



Tennessee Association of Administrators

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All aspects of student performance important in IEPs

IEPs must contain several statements that describe student performance and outline special education and related services your school district will provide.

Under the new IDEA, the statement of a student's present level of education performance must be revised to reflect his academic achievement and functional performance.

This should include how the student's disability affects his in-

volvement and progress in the general ed curriculum, said **Christopher P. Borreca**, a partner in **Patterson and Guillani**. The change makes it clear that all aspects of a student's performance are important areas of development, including social and behavioral areas.

"The IEP should describe the curriculum that establishes the expectation for grade-level performance in the regular education curriculum," he said.

The new IDEA also adds an important new provision that the IEP team's choice of special education and related services be guided by peer-reviewed research whenever possible.

Congress clearly is moving the determination of related services and supplementary aids and services to a standard imposed by **NCLB**, he said. This means using longitudinal data linking test scores, enrollment, and graduation rates over time. ■

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Get familiar with core RTI concepts

Section 300.307 of the proposed regulations allows states to *prohibit* the use of a severe discrepancy between achievement and intellectual ability for determining whether a child has an SLD. In addition, states *may not* require LEAs to use a discrepancy model.

Recent reports recommend abandoning the IQ-discrepancy model and recommend the use of response-to-intervention models, the **Education Department** notes.

According to the 2004 LD Roundtable, a collaborative workgroup formed by the **National Joint Committee on Learning Disabilities**, the RTI process should include the

following elements:

- High quality, research-based interventions and behavioral supports in general education.
- Scientific, research-based interventions focused specifically on individual student difficulties and delivered with appropriate intensity.
- Use of a collaborative approach by school staff for development, implementation and monitoring of the intervention process.
- Data-based documentation reflecting continuous monitoring of student performance and progress during interventions.
- Documentation of parent involvement throughout the process.
- Documentation that the timelines described in the federal regulations are adhered to unless extended by mutual written agreement between the child's parents and a team of qualified professionals.
- Systematic assessment and documentation that the interventions used were implemented with fidelity. ■

LD diagnoses

- Learn more about the impact RTI will have on you and your students; get related tips. See pages 4-5

How to show your services are backed by peer-reviewed research

Under the new IDEA, your IEP team's choice of special education and related services for students with disabilities must be guided by peer-reviewed research whenever possible.

Language says that a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research should be provided to the child, or on behalf of the child, to the extent practicable.

To say that a program or service in a student's IEP is grounded in peer-reviewed research means there is reliable evidence that the program or service works.

*During an audio conference, attorney **Jim Walsh** fielded questions concerning requirements for IEPs and the need for peer-reviewed research under the new IDEA.*

*Walsh is a partner with the law firm **Walsh, Anderson, Brown, Schulz and Aldridge**.*

Q: Do IEP teams still have to provide a statement of special education and related services and supplementary aids and services?

A: Yes, this information is still a required part of the IEP. What is different is the expectation that your IEP teams base special education, related services and supplementary aids and services on peer-reviewed research to the extent practicable.

Q: Does this mean the IEP must state the methodology that will be used to instruct the student?

A: It isn't clear from the language of the statute. Absent further guidance from the **Education Department**, I think it will be enough to state in the IEP that these services will be "based on peer-reviewed research to the extent practicable." You also need to be prepared to discuss the issue, including any methodologies the parent might request. If the parent is requesting a scientifically based approach and the district's response is that the teacher will use the methods that have worked for her for the past 15 years but there is no peer-reviewed research to back these methods, you may be in trouble.

Q: How should IEP teams approach this new research expectation?

A: Begin by taking inventory of the materials in your special education classrooms. Although the language says "to the extent practicable," I think you are accountable for knowing what methodologies you are using and whether the methodologies have support in research.

Q: Will any research support work?

A: No. The law says "peer-reviewed" research. Although the new IDEA doesn't define the term, **NCLB** defines "scientifically

based research" to include peer-reviewed research. The term "scientifically based research" means research that involves the application of rigorous, systemic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs.

It includes research that:

- Employs systemic, empirical methods that draw on observation or experiment.
- Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn.
- Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, multiple measurements and observations, and studies by the same or different investigators.
- Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments or other designs to the extent that those designs contain within-condition or across-condition controls.
- Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings.
- Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective and scientific review.

Q: Where do IEP teams begin locating peer-reviewed research?

A: Begin with your state agency. Another source is the ED. If either of these agencies says a methodology is scientifically based, I think you can rely on it. ED has a Web site called *Doing What Works* (www.ed.gov/nclb/methods/whatworks/edpicks.jhtml?src=az). There is also a site called the *What Works Clearinghouse* (www.whatworks.ed.gov/).

Q: Do these standards have any implications for parents?

A: Yes. Often parents come to the IEP team meeting requesting a particular methodology that they researched on the Internet that promises great progress but may not be based on peer-reviewed research. The new requirement that you provide services that are "based on peer-reviewed research to the extent practicable" gives your school district a framework for considering parent requests for a particular methodology.

For more information, call Jim Walsh at (512) 454-6864. ■

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Tread lightly when you alter IEPs without convening meetings

The new IDEA allows your school district to make certain changes to an IEP without convening an IEP meeting. But with this flexibility comes added responsibility, attorneys warn.

First, it is important to note that these types of changes can be made only after the annual IEP team meeting has taken place. Also, whenever you make changes to the IEP without a traditional team meeting, you should be sure the parents receive a revised copy of the IEP with the changes incorporated.

Most importantly, it is very important for you to take the lead at the district level in deciding which types of situations are appropriate for this process at your schools and which aren't, said **Jose Martín**, an attorney with **Richards, Lindsay and Martín**. Parents will need to know that your district will not abuse the new flexibility, he said.

"At the beginning of the implementation of the new law, a conservative approach seems most advisable," Martín said.

He recommends you abstain from convening IEP team meetings only in instances when you and your staff are making minor IEP changes that hold little expectation for debate or controversy.

Appropriate changes may include:

- Schedule changes.
- Minor revisions to modifications.

Martín doesn't recommend you use the process for:

- Changes in placement.
- Eligibility changes.
- Review of assessment data.

You also should ensure that a procedure is established whereby your department is always "in the loop" whenever a school proposes changing an IEP without a meeting, he said.

ZoAnn Torrey, director of the **Kansas Office of Special Education**, agreed with Martín that while the new IDEA flexibility sounds appealing, "it is critical that parameters be established for this practice. "Parents and administrators are both concerned about managing this flexibility," she said.

Barbara Palmer, director of the **Colorado Exceptional Student Services Unit**, said she is cautioning her districts that the new provision doesn't apply to an annual review and that it only applies to changes in a current IEP.

"A special education director should also determine which representatives [at each school] have the authority to make a 'no-meeting agreement,' because IEP changes, once made, are binding," Palmer said. ■

Check 'regular assessment' if student can access curriculum

The IEPs your teams develop must include statements that address which accommodations are needed to measure the academic achievement and functional performance of students on statewide and districtwide assessments. IEPs also must outline whether a child will participate in regular or alternate assessments.

A decision to participate in an alternate assessment based on alternate achievement standards would indicate that the student is incapable of accessing grade-level curriculum and is not a candidate for a regular high school diploma, noted **Christopher P. Borreca**, a partner with **Patterson and Guiliani**. Students with learning disabilities should be expected to participate in the regular assessments given to all students either with or without appropriate accommodations, he said.

Interestingly, the new IDEA eliminates the term "modifications" in relation to assessment because the term has become associated with changes that alter what tests measure. Accommodations, of course, commonly refer to changes in format, response, setting, timing or scheduling that don't alter in any way what your tests measure or the comparability of scores.

State education agencies are required to develop guidelines on allowable accommodations for state assessments,

Borreca said. It is important to note, however, that accommodations for classroom instruction and classroom tests may differ from accommodations allowed on state assessments.

Include general educators of record at meetings

The new IDEA makes it increasingly important to include general educators in the IEP development process, especially for students with learning disabilities who often spend the majority of their instructional time in general education classrooms.

General educators who serve on IEP teams should be the teachers who instruct special needs students in core academic subjects and assign grades for the subject — in other words, the student's teacher of record, Borreca said. The general education teacher, as a member of the IEP team, should provide feedback to determine:

- Appropriate behavioral interventions.
- Supports, strategies and program modifications.
- Supplementary aids and services.
- Support for school personnel.

The IEP development process also must include a district representative who has the authority to commit the resources of the district so that parents are ensured their children truly will receive IEP-delineated services, Borreca said. ■

Move toward RTI model brings school psychologists' skills to forefront

Whenever a profession undergoes significant change, there are those who feel anxious about the future. For school psychologists, the biggest change they face in their professional role deals with student assessments.

David Tilly calls assessment changes under **NCLB** and the new IDEA "the 800-pound gorilla in the room." For school psychologists, this "gorilla" is the impending move away from the IQ discrepancy formula to a response-to-intervention model for identifying learning disabilities.

While some school psychologists may resist change, the reality is that the school psychology profession is moving toward RTI, said Tilly, coordinator of assessment services at **Heartland Area Education Agency 11** in Johnston, Iowa.

Benefits of change

Tilly said the driving force behind RTI is NCLB's AYP requirements. For schools to reach AYP, students with LD don't need a label — they need interventions that are going to help them succeed in the classroom.

"I think it will force us to look at other ways to address learning disabilities," Tilly said. "It's not just about identifying problems. It's about helping kids overcome them."

The move to RTI also will allow school psychologists to brush up on some old skills, Tilly said.

"From my perspective, sometimes school psychologists have done IQ testing for so long that there are a lot of other things they haven't been doing," he said. "Our other skills may have atrophied. We're not psychometrists. We are school psychologists and we have broader skills than just testing."

New opportunities

Jan Stejskal said when her education cooperative launched an RTI model in 1993, it had five school psychologists on staff. Now that number has increased to 10. But even more significant is how her role has changed, said Stejskal, a school psychologist with the **High Plains Educational Cooperative** in Ulysses, Kan.

"I feel we are more useful to schools," she said. "We are very involved with intervention teams, implementation and follow-up with teachers, parents and students."

Stejskal said she's working with K-2 teachers to help them revamp their reading program. "I'm helping them with data collection to help the teachers see what's working in the current program and also advising them on the latest reading research," she said.

A big part of filling this expanded role is staff development, she said.

"We didn't have a lot of knowledge regarding reading programs and certain types of curriculum, so we had to train staff in these areas," she said. "We're answering questions such as, 'What should a first grader know about reading.' When you're primarily giving IQ tests [as in the IQ discrepancy model], you don't get into these types of things." ■

In loving memory ...

This issue of the TAASE Advisor recognizes and honors the memory of **Kathy May Blurton**, long-time TAASE member and representative for West Tennessee.

Kathy served **Hardin County Schools** for 27 years as a teacher, diagnostician, assistant principal and special education supervisor. She served her church, her community, her colleagues, and most of all "Kathy's kids."

She actively engaged teachers and administrators to ensure students were not only served appropriately, but that the district's resources were used to provide the best services possible.

She looked beyond educational needs to make sure that "her" students participated fully in all activities, including homecoming and prom events.

It was not unusual for her to board a school bus to get students to an event or to find funds for a needed prom dress or tux. Her compassion extended beyond her students and went the proverbial mile for her teachers and administrators.

She was instrumental in the establishment and continual support of the West Tennessee Special Education Conference. She won the Yoakley Award for Outstanding Special Education Administrator.

In recognition of her many contributions to the field of special education and her life of service to all with whom she had contact, TAASE remembers Kathy May Blurton, January 31, 1954 – May 30, 2005.

TAASE board members:

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Merge old LD models with new to aid RTI implementation

Just because the new IDEA supports use of the response-to-intervention model to identify learning disabilities over the conventional IQ discrepancy approach doesn't mean you need to start your district's intervention efforts from square one.

"The new law doesn't say you need to stop what you're doing. It says you can't require an IQ discrepancy to determine LD," said **Andrea Canter**, a former school psychologist who is a consultant at the **National Association of School Psychologists**.

Making the transition to an RTI model is not an overnight process, and school psychologists can expect some bumps in the road as their school districts change how they approach identification of learning disabilities.

But by finding the strengths in your district's current intervention process and devising methods to monitor the outcomes of adopted RTI models, you can combine the old intervention models with the new to create a better overall method to assess and help students with LD.

What's working in your district?

Districts should conduct a needs assessment, Canter said. Staff need to ask if they are satisfied with what they are doing in terms of evaluation and intervention.

"You need to look at your rates of special education placement and determine if they are expanding," she said. "Do you have disproportionate placement of minority students in special education? Are rates of LD, emotional disturbance high? Depending on the situation, this could determine what's already working and the type of RTI model you choose."

You also need to allow time for proper planning before launching a new RTI system, Canter added.

"The whole idea of bringing in an empirically based intervention is new for some districts," she said. "You won't be able to implement RTI based on steps in a guidebook."

Finding the best fit

Shelly Harris, assistant director at the **High Plains Educational Cooperative** in Ulysses, Kan., said in 1994 her district decided not to use IQ discrepancy to identify LD. But finding the best alternative RTI interventions to use hasn't been easy.

"You have to take time looking at research-based strategies and get staff to try interventions to see if the research behind them works," she said. "It's what I call research in action."

Canter said RTI models can be tough to find because they aren't prevalent in psychological literature and journals.

"RTI 'experiments' have been conducted with district money in public schools," she said. "This is not a con-

Funding critical for your RTI program

Funding is a major issue when implementing a response-to-intervention strategy. The required training is intensive, and **Congress** does not allocate extra money for training through the IDEA or the **NCLB**.

Beverly Johns, chair of the **Illinois Special Education Coalition**, comprising 12 statewide organizations, said she has a problem with using special education funds for a general education initiative like the RTI model.

The success of the model "hinges upon the training teachers are going to get," Johns said. "There is not a lot of money. The teacher might be struggling for some assistance and not able to get it."

Jane Browning, executive director for the **Learning Disabilities Association of America**, worried RTI would create more paperwork for teachers.

"Do they think this charting of daily progress does not involve paperwork?" she asked.

Doug Fuchs, a researcher at **Vanderbilt University** who heads the federally funded **National Research Center on Learning Disabilities**, suggested districts looking to implement an RTI program ask the following questions:

- How much will it cost?
- How much training is necessary?
- How much personnel time is devoted to this model?
- Who should participate in the school-based team?
- Are students' academic achievements rising after implementation?
 - What happens to students who are considered responders to intervention? Do they thrive? Are they targeted again for intervention?
 - How do teachers and parents respond to the practice? ■

trolled research design, so professional journals have been reluctant to accept any 'research' on how RTI works. This means there are limited choices for districts in terms of the scientifically based, research-proven [IDEA '04] definition of the RTI model."

As an alternative to professional journals, Canter suggested consulting with districts like High Plains, which have been implementing various RTI models for years.

"Look at what's been done in terms of model programs in other districts and make contact to consult with them," she said. "However, keep in mind what works in an urban Pennsylvania district is not necessarily a good model for a school in rural Kansas."

Canter added it's also wise to tap into other sources of outside expertise and resources.

"Hire people with experience in a certain area or bring in outside consultants and trainers," she said. "Also look for grants and support from state departments of education — there's lots of support for innovative programs now." ■

From the Division of Special Education

The Division of Special Education appreciates the opportunity to make contact with special education supervisors through the TAASE newsletter. We wish you well as you begin a new school year. Here are a few items of interest:

Changes in staff of the division

- **Cara Alexander** — Promoted to Director of Programs and Services.
- **Jane Winstead** — Promoted to Director of Secondary Transition Services.
- **Janin Brock** — New Compliance Consultant in Middle Tennessee.

Achievement data for special education

The achievement data for grades 3-8, which consists of grades 3, 5 and 8, have been received and compared from 2003-04 to 2004-05. The performance of students with disabilities has improved significantly. The AYP data in reading/language arts show an improvement from 54 percent at or above proficient in 2003-04 to 69 percent at or above proficiency in 2004-05.

The AYP data in math show an improvement from 45 percent at or above proficiency in 2003-04 to 55 percent at or above proficiency in 2004-05. Changes in allowable testing accommodations may account for part of the improvement, but teachers and special educators must be given lots of credit.

Response to intervention

The division is working to provide all districts training and technical assistance regarding the use of response-to-intervention models to identify children with learning disabilities.

The division's State Improvement Grant is utilizing the IRIS Center, Peabody/Vanderbilt to assist in this initiative. Two school systems have submitted letters of intent to utilize the model and the division will work with them while making training available to all LEAs across the state.

Federal regulations

The final IDEA regulations are expected in early December. At that time, the division will name a task force to review and revise Tennessee regulations in order to bring them into compliance with IDEA. A variety of stakeholders will be asked to serve on that task force and at least one supervisor of special education will be invited to be a part of that process.

Speech-Language Task Force

The speech-language task force is working on making specific recommendations for models of speech-language service delivery in Tennessee. Their objective has been to design a model that would help relieve some of the shortages while keeping the quality of service intact. Special education supervisors have two representatives on that task force. ■

TAASE Fall Conference

December 5-7, 2005.
Pigeon Forge, Tenn.
Music Road Hotel.

Register with **Linda Wilson.**

Warren County Schools

2548 Morrison Street.
McMinnville, TN 37110.

Register early — space is limited!

Purchase orders can not be accepted.

Registrations fees will not be refunded.

Due to limited space, no on-site registrations will be accepted.

E-mail Linda Wilson for a registration form at wilsonl7@k12tn.net.

West Tennessee Special Education Conference

September is the month for West Tennessean administrators each year as they look forward to the annual two-day conference. The conference has grown in its nine years and become an important event for staff development and professional growth.

The outstanding program attracts teachers, administrators and parents. This year was no exception, and a record number of people attended. The conference began with support from the Tennessee Division of Special Education, and that relationship has continued.

The West Tennessee Regional Resource Center staff has partnered with West Tennessee Special Education administrators to produce and promote the conference. This is an outstanding example of the state department and local professionals working hand-in-hand to support students.

What has your board been doing for you?

TAASE represents school districts on most task forces established by the State Department of Education.

Recently we have represented members on a Homebound Task Force, Class Size and Caseload Task Force, Gifted Task Force, and Easy IEP Development Task Force. Board members represent each of the nine districts across the state and meet several times a year to discuss concerns of the districts.

Be sure and attend the membership meeting at this year's fall conference in Pigeon Forge to get updated reports from board activities!

Please e-mail **Jo Bellanti**, TAASE secretary, if you would like to be included in future mailings from the TAASE organization. Please include your name, position and district in an e-mail to jbellanti@mail.scs.k12.tn.us. ■