Supporting the Learning Needs of All Students
Mandatory District Training
2019-20

Our Focus

- Compliance with laws and regulations
  - Improved programs
    - Improved practices and
      - Improved student outcomes
        through collaborative practice

We all play an important role in the education of our students.
Areas of Discussion

- FERPA
- Civil Rights
- Bias and Stereotyping
- Equity
- Food Allergy Safety
- Supporting All Students

Please forward any questions or concerns to your building principal or to Matthew Holloway, Director of Pupil Services
FERPA: the Family Educational Rights and Privacy Act of 1974

The Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99), regulates the confidentiality and privacy of data in student education records and the terms for disclosure of such records.

FERPA is “a Federal law that protects the privacy of student education records. The law applies to all schools receiving funds under an applicable program of the U.S. Department of Education”
Two types of educational records

- **Directory Information** - “information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.”

- **Non-directory information** - consists of personally identifiable information that a school or district may disclose from a student’s education records *only* if the parent/guardian or eligible student (if the student is 18 years of age or older) provides written consent
The regulations are designed to insure parents' and students' rights of:

- confidentiality,
- inspection,
- amendment, and
- destruction of student records, and
to assist school authorities in carrying out their responsibilities under state and federal law.
Two Types of Records

- **Transcript** and the
- **Temporary record**, including all information recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth.

The term as used in 603 CMR 23.00 shall mean **all such information and materials regardless of where they are located**, except for the information and materials specifically exempted by 603 CMR 23.04.
The transcript

- shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the
  - name, address, and phone number of the student; his/her birthdate;
  - name, address, and phone number of the parent or guardian;
  - course titles, grades course credit, grade level completed, and the year completed.
The temporary record

- Contains the majority of the information maintained by the school about the student. This may include such things as:
  - standardized test results;
  - class rank;
  - school-sponsored extracurricular activities;
  - evaluations and comments by teachers, counselors, and other persons;
  - disciplinary records;
  - and other information.
Educational record also includes

- Records maintained by a school nurse
- IEP and other special education records maintained by the school
- Immunization records in school file
- Cumulative record
The term student record does not include

- Personal Files of School Employees
  - Oral communications
  - notes,
  - memory aids and
  - other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party. Such information may be shared with the student, parent or a temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.
Authorized school personnel
(do not need parental consent)

- **School administrators, teachers, counselors and other professionals who are employed by the school committee or who are providing services to the student**
- **Administrative office staff and clerical personnel**, whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.
- **The Evaluation Team** which evaluates a student.
Confidentiality of the Student Record

- No individuals or organizations other than the parent, eligible student and school personnel working directly with the student are allowed to have access to information in the student record without the specific, informed, written consent of the parent or eligible student.
  - "eligible students" are at least 14 years old or have entered the ninth grade
A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log includes:

- the name, position and signature of the person releasing the information;
- the name, position and, if a third party, the affiliation if any, of the person who is to receive the information;
- the date of access; the parts of the record to which access was obtained; and the purpose of such access.

In general the log does not apply to:

- (a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
- (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
- (c) school nurses who inspect the student health record.
Maintenance of the Student Record

- (1) The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.

- (2) The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal,

- (3) The principal and superintendent of schools shall insure that
  - student records under their supervision are kept physically secure,
  - that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and
  - that any computerized systems employed are electronically secure.
Destruction of Records

1. The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

2. During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record.

3. The regulations require school authorities to destroy a student's temporary record within five years after the student transfers, graduates or withdraws from the school system.
Inspection of the Record

- A parent or an eligible student has the right
  - to inspect all portions of the student record upon request. The record must be made available within two days after the request, unless the parent or student consents to a delay.
  - to receive a copy of any part of the record, although the school may charge a reasonable fee for the cost of duplicating the materials.
- The parent and eligible student may request to have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record with them.
Access of Third Parties.

- Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), **no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent.**

- eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party.

- A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record.
A non-custodial parent is eligible to obtain access to the student record unless:

- the **parent has been denied legal custody** or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
- the parent has been **denied visitation**, or
- the parent's **access to the student has been restricted by a temporary or permanent protective order**, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
- there is an **order of a probate and family court judge which prohibits the distribution of student records to the parent**.
Summary

- Keep student information
- Confidential
- Secure
- Use access logs as appropriate
Civil Rights help to protect you from unfair treatment or discrimination, because of your race, color, national origin, disability, age, sex (gender), gender identity, pregnancy, or religion.
Federal Laws

- **Title VI: Title VI of the Civil Rights Act of 1964** - Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color or national origin in programs or activities receiving federal financial assistance.

- **EEOA: the Equal Educational Opportunities Act of 1974** - Prohibits the denial of equal educational opportunity in public schools on account of race, color, sex, or national origin.

- **Title IX: Title IX of the Education Amendments of 1972** - Prohibits discrimination, exclusion from participation, and denial of benefits based on sex in educational programs and activities receiving federal financial assistance.

- **Section 504: Section 504 of the Rehabilitation Act of 1973** - Prohibits discrimination, exclusion from participation, and denial of benefits based on disability in programs or activities receiving federal financial assistance.
Federal Laws

- **Title II: Title II of the Americans with Disabilities Act of 1990** - Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in public entities. (1) Any State or local government; (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).


- **NCLB: the No Child Left Behind Act of 2001** - Governs elementary and secondary education.

- **FERPA** - Protects the privacy of student education records and gives parents certain rights with respect to those records.
MA Laws

- M.G.L. c. 69: Massachusetts General Laws, Chapter 69
- M.G.L. c. 71: Massachusetts General Laws, Chapter 71
- M.G.L. c. 71A: Massachusetts General Laws, Chapter 71A
- M.G.L. c. 71B: Massachusetts General Laws, Chapter 71B
- M.G.L. c. 71, s. 37H
- M.G.L. c. 76: Massachusetts General Laws, Chapter 76
- St. 1965, c. 741: Chapter 741 of the Massachusetts Acts of 1965
- M.G.L. c. 269 sections 17-19: An Act Prohibiting the Practice of Hazing
Forms of illegal discrimination

- Deny services or other benefits
- Provide a different service or other benefit,
- Segregate or separately treat individuals
- Deny an individual an opportunity to participate
- Exclude a person
- Apply eligibility criteria that tend to screen out persons
Discrimination is based on membership in a protected class
(a characteristic of a person which cannot be targeted for discrimination)

- No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.
Our Obligations: Equal Access & Civil Rights

- All students, regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.
Our Obligations: Equal Access & Civil Rights

- **Pregnant students** are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.
Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents include provisions for translation into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages.
Our Obligations: Equal Access & Civil Rights

- **Extracurricular activities** sponsored by the district are nondiscriminatory in that:
  - the school provides **equal opportunity for all** students to participate in **intramural and interscholastic sports**;
  - **extracurricular activities or clubs** sponsored by the school do not exclude students on the basis of race, sex, gender identity, color, religion, national origin, sexual orientation, disability, or homelessness.
• **District employment practices** in general are free from discrimination on the basis of race, color, national origin, sex, or disability. The district’s employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.

• The district requires **employers recruiting at the school** to sign a statement that the employer **complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices** and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation.
The **principal of each secondary school** in the district issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and **a copy of the school’s anti-hazing disciplinary policy** approved by the school committee.
• District nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, religion, or sexual orientation, or discrimination on those same bases;

• There is a procedure for accepting, investigating and resolving complaints alleging discrimination or harassment
  • Reports are made to Matthew Holloway (Director of Pupil Services)
School and district employee handbooks must contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant sections addressing the bullying of students by a school staff member.
The district has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II. (Matthew Holloway, Director of Pupil Services)

The district has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.
Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.
Counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness.
• Scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.
• Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including: 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district
Curriculum Review

- Individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation.

- Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.
The **district evaluates all aspects of its K-12 program annually** to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.
• In accordance with federal and state requirements, the district protects the confidentiality of any personally identifiable information that it collects, uses or maintains.

• The district maintains and provides access to student records in accordance with federal and state requirements.
Summary

- We all play a part in ensuring that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs.

- Please contact Matthew W. Holloway, Director of Pupil Services, at mathol1@gpsk12.org to report any issues or concerns.
Harassment

- No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. MGL c. 265 Section 37
Harassment

- A **pattern** of **conduct** or **speech**, or series of **acts**, targeted against an **individual** in which the conduct or speech, or series of acts, are of such a nature that they seriously alarm the **individual**. Further, the conduct or speech, or series of acts, are of such a nature that they would cause a **reasonable person** to suffer **substantial emotional distress**; and the actions are **committed willfully** and **maliciously**.
Title IX: Understanding Sexual Harassment

- Sexual harassment creates a hostile environment due to inappropriate speech, materials, or actions.
- Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature.
- Sexual harassment interferes with school or work performance and creates an intimidating or offensive environment.
What are your responsibilities?

- Any **student** who believes he/she has been the victim of harassment or discrimination should report it to a teacher, counselor, building administrator, or the Director of Pupil Services or Superintendent.

- Any **employee** who believes he/she has been the victim of harassment or discrimination should report it to the Director of Pupil Services or Superintendent.

- **Active investigations will result** from the report, as applicable and may result in sanctions up to suspension or dismissal.

- If the conduct violates the law, the appropriate authorities will be notified.

- All reports should be forwarded to Matthew W. Holloway, Director of Pupil Services, at mathol1@gpsk12.org.
Bullying

- The **repeated use** by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
  
  - (i) causes physical or emotional harm to the victim or damage to the victim's property;
  - (ii) places the victim in reasonable fear of harm to himself or of damage to his property;
  - (iii) creates a hostile environment at school for the victim;
  - (iv) infringes on the rights of the victim at school; or
  - (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.
Acts of bullying, which include cyberbullying, are prohibited

- on school grounds and property immediately adjacent to school grounds,
- at a school sponsored or school-related activity, function, or program whether on or off school grounds,
- at a school bus stop,
- on a school bus or other vehicle owned, leased, or used by a school district;
- or through the use of technology or an electronic device owned, leased, or used by a school district, and
- at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.
Your Responsibility

- Any member of the school staff must **immediately report instances of bullying or retaliation** when it is observed or when they become aware of the act, to the **building principal** or the **Director of Pupil Services**.
- There will be an investigation
- There will be a determination
Care and Protection of Children Under 18

- School personnel are mandated reporters.

- If school personnel have reasonable cause to suspect physical or emotional abuse or substantial risk of harm/neglect they must follow Department of Children and Families (DCF) reporting requirements.

- Please consult with school principal or the district Director of Pupil Services for assistance if abuse or neglect is suspected.

- Whenever the school files a 51A with the Department of Children and Families a copy must be sent to the Director of Pupil Services within 24 hours.
Care and Protection of Children Under 18

- Any mandated reporter who **fails to make required oral and written reports can be punished** by a fine of up to $1,000.

- Effective July 1, 2010, any mandated reporter who **willfully fails** to report child abuse and/or neglect that resulted in serious bodily injury or death can be punished by a **fine of up to $5,000** and up to **2½ years in jail**, and be **reported to the person’s professional licensing authority**.
Bully Prevention & District Resources

Know your responsibilities in relation to bullying prevention:

1) District Website – Policy and Forms Bully Prevention: Greenfield Public Schools

2) District Bully Prevention Programs
   - Steps to Respect/ Second Step Curriculum
   - Responsive Classroom
   - Restorative Justice

3) Informational resources:
   https://www.stopbullying.gov/what-is-bullying/index.html
Managing Life Threatening Food Allergies in Schools

- Food allergies are presenting increasing challenges for schools. Because of the life-threatening nature of these allergies and the increasing prevalence, school districts and individual schools need to be ready for the entry of students with food allergies.
Food Allergy Prevalence

- Food allergies affect 8% of children under age three, 6%-8% of school-age children and 2.5% of adults.
- Food allergy prevalence has increased 55% in the last five years.*
- 40%-50% of those persons with a diagnosed food allergy are judged to have a high risk of anaphylaxis (a life-threatening allergic reaction).
- Children may be allergic to more than one food.
Allergic Reactions

- **Vary among students** and can range from mild to severe life-threatening anaphylactic reactions. Some students, who are very sensitive, may react to just touching or inhaling the allergen. For other students, consumption of as little as one five-thousandth of a teaspoon of an allergenic food can cause death.

- **Eight foods** (peanut, tree nut, milk, egg, soy, wheat, fish and shellfish) account for 90% of total food allergies, although any food has the potential to cause an allergic reaction.

- **Most**, but not all childhood allergies to milk, egg, soy and wheat are outgrown by age 5.

- **Peanut and tree nuts** account for 92% of severe and fatal reactions, and along with fish and shellfish, are often considered to be lifelong allergies.
Symptoms of anaphylaxis
(flood of chemicals released by your immune system during anaphylaxis can cause you to go into shock)

- Hives • Difficulty swallowing • Vomiting • Wheezing • Itching (of any body part) • Difficulty breathing, shortness of breath • Diarrhea • Throat tightness or closing • Swelling (of any body part) • Sense of doom • Stomach cramps • Itchy scratchy lips, tongue, mouth and/or throat • Red, watery eyes • Fainting or loss of consciousness • Change of voice • Dizziness, change in mental status • Runny nose • Flushed, pale skin, • Coughing cyanotic (bluish) lips and mouth area
Be Aware

- Every school district should expect at some point to have students with food allergies. Accidental ingestion of the offending allergen occurs most often at school.
- A recent study from the journal, Archives of Pediatrics and Adolescent Medicine, states that 1 in 5 children with food allergies will have a reaction while in school.
- The student with an undiagnosed food allergy may experience his/her first food allergy reaction at school.
- When a physician assesses that a child’s food allergy may result in anaphylaxis the child’s condition meets the definition of “disability” and is covered under the Federal Americans with Disability Act (ADA), Section 504 of the Rehabilitation Act of 1973, and may be covered under Individuals with Disabilities Education Act (IDEA)
Be Aware

- Most anaphylactic reactions occur when a child is accidentally exposed to a substance to which he/she is allergic, such as foods, medicines, insects and latex.
- Protecting a student from exposure to offending allergens is the most important way to prevent life-threatening anaphylaxis.
What can we do?

- **Planning** and **knowledgeable staff**, can save the life of a child.

- **Total avoidance of the substance to which the student is allergic** is the only means to prevent food allergy reactions.
Greenfield Public School Requirements

- **Food sent to school** for the consumption of more than one student can not contain nuts or nut oils.
- The **school may prohibit specific food products** from entering the classroom or may prohibit home baked food items from celebrations.
- A **peanut free eating area will be provided** may be necessary in some cases.
- **Information about students’ food allergies will be kept in the classroom.** These foods will not be used for class projects, arts, crafts, science experiments, cooking or other projects.
- **With parental permission, a letter will be sent home** with classmates to inform families of specific classroom allergies and restrictions.
Planning

- The school nurse should oversee the development of an Individualized Health Care Plan (IHCP) for each student with the diagnosis of a life-threatening allergic condition.
- The IHCP must be developed prior to the student’s entry into school or immediately after the diagnosis of a life-threatening condition and should include an Allergy Action Plan (AAP) that addresses the management of anaphylaxis.
Planning

- Teachers must be familiar with the IHCP (Individual Health Care Plan) of students in their classes and respond to emergencies as per the emergency protocol documented in the Allergy Action Plan (AAP).

- In the event of an allergic reaction (where there is no known allergic history), the school nurse should be called and the school’s Emergency Response Plan activated. The emergency medical services should be called immediately.

- The classroom should have easy communication with the school nurse by such means as functioning intercom, walkie-talkie or cell phone.
Emergency Actions

- When in doubt, it is better to give the Epipen© (epinephrine) and seek medical attention. Fatalities occur when epinephrine is withheld.
- It is imperative that following the administration of epinephrine, the student be transported by emergency medical services to the nearest hospital emergency department even if the symptoms appear to have been resolved.
Preventative Measures

- If a student inadvertently brings a restricted food to the classroom, he/she will not be allowed to eat that snack in the classroom.

- Tables are to be washed with soap and water in the morning if an event has been held in the classroom the night before.

- Sharing or trading food in the class should be prohibited.

- Proper handwashing technique by adults and children should be taught and required before and after the handling/consumption of food.
Preventative Measures

- If an animal is present in the classroom, special attention must be paid to the ingredients in their food as many animal feeds contain peanuts.

- A "peanut-free" table will be established and maintained as an option for students with peanut allergies, as this is an extremely potent allergen and often a hidden ingredient.

- Other LTA (Life Threatening Allergen) -free tables should be provided and maintained as needed.
Where do these requirements and precautions apply?

- In school
- On school grounds
- Field trips
- School bus
- Gym and recess
- After school activities
Summary

- Know your students
- Follow district requirements
- Know and follow emergency procedures
- PREVENT ACCIDENTS
Supporting the Learning Needs of All Students
(MA Tiered Systems of Supports)

- How do we address the learning needs of all students?
  - Do you know what to look for?
  - Are you looking?
  - What do you do when...?
  - Who can provide you with more knowledge and support?
  - Who else can intervene and support a student?
  - When do you turn to someone else?
  - What kind of intervention and support is available (in and out of school)?
  - When is a District Curriculum Accommodation Plan (DCAP) needed?
  - When is a 504 needed?
  - When is an IEP needed?
What Is Special Education and When is it the Right Service?
Special education is provided to eligible students

- Who is eligible?
  - Students with disability(ies)
  - who
  - Are not making effective progress in the general curriculum
  - Because of the disability(ies)

And who

- Require specialized instruction and/or Related Services

All 4 criteria must be met!
What is Special Education?

- Specially designed instruction
  - Modifications to
    - Curriculum
    - Methodology/Delivery of Instruction
    - Performance Criteria
    and/or
  - Related service(s) necessary to access the general curriculum
    - OT
    - PT
    - Speech
    - Vision
    - Hearing
    - Transportation
Special Education Services

- Enable a student with a disability to access the general curriculum and/or to make effective progress within the general curriculum
  - **Access Services** from OT, PT, Speech, Autism, Assistive Tech, Hearing, Vision, Adapted Physical Education, School Psychology, Counseling Specialists and even Special Transportation.
  - **Educational Services from a Special Education Teacher**
  - Specialized Services focus on **enabling a student to make effective progress** not just develop of skills and abilities
    - Reading
    - Writing
    - Calculation
    - Emotional and behavioral self-management
    - Speaking
    - Listening
    - Navigating the school environment
    - Self-care
    - Fine motor skills
    - Gross motor skills
What is a Disability?

A student qualifies as disabled under the definition of Section 504 of the Rehabilitation Act of 1973 if he or she:

- Has a **mental or physical impairment**, and
- Is **substantially limited in his or her major life activities** that include abilities such as (but not limited to) self care, breathing, walking, seeing, performing schoolwork, speaking, and learning.
A disability is characterized by

Significant delays, impairments or limitations in the student’s capacities:

- A pattern of difficulty that persists beyond age expectations
- A pattern of difficulty across settings
- A pattern of difficulty that is not solely the result of cultural, linguistic, or socioeconomic differences
- A pattern of difficulty that persists despite instructional support activities
Disability definitions

- Autism
- Developmental Delay
- Intellectual
- Sensory: Hearing, Vision, Deaf-Blind
- Neurological
- Emotional
- Communication
- Physical
- Health
- Specific Learning
What is an Educational Disability?

- A Disability that prevents or inhibits the student from making effective progress in the general curriculum.

And

- That necessitates provision of specialized instruction and/or related services in order to enable the student to make effective progress.
How do We Identify Educational Disabilities?

- Done through an evaluation process
  - Referral
  - Identification of appropriate assessments
  - Parental consent to evaluate
  - Evaluation meeting
    - Eligibility
    - IEP development
    - Placement
Upon referral, the school district must provide written notice to the parent – we have 5 school days to respond to the parent or guardian in writing.
Caveat

- Use of instructional support should never be a reason to deny a referral for a special education evaluation.
- Students with clear or probable indicators of a disability should be referred and evaluated promptly.
Doing a good evaluation

- Use qualified evaluators
- Use formal and informal assessments
- Use appropriate assessments
Involve the parents

- Consulting on evaluations
- Consulting on evaluators used
- Set the stage for a positive relationship
- Build trust & respect
- Best practice
- Best information about the student
Required Assessments

Assessment in all areas related to the suspected Disability

Educational Assessment A&B
• A standard academic battery of tests
• A standardized IQ test
• A chat with teacher(s)
• A review of educational record

NOT GOOD ENOUGH
Every student deserves an individualized inquiry

- The law requires it.
- It’s the right thing to do.
- We get the best assessment results by not assuming every student is the same.
- We can identify the “unique” needs of the student only if we see each student as unique.
Thinking about Assessments

- Use information you know about disabilities.
- Don’t be quick to judge -- wait for assessment information and make sure you are confident in the assessor(s) and the assessment(s).
- Don’t over-test or duplicate testing already done.
- Objective assessment is critical!
What is the Educational Assessment?

- The Educational Assessment Parts A & B (Ed A&B) is an assessment (required by state regulation) that includes information about the student’s educational history and overall progress, including current educational standing in key curriculum areas.
- This assessment includes information on the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
- This assessment also include a narrative description of the student’s educational and developmental potential.
Narrative on educational and developmental potential

- Factors inhibiting or assisting student to make effective progress
- Performance consistent or inconsistent -- patterns?
- Consistently
  - within typical range
  - better than typical
  - less well than typical
  - inconsistent performance
Why is an Educational Assessment completed?

- The Ed. A & B is one of the most important evaluations that is completed for a student who is suspected of needing special education services.
  - It reveals information about the progress over the course of the student’s academic history.
  - It reveals information about the student’s current functioning in school.
  - It is the assessment that used to determine if a disabled student has an educational disability.
- Without a properly completed Ed. A & B eligibility cannot be determined.
The assessments are ready, the Team meets and considers the information

- Does the student have a disability?
- What is the educational impact of the disability, if any?
- The discussion on disability and educational impact may proceed simultaneously or sequentially -- either is okay.
Effective Progress

- Not just passing grades
- Failing grades -- one indicator of ineffective progress
- Definitional language:
  - Documented growth in acquisition of knowledge and skills
  - including social/emotional development
  - according to age, development, potential, and learning standards
  - includes preschool, academic and non-academic offerings of the district, and vocational programs and activities
Is lack of effective progress a result of the disability(ies)?

- Good assessment information will play a role here.
- Remember the concept “educational disability”

Disability + Educational Impact of Disability

- If the student is not making effective progress, and there is no evidence that it is because of a disability in whole or in part, HAVE OPTIONS for the student other than special education.
Does the Student Require Special Education in order to make effective progress?

- At this point, the Team has determined that the student has a disability.
- And, that the disability does have a negative impact on effective progress.
- Are there any circumstances when the Team might say that the student is INELIGIBLE?
Possible Finding of No Eligibility at this point

- Student is disabled
- Disability contributes to ineffective progress
- Not eligible IF student does not need services (instructional or related) and only needs some kind of accommodation, or
- Student needs accommodations to make progress but any service need is not instructional and is unrelated to access to the general curriculum.
Disability

Lack of progress

Need for special education

Because of disability
Eligibility - Remember the steps:

- Presence of a disability
- Lack of progress caused by disability
- Need for special education
Once a student is eligible

- An IEP is developed
- Eligibility Discussions and IEP Discussions are Different
  - Related but not synonymous.
  - 28.05(2)(a)(ii) “Once eligibility has been determined, the type of disability shall not be used to provide a basis for labeling or stigmatizing the student...shall not define the needs...and shall in no way limit the services, programs, or inclusion opportunities provided to the student.”
- Placement is determined
Cautions

- ADD/ADHD – often best served via DCAP or 504
- Young Children – often have little exposure to educational settings
- Different Linguistic/Cultural Background – can explain learning difficulties
- Involvement with Social Services or the Courts – not proof of disability
- MCAS performance – an indicator
- Social maladjustment, OOD, CD – not eligible due to these disorders
- Lack of instruction in reading or math – not a reason for special education
Before we consider specialized services

- We rely on educators to ‘solve’ learning problems
  - Are you looking?
  - Do you know what to look for?
  - What do you do when...?
  - Who can provide you with more knowledge and support?
  - Who else can intervene and support a student?
  - When do you turn to someone else?
  - What kind of intervention and support is available (in and out of school)?
  - When is a DCAP needed?
  - When is a 504 needed?
  - When is an IEP needed?
Special Education should **not** be the only service.

- Students still need high quality instruction in all curriculum areas
  - General Education Teachers teach everyone
Learning experiences that you create ‘shape’ the outcomes

- How is your classroom designed?
- What learning venues are available to you?
- How are all students accessing information?
- What are you expecting students to do with information?
- How do you know if students have met expectations?
- How can you tell if they are or are not learning?
- What learning choices do you provide to students?
- Are your experiences aimed at enabling students to meet standards?
- How do you know if students have met standards?
How to think about ‘solving’ learning issues

- Need an awareness of your students
  - What is/is not out of the ordinary for them?
  - What is/is not out of the ordinary for your classroom?
- Identify area(s) of concern
  - Attention
  - Behavior
  - Ability to see, hear, speak, interact, remember, etc...
  - Ability to read, write, calculate, etc...
- Attempt to identify a root cause?
  - Gather more information
    - Record review
    - Speak with colleagues
    - Speak with parent
    - Speak with the student
  - Possible causes may be memory, auditory processing, organization, physical ability, seeing, hearing, etc... issues
- Attempt a solution/intervention
  - Align your solution/intervention with the issue/area of concern
    - Move a student closer to the board,
    - Allow a student extra time
    - Allow a student to use a reference sheet
How to think about solutions

- **3 types of solutions**
  - **Tools** – what can the student use to enable their learning?
    - Reference sheet
    - Fidget
    - Speech to text device
    - Audio books
    - Sticker chart
  - **Strategies** – what can the student do to cope with an area of weakness
    - Ask questions or self advocate
    - Sit in the front of the class
    - Request copies of notes
    - Read and listen
    - Access a counselor with feeling frustrated
  - **Building skill and ability** – what can the student learn to improve the area of concern?
    - Memory exercises
    - Mindfulness/focus exercises
    - Fine motor exercises
    - Word identification exercises
    - Self monitor feelings
If General Education is Responsive

- More students will get the education they need.
- More students will get the support they need.
- More teachers will understand how to work effectively with more students.
- Referrals to special education will be made for the right reasons.
- Disabled students will get the help they need from both general education and special education.
What is Pupil Services doing?

- Reviewing our process for identifying and supporting student learning
- Supporting educators to ‘solve’ learning problems at the lowest level
  - ‘Tool kits’ for educators
  - School-wide teams focused on addressing and supporting positive student behavior
- School-wide teams focused on understanding and effectively using technology to enable student learning
- Collaboration with community agencies and parents
- Mindfulness Training
Keep the student at the center of your activities
Thank you for your careful review of this material.

If you have questions about mandatory requirements, legal responsibilities, and/or student services within the district please contact:

1) Respective building principal
2) Pupil Services office

Please sign the training acknowledgement form.