

KEY SPECIAL EDUCATION REGULATIONS

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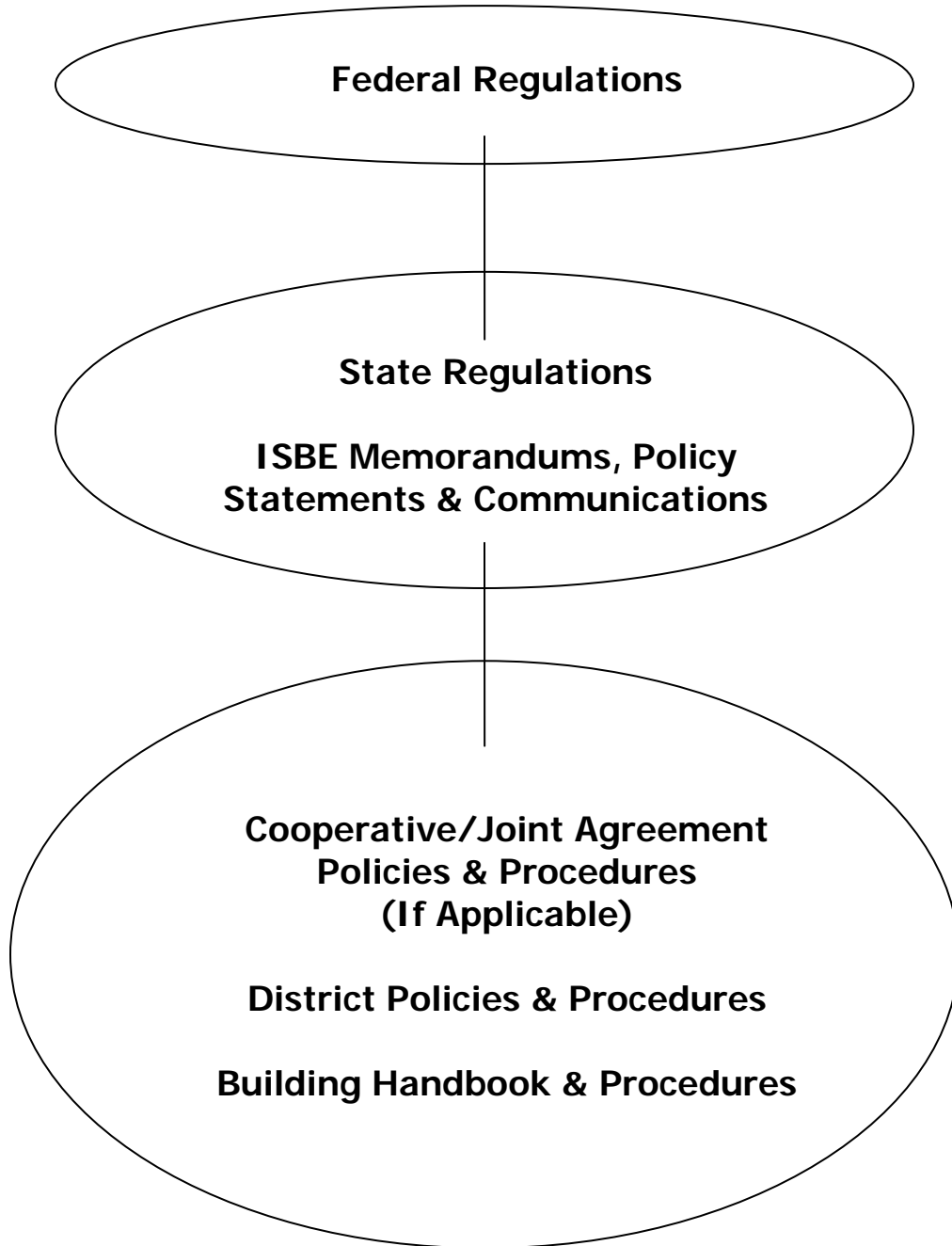
FACILITATING IEP MEETINGS

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New Administrators Conference
Illinois Principals Association**

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3 Tiers of Special Education Regulation



Principals must integrate into special ed services for building success

By Kara Arundel
Special to Counterpoint

There's one person who's growing more important to the evolution of special education programs---the school principal.

While the principal doesn't always have one-on-one contact with special needs students, the attitudes and duties of the building leader--including recruiting and hiring teachers, balancing the budget and contact with parents--can make or break special education services.

If principals aren't familiar with special education lingo, ignore parents' and teachers' pleas, and isolate special education students, they could drive good teachers away and cause the school to ignore or violate compliance laws. If, on the other hand, the principal is well-versed in the Individuals with Disabilities Education Act or IDEA, and committed to the law's intent, she will see school wide successes, such as low dropout rates and high attendance rolls, say studies on the subject and a number of educators.

No principals are successful if they shun special education services, said Cindy Rudrud, president-elect of the National Association of Secondary School Principals or NASSP, and principal of Raymond S. Kellis High School in Glendale, AZ, to open in fall 2004.

"The principal sets the tone for inclusion and acceptance in a school, and that's such an important example of teachers and students," Rudrud said.

A recent report from the Center of Personnel Studies in Special Education, or CoPSSE, at the University of Florida drives that point home. According to the report, research shows principals' values and beliefs influence motivation toward school goals, especially those for special education. But the report also points out not enough principals are ready to provide special education leadership. Nearly half of all new special education teachers leave after three years because of lack of administrative support, poor job preparation, complex job responsibilities and burdensome paperwork mandates, according to the paper.

If this sounds like your school, you can start to turn it around by following the advice of leaders of inclusive schools and by making a commitment to change. Recommendations range from easy--create common planning time between special and general educators--to the more difficult--being fluent in IDEA regulations, case law and research.

Keith Taton, board president of NASSP and principal of Central Middle School of Science in Anchorage, Alaska, said his best advice to other principals is to know the federal and state laws and duties regarding special education. He also advises school leaders to address issues directly with the people they most concern. For example, if teachers and parents have a dispute, try sitting down with them together to discuss the differences.

Taton said small, rural school leaders often struggle with special education services because assistance isn't always available on the district level.

Across the country, principals are taking notice of their special education programs. One reason is due to an increase in special education lawsuits and mounting paperwork. Also, a growing importance of the principal's relationship with special education stems from increased inclusion and the requirements that students with individualized education programs take the same high stakes tests as general education students.

"The core attitude you need to have is the belief in all students," Rudrud said.

Read the CPSSE report online at www.coe.ufl.copsse/index.php.

District's leaders focus on success for all students, including those with special needs

By Kara Arundel
Special to Counterpoint

A strong inclusion program and a philosophy of success for all students led Pennsylvania's Freedom Area School District, or FASD, to shine as the state's example for positive outcomes for special education students.

What also has helped is that the superintendent and high school principal have backgrounds in special education. Their experience with special needs students and a district-wide mission to find the strengths and weaknesses of all students has led to a reduction in discipline problems, and increase in attendance and a near-zero special education dropout rate.

"As a small school district, if we just concentrated on special education kids, it wouldn't be economical," said district Superintendent Ronald Sofo. "It made sense to include all students."

FASD, located in Beaver County in western Pennsylvania, has a total of 1,850 students in two elementary schools, one middle school and one high school. The high school has 575 students, with 60 to 75 of those students classified as needing special education services.

Here are some examples of the programs Freedom Area schools use to improve outcomes for several and special education students:

- A ninth-grade study skills course for all students that includes tips on note-taking and reading for comprehension.
- A transition team of 12 district employees that include principals, several and special education teachers, and counselors. The team monitors the progress of the students, makes sure students are on track with their individualized education programs, develops curriculum to give students more options to explore careers and colleges and more.
- An all-day tutoring center at the high school staffed with two certified aides.
- Sofo meets with principals twice a month, individually and as a group, to discuss transition issues and other programs.

Robert Staub, principal of Freedom Area High School, said support from district officials also is critical to a strong special education program. Administrators lobby for local and state funding, which can improve programs, Staub said. They also track outcomes so they can prove the extra money provides benefits.

For his part, Staub helps teachers and other staff at the high school work on inclusion and transition techniques.

"Every kid should have a portfolio and explore their strengths and weaknesses and activities that interest them," he said.

When he recruits new teachers--for both general education and special education--he looks for classroom leaders who care about all students and who believe in inclusion practices.

The district also emphasizes special education compliance and respect for the Individuals with Disabilities Act, or IDEA.

"We're flexible and ambitious and go beyond the law requirements," Staub said.

For more information, contact Sofo at rsofo@freedom.k12.pa.us or Staub at princ101@aol.com.

Suggestions for Administrators

1. Let your staff know your expectations for how an IEP meeting should be handled.
2. Support your regular education staff along with your special education staff in the lengthy processes required by regulations.
3. Model the parent interaction skills you want your staff to demonstrate.
4. Never finalize discipline without checking for an IEP/or checking the IEP.
5. Document, document, document.
6. Periodically attend workshops on special education issues to update your skills; changes occur frequently.

Plan Ahead for IEP Meetings

Tips

1. Know the order in which you will present information; set an agenda with other staffers who will be present at the meeting.
2. Decide who will do what task during the meeting, i.e., who will bring up which issues and who will do the actual recording. "It sounds simple, but if you (arrange) it ahead of time, you avoid awkward moments."
3. Who will gather the forms you need?
4. Have a contingency plan. For example, if a parent shows up with an attorney without informing the team ahead of time, you should know your district's policy on that situation.

What to Say, Not Say to Parents During IEP Meetings

Melissa Genaux, Behavior Specialist at the Jordan (Utah) School District, provided the following advice about the statements your staff makes during individualized education program meetings:

What not to say when parents make request:

- We can't do....
- We don't do....
- We never do....
- We only do....
- We don't believe in....
- No student gets more than....
- It would cost too much to....
- It would take too much....

If a parent request seems unreasonable, respond with the following questions (even if you know you're not going to use this program):

- Where did you hear about that?
- Are you using that at home?
- Do you have data on that? Can you get us information?
- Could your private provider give us some data?
- Which IEP goals to you see that addressing?
- How do you envision it being implemented?
- Have you seen progress in this area?
- Have we described what we're doing in the program we're using?

This lets the parent know you're listening and interested. It alleviates parent fears that you'll stop cold and not hear them.

Avoid Mistakes in the IEP Meeting

Tips

1. Pre-arrange the seating arrangements. You don't want school staff on one side of the table and parents on the other. Also, make introductions, because "you can't assume everyone knows each other."
2. Keep everyone feeling at ease, including your staff. Remember, "teachers are burned out (and) this makes them nervous. They don't sleep the night before." As soon as the parent walks through the door, share something positive about the child with them.
3. Stick to your agenda--review assessment and evaluation, discuss parent information, establish current levels of educational performances and develop goals and objectives--then determine services delivery, including student placement. Order of decisions is very important.
4. Ensure the school team signs the IEP, even if the parent doesn't sign it. If the parent declines to sign it, "instead of looking at each other, say "That's okay." Don't argue--sign it and give the parent a copy. Get your staff comfortable with that response.
5. When at loggerheads, recommend reconvening the meeting and schedule it while everyone is there. It takes parent anxiety down. Document that the team will discuss XYZ in its next meeting.

DID I SAY SOMETHING WRONG?

Top Ten Fatal IEP Meeting Quotations

By Julie Weatherly, Esq.

Unfortunately, mistakes can occur in the development of IEPs for students with disabilities. Not only must educators ensure that IEPs are implemented, they must also avoid making mistakes in the development of IEPs. Some procedural mistakes, in and of themselves, can constitute a denial of free appropriate public education (FAPE). The following ten IEP meeting quotations are among the most fatal for school districts.

1. "It's so good to see you again, Mr. And Mrs. Brown. We have already finished the IEP and all we need for you do is read and sign it."
While it is acceptable to prepare draft IEPs prior to the IEP meeting with the parents, an IEP can not be presented in final form. As was re-emphasized in the 1997 IDEA Amendments, parents are to be provided the opportunity to jointly and fully participate in the development of the IEP and in all educational decision-making.
2. "We have already met and decided that Joe will be in a self-contained special education class next year."
Although school personnel can meet outside of IEP meetings, no *final* educational or placement decisions should be made. Certainly, meetings may be held to prepare for IEP meetings or to discuss possible options for consideration. At these preparatory meetings, however, school personnel should be clear that no final placement determinations are going to be made.

3. "We'd like to be able to offer two hours of services per day but the Special Education Director has already made the decision that only one hour will be provided."
Simply stated, a final IEP or placement decision cannot be made by someone who is not part of the IEP Team. Only the IEP Team can make final placement decisions.
4. "Oh, how I wish we could offer three hours per week of Occupational Therapy to Susie because she really needs it, but we can't provide that much her in our district."
IEP recommendations must be based upon the *individual needs* of a student and cannot be based solely upon what services are available within the school district.
5. "Our preschool program is a half day program, four days per week for everyone."
Again, IEP recommendations must be *individualized* for each student.
6. "Those services would be too costly. Do you know how much it would cost if we did that for every student in the district?"
Cost is generally not a defense for the failure to offer services that are necessary to meet a student's educational needs. School personnel should be careful to avoid comments that appear that cost is driving recommendations made in the IEP process.
7. "Ok, now let's address where the services will be provided. First, does everyone agree that Steward should be at the separate school next year?"
There is a presumption under the law that all students with disabilities will be served in the regular classroom placement before considering more restrictive placements. Courts expect IEPs and/or other relevant documentation to clearly and specifically reflect the options considered on the continuum of alternative placements and why less restrictive options are rejected.
8. "Of course we provide for Extended School Year. Anyone can participate in our summer school program."
IDEA regulations specifically require IEP teams to consider the provision of ESY services to all students with disabilities. ESY is not the same as summer school and in implementing ESY programs, a school system cannot limit ESY services to particular categories of disability or unilaterally limit the type, amount or duration of the services. Rather, individualized decisions must be made as to ESY eligibility and services. School personnel should be knowledgeable about the school system's ESY policies and procedures and maintain appropriate data to support recommendations.
9. "Well, I'm just the Local Education Agency Representative. I don't do special education, so you'll have to ask someone else about that."
At every IEP meeting, there is to be a "local education agency representative" in attendance. The "LEA Rep." must be someone qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; knowledgeable about the general curriculum; and knowledgeable about the availability of resources in the school district. Though this person can also be the special education teacher, typically someone other than the student's teacher will fill this role. Whoever serves as the "LEA Rep." should be aware of his/her role in the meeting.
10. "Sorry I'm an hour late, but the principal just told me I needed to be here because I'm the only regular education teacher in the building. Can I go now?"
The 1997 IDEA Amendments were clear that at least one regular education teacher of the student must be present at all IEP meetings if the child is or may be participating in regular education. As a member of the IEP Team, it is expected that the regular education teacher will participate in, among other things, the development of supports for regular classroom participation and for participation in the general curriculum.