parent had been denied input. The 5th Circuit heartily disagreed. "To accept the Whites' view of 'input' would grant parents a veto power over IEP teams' site selection decisions. Congress could have included that power in the IDEA; it did not do so."

The right to meaningful input is simply not the right to dictate an outcome.

64 Anthony C. v. Dep't. of Educ. State of Hawaii, 62 IDELR 257 (D. Haw. 2014).

"[The parents] may not be pleased with *how* the IEP team considered the potential harmful effects, but [their] argument that those effects were *not considered* is unavailing."

The court also pointed out that the IEP team intended to develop a transition plan to ease the student's move from the private school he had attended for the previous 10 years. Because the team discussed the student's behavioral and social issues at length and considered how to address those issues in a public school setting, the parents could not show the ED disregarded the potential harms of the public school placement.

The court also rejected the parents' predetermination claim, noting that the IEP team discussed a variety of placement options before deciding on a public school placement with limited mainstreaming.

65 Denial of Parent Participation

Allegations of denial of a parent's opportunity to participate has become one of the most contested issues in special education litigation.

The allegations typically look like:

- ➤ A school district holds and IEP meeting without a parent present;
- ➤ A parent is present at an IEP meeting but not able to participate; or
- A school district makes unilateral decisions without the parent.

66 Parent Participation Denied

Doug C. v. State of Hawaii Dep't of Educ., 61 IDELR 91 (9th Cir. 2013).

The 9th Circuit concluded the district's failure to reschedule an IEP meeting at the parent's request amounted to denial of FAPE.

The court rejected the argument that the district had to hold the IEP meeting as scheduled to meet the student's annual review deadline.

The district erred in focusing on the annual review deadline rather than the parent's right to participate in IEP development.

67 Inadequate Notice Harmless

W.K. v. Harrison Sch. Dist., 61 IDELR 123 (8th Cir. 2013).

Despite its failure to provide proper notice of the issues to be discussed at an emergency IEP meeting, an Arkansas district did not have to reimburse the parents of a grade schooler with autism for their son's private school placement.

The 8th Circuit held the procedural error was harmless in light of the parents' knowledge of the student's recent suspension and their participation in discussions about a new placement.

68 Inadequate Notice Harmless

The district erred in failing to inform parents that the Sept. 2, 2010, meeting, moved up from Sept. 7, 2010, would address the possibility of home instruction.

Furthermore, the 8th Circuit pointed out that the parents participated in team discussions about the student's placement, and that the district abandoned its proposal for home instruction due to the parents' opposition.

69 Inadequate Notice Harmless

"We find no clear error in the District Court's determinations that [the student's] placement was not decided before the September 2 meeting, and that [the parents] were given multiple opportunities after September 2 to meet with [the district] and work out a placement for [the student." Concluding the district's procedural error did not impede the parents' participation in the IEP process or result in educational harm, the 8th Circuit affirmed a decision that the parents were not entitled to tuition reimbursement.

70 Predetermination

Shafer v. Whitehall Dist. Schs., 61 IDELR 20 (W.D. Mich. 2013).

District may have predetermined eligibility category, but that error was harmless.

Evidence supported a conclusion the district provided appropriate service, despite label.

"This was not a case where the school was outright precluding services and where the preclusion led to substantive harm. Rather, this was about the child's disability label.

This was not fatal because the parent and the child's private school participated in determining services.

71 Barriers to Communication

Past History
Emotional Responses
Terminology
Fear or Intimidation

72 Confirm Parents Understanding

IDEA has its own language and acronyms.

Educators speak their own language.

Do parents understand the conversation?

Do the pictures match?

73 Picture Matching

- NO MATCH
- 2 MATCH
- 74 The IEP Process
- 75 Chart your responsibilities
- 76 The Work BEFORE the Meeting

77 Agenda Preparation

One of the most powerful tools an IEP team can use to improve the IEP team process and team member relationships is an active, living agenda.

78 Properties of an Effective Agenda

- 1. The agenda is developed with input and feedback from IEP team participants. It is NEVER developed by a single person and imposed on the group.
- 2. Every topic to be covered at the meeting is clearly identified.
- 3. The overall goal of the meeting is clearly defined.
- 4. The start and end times are clearly articulated.
- 5. A copy of the agenda is provided to participants BEFORE the day of the IEP team meeting.
- 6. The agenda is honored by the members of the group.

79 Agenda Development Form

Review the Agenda Development Form.

This is used to create the meeting agenda used at the IEP team meeting.

It is used BEFORE and DURING the IEP team meeting.

80 Agenda Preparation

Now go back to your chart and intentionally discuss the responsibility for creating and managing the agenda as a living document.

81 In Closing

Every minute you spend understanding the culture of leadership, the roles of the respective IEP team members, and the powerful benefits of an IEP agenda will be exponentially returned in more effective IEP team meetings.

MORE EFFECTIVE IEP TEAM MEETINGS = BETTER OUTCOMES FOR STUDENTS!

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