



Tennessee Association of Administrators

in Special Education Advisor

Volume 2, Issue 1

March 2006

Transition services should span beyond high school

Schools should expect changes in how students with disabilities will transition beyond high school when the **Education Department** releases the final IDEA Part B regulations later this year, **OSERS Assistant Secretary John Hager** told the **Learning Disabilities Association of America's** 43rd annual international conference. The final regulations are expected to combine portions of the new IDEA, timelines car-

ried over from the 1999 regulations, and changes expected once the **Rehabilitation Act** is reauthorized.

In the final regulations, Hager said you should expect transition services to start as early as age 14, but no later than 16.

"Many times there is a disconnect in the states between high school and where children with disabilities go to in the next step," he told the conference. "In the regulations that will be pub-

lished there will be support for the documentation and in essence moving the IEP process farther down the line."

Schools will be expected to follow through on IEP transition language, Hager said. Transition services do not end once students leave school.

Your school will have to work with postsecondary education providers because they will have a responsibility to "essentially adopt that child," he said. ■

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Address LRE concerns in the age of NCLB

The implementation of **NCLB** has led to a reexamination of how schools make placement decisions for students with disabilities.

During an **LRP Publications** audio conference, attorney **Melinda Baird** fielded questions on the reemergence of LRE in federal case law and why it is blended with academic performance.

Federal mandates

- Why is there so much confusion about how to align expectations for students? **See page 4**

"We have to worry about academic performance for 99 percent of our special education population," she said. "Even kids with moderate MR are expected to take the regular annual standardized test to determine the school district's compliance with AYP under NCLB.

That will dramatically impact how we write IEPs in the future."

The courts have moved from looking at the child's socialization skills when determining LRE, to what he is learning in the general ed curriculum and his academic performance, said Baird, a special ed attorney based in Jacksboro, Tenn.

Here is an excerpt of the transcript:

Q Should the expectations of special ed students in a general ed classroom be geared toward IEP goals or the academic expectations of the entire class?

- A.** My opinion ... is you need to write the IEP based on:
- The child's unique needs and abilities.
 - Where the child is educationally based on an annual goal that shows meaningful progress.

(See **EXPECTATIONS** on page 4)

Provide all students with the same postschool options

Both **NCLB** and the IDEA focus on increasing the number of high school students with learning disabilities who graduate with strong academic skills needed to enter postsecondary education programs. An important key to facilitating success among your population of students with LD is having a collaborative approach to address transition planning at several levels.

When planning each student's transition from high school to adult life, IEP teams should develop a plan that goes beyond simply shifting the responsibility to provide services from the school to a development service agency.

Transition services should start before students turn 16. The new IDEA mandates that students receive an individualized "needs summary" upon graduation. Also, IEPs must spell out a formal plan to transition students from school to adult life.

Planning for each student's transition shouldn't be dependent on a service system based on labels, segregated options, dead-end employment, and long waiting lists, said **Amber Roberts**, administrative coordinator of the **Oregon Office on Disability and Health**. A quality transition plan:

- Includes the same options and choices that students without disabilities have.
- Is based on the least dangerous assumption of competence.
- Uses a person-centered planning approach that respects student and family preferences.

Develop focused planning to address needs of students with disabilities

You can develop a "focused futures" planning process to help students with disabilities develop their own transition plan.

Amber Roberts, administrative coordinator of the **Oregon Office on Disability and Health**, said this eight-stage process of consumer- and family-directed planning teaches students with disabilities to:

- Take control of their life.
- Build an understanding of their values, preferences and beliefs.
- Set goals, identify support roles, and clarify expectations.
- Consider different options for support.
- Decide how to spend support funds.
- Try choices on for fit.
- Figure out ways to stay on course.
- Grow and refine transition plans.

Often it is useful to have outside agencies and IEP teams collaborate closely with you on the transition plan because most students with disabilities between the ages of 18 and 21 are still connected to your district in some way, Roberts said. ■

- Involves young adults in choosing who provides postsecondary supports to them.
- Utilizes both community and specialized resources and funds to carry out the services. ■

Include students with disabilities in programs for all students

One effective transition planning approach is to include in each IEP a process for students to work with their school's staff and guidance department. This allows you to embed transition planning into the general high school curriculum or guidance program.

It also allows all students with disabilities to focus on their future plans alongside their classmates who don't have disabilities, said **JoAnne Malloy** of the **Institute on Disability** in Durham, N.H. Most high schools have a variety of life, career and college planning services for all students. These services include:

- Course planning.

- Internships or community service opportunities.
- Courses in consumer and family studies.
- Guidance in planning for college.
- Tutoring for college entrance exams.
- Assessments to help students identify their interests and talents.
- A variety of clubs and activities geared to adult roles.

When these activities are open to all students, students with disabilities have the supports necessary to fully participate in specialized planning they can use to fill in the gaps. ■

Publisher: Kenneth F. Kahn, Esq.
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Hold early discussions on individual needs of incoming students

Should a student move into your school in search of diploma options, the only knowledge you will have about him is what a parent tells you and what the school records from the previous LEA reveal.

Thus, the student's transition plan from the school he is exiting should be your starting point when designing a new plan. **Jim Walsh** says you don't have to worry about liability issues associated with students who move into your district to bypass more stringent high school testing requirements in other states, as long as your district complies with its state law from the time the student moves in.

"The district isn't responsible for the [parent's] decision to move, and isn't responsible for what happened or didn't happen in the previous district," said Walsh, an attorney with **Walsh, Anderson, Brown, Schulze & Aldridge** in Austin, Texas. "But your district should provide very clear [graduation requirement] information to the parents and

students, including options and consequences. Written descriptions in plain language would be very helpful."

Experts say if you receive such a student, you should also be sure to:

- Take into account your state's graduation requirements.
- Convene an IEP team meeting to discuss individual needs of and outcomes for the student.
- Adjust the student's transition plans if necessary.
- Send prior notice to parents about their child's options and placement.

"The new district does have to take into account the graduation requirements in the new state and district," Walsh said.

The transition plan will very likely need to be adjusted because like any other change in educational placement, graduation is subject to IDEA procedural safeguards, including prior written notice to the parents and adult student. ■

ED sets sights on more effective transition support systems

Only 33 percent of students with disabilities are finding jobs after they graduate or age out of high school because transition plans are often too vague, according to the **Education Department**. Once special education students leave school, they can remain on waiting lists for years to receive adequate supported-living and transportation needs.

To find a solution to the problem, in December ED had each state submit a plan to compile data on the paths students with disabilities have taken following high school.

"Young people with disabilities aren't moving into adult lives as successfully as other kids without disabilities," **OSERS Deputy Assistant Secretary Troy Justesen** said in a press release. "A lot of young people are dropping off of being full members of society when they leave high school."

While the job of connecting adults with disabilities with work often falls on state rehabilitative service agencies, state agencies often "wait for the student or the parent to come to them," Justesen said.

ED's findings will lead to the creation of more effective transition support systems in schools and government agencies, he added.

After ED more accurately defines what students with disabilities do after graduation, they'll be better equipped to ask students the question their families, teachers and friends have fretted over for years: "Where do you want to go as a person, and how do we help you get there?" ■

Model this youth employment services program to help students find jobs

One way your school can help special education students successfully transfer from school to work is to develop a Youth Employability Services Program.

Marathon County (Wis.) Public Schools uses the YES Program to make sure students in special education classes complete an employability skills curriculum needed for their career portfolio.

Lori K. Szymanski, transition coordinator for the district, said the career portfolio, which the district provides to each special ed student who graduates or ages out, includes:

- Copies of the student's current résumé and reference sheet.
- Letters of recommendation for employment.
- Error-free examples of a job application form.
- Cover letter and interview thank-you letter the student wrote.
- A practical guide to employment.
- A copy of your district's directory of services for students with special needs.
- The student's most recent IEP information.

"The YES Program continually strives to provide a variety of meaningful tasks that match individual skills as well as employer needs," Szymanski said. ■

EXPECTATIONS (continued from page 1)

The annual goal should get the child moving toward grade-level academic proficiency.

Q Why is there so much confusion about how to align expectations?

A. I think the confusion comes from this completely unrealistic requirement in NCLB. It says every single child is going to achieve grade-level proficiency up through graduation. That has caused the IDEA and NCLB to be inconsistent because under IDEA, we are supposed to write programs that are geared toward a child's unique needs and abilities.

It has caused this tension between what the goals and objectives are supposed to be. It causes you to question if the IEP should be based on a child's ability or based on matching them directly to the age-appropriate curriculum standards.

I think the IDEA removed the requirement for us to write short-term objectives in IEPs because **Congress** felt we didn't need short-term objectives anymore because the short-term objectives, except for the 1 percent of children with the most significant cognitive disabilities, are simply the curriculum components from the general education curriculum.

Q Does the continuum of services continue in the new IDEA?

A. Clearly the law has, since 1975, contained the same language for the continuum of services. I don't think there is any way that we can say there is any trend or any intent to eliminate part of the continuum of services. Clearly, for some children, I believe it will still be not only educationally appropriate, but legally sufficient, to place those children in more respective settings for one or more subjects. But you have to look at each case independently; it should be an IEP team decision.

You have to remember when you make those determinations your first thought should be, 'Can the child succeed in the regular education curriculum in the regular education classroom with the provision of supplemental aides and support?'

The thing that disturbs me is when I see some school systems grouping children in a resource classroom by their labels or by their area of deficits without first attempting to ... supply supplementary aides and supports in the classroom. I do think the full continuum is still there, but I am nervous when I see some school systems using the continuum as a reason to ... go from A-to-Z instead of going A-B-C-D and following that progression.

However, if the child isn't progressing academically, it can be important to get the child in an environment where [he] can get academic benefits, even if it is a more restricted environment.

Documentation of data highly prized

Q What kind of school data do the courts consider for showing documentation of progress, especially for students who may be nonverbal?

A. The collection of data is gold. There is nothing better from a litigation standpoint than to have hard and fast data in terms of:

- Standardized testing.
- Classroom testing.
- Behavioral data.

But it isn't always essential. It is just great to have. I think courts pay very close attention to what teachers say about students. There is no doubt in my mind that in every case I ever litigated, it doesn't matter how many experts you have or how many degrees they have, the witnesses from the school system that judges seem to be the most interested in hearing from are the classroom teachers.

I think data [are] important, but the classroom teacher informing the court about attempts to bring the child into the mainstream and meet the child's goals with an eye toward this whole NCLB requirement of grade-level proficiency is also very important.

Q Parents often are unaware that a child's curriculum has been modified. What is an appropriate way to document modifications?

A. There is a concern that parents don't know, and I hear this from educators all the time. There is also a concern that when a child leaves the public school system and takes a transcript with [him] that there is no indication anywhere on the transcript that the grades were modified. Colleges don't know. Employers don't know.

It is very clear to me, from letters of finding that have come out of the **Office for Civil Rights** and talking to the folks at OCR, that it is legally problematic to make an indication on a child's report card, transcript or anything that grades are modified. Where you have to notify parents is in the IEP process. ■

Let's hear from you!

If you have any items of interest to TAASE members, or would like to highlight something exciting in your district in future issues of the *TAASE Advisor*, please e-mail **Jo Bellanti**, TAASE secretary, at jbellanti@scsk12.org. ■

Placing students in the LRE begins with the IEP

IEP teams should begin the least restrictive environment discussion with the assumption that general education is appropriate for educating all students.

This discussion should include a review of the appropriateness and educational benefit of each service and setting for each student, said **Isaac Whitton**, an attorney who represents school districts. IEP teams also need to consider information about the experiences of individual students in academic and nonacademic environments and extracurricular activities. This will help assist members in the placement planning and decision-making process.

Learner characteristics

When making placement decisions during IEP development, Whitton advises teams consider the following learning characteristics of each student:

- Rate of skill acquisition.
- Overall functioning level.
- Need for social interaction and leisure skills.
- Need for limited distractions.
- Behavioral characteristics.
- Special health or safety needs.

Environment characteristics

IEP teams also should consider how the student will handle the following characteristics of general ed:

- Content of general education curriculum.
- Structure of the general education classroom setting.
- Balance of general education content areas with functional, social and community skills training.
- Structure of nonacademic/extracurricular activities.

Questions to consider

Whitten said your IEP team also should consider answers to the following five questions:

1. In the student's educational environment, what accommodations, modifications and adaptations does the individual require to be successful?
2. Can all of these accommodations, modifications and adaptations be provided within the general education environment? If not, explain why.
3. How will participation in the general education environment affect the student?
4. How will the student's participation in the general education environment affect other students?
5. What specific and systemic supports are needed to assist the teacher and other personnel to provide these accommodations, modifications and adaptations? Describe them. ■

TAASE news & notes

■ The TAASE Board has discussed realigning the TAASE districts with the new Field Service areas established with the **Tennessee State Dept. of Education**. Until that change is made, there is some overlap as Board members from the old TAASE-defined district overlap the new Field Service areas.

■ The Yoakley Award was presented on March 9 at the state supervisors' conference in Nashville. The nominees were all outstanding examples of excellence in the field or special education. Nominees included: **Paula Davidson, Brenda Hughey, Sue Prather, Paula Brownyard, Lanny Arms, and Deborah Harris**. The winners for 2006 are: **Sue Prather, Paula Brownyard, and Deborah Harris**.

■ The **TAASE Legal Conference** will be held again in December of 2006 at the **Music Road Hotel**. The 2005 conference was a huge success. Unfortunately, capacity limitations at the facility made it impossible to accept on-site registrations. Organizers hope attendees can increase as additions to the hotel and conference center are made.

■ TAASE board members continue to represent your interests with issues such as the new licensure and service delivery models for speech-language pathologists, Fee for Service and Easy Census, and new opportunities for TASL Credit. With every part of the state represented by someone on the Board of TAASE, we hope that members will have easy access to make their concerns and feelings known.

The incoming president, **Sandra Earnest of Maryville City Schools**, hopes to lead the organization as we take on new challenges in the coming year.

Board members*

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Use site visits to overcome parents' aversion to inclusion

A common stumbling block to inclusion for some schools remains parents who don't perceive inclusion to be in the best interest of their child.

"Many parents may not like an inclusive classroom and may think their children aren't able to learn in that environment," said **Larry Plorin**, an attorney representing school districts in Georgia. "Parents are concerned that their child will be teased or harmed and not be safe."

Those parents have to be taught that students make strong academic, social, interpersonal and personal gains through inclusion, Plorin said. Welcoming parents into a classroom and school is vital to having them become part of the team for inclusive education.

Steps to include parents

Carlo Rossi, an independent child advocate with the **Sonoma County (Calif.) SELPA**, said you need to honor parents' placement decisions and simultaneously support them in learning about the benefits of inclusion.

You need to work more with parents, Rossi said, and teach them by having them visit full inclusion programs and giving them literature on inclusion.

"Include parents from the beginning," he said. "That can be a powerful tool in addressing parental concerns regarding placement."

Rossi recommends you:

- Hold parent information and input meetings.
- Hold classroom visits with parents.
- Show parents well-written inclusion plans with timelines for implementing each phase of the program.

Sandra Earnest, coordinator of special education services in **Maryville (Tenn.) City Schools**, also strongly recommends you schedule collaborative team meetings with parents on a regular basis to promote communication and the generalization of skills across settings.

"Collaborative meetings aren't IEP team meetings," she said. "They're short meetings of key personnel and parents to regularly discuss strategies, monitor progress, and address any issues of concern."

You also should take steps throughout the year to communicate to all parents via e-mail, your district's or the school's Web page, and through a newsletter, Earnest said.

"Follow-through and accountability is critical if there is to be a partnership between parents and districts," Rossi said.

Share your perspective

A child who learned to do something independently at home needs the opportunity to be able to do so at school in front of other students, Plorin said. Educators need to share this information with parents. ■

Active listening is an often-overlooked conflict resolution skill

It is understandable that parents become upset when their children are removed from 1-to-1 learning environments and placed with nondisabled peers. In some cases, such placement changes, or other actions, even result in legal actions taken against your district. Yet by using active listening techniques early in the IEP and placement process, you can show parents you understand their concerns and you're dedicated to working with them.

School officials often overlook the need to use active listening skills when addressing and developing IEP goals and objectives with parents that will enable children to improve academically and socially in the home and school environment, said **Ann Nevin**, a visiting professor at **Florida International University** in Miami. Active listening is a way of listening and responding to another person that improves mutual understanding.

"Often when a parent talks to you, you don't listen attentively," she said. "You are often distracted, half listening, half thinking about something else. When you are engaged in a conflict, you are often busy formulating a response to what is being said."

The parent assumes you have heard what he said because he has said it many times before, but rather than paying

attention, you are focused on how you can respond to win the argument, Nevin said.

Empathize with feelings of others

Active listening is a structured form of listening and responding that focuses the attention on parents. You must take care to attend to them fully, and repeat, in a parent's own words, what you think he has said. You don't have to agree with all parents to be an active listener, Nevin said. You simply must state what you think they are telling you.

This enables them to find out whether you really understand individual child issues. And if you didn't understand, active listening shows the parent he must explain some more, she said. Often, you should interpret a parent's words in terms of feelings.

Instead of just repeating what happened, you might add, "I gather that you felt angry or frustrated or confused when..." This allows a parent to go beyond confirming that you understood what happened to her child and indicates you also understand her psychological response to what happened. ■