"Foundations and Futures: Essentials of Special Education Policy, Law, and Empowering Every Child" Tripp Walter Arkansas Public School Resource Center Staff Attorney twalter@apsrc.net

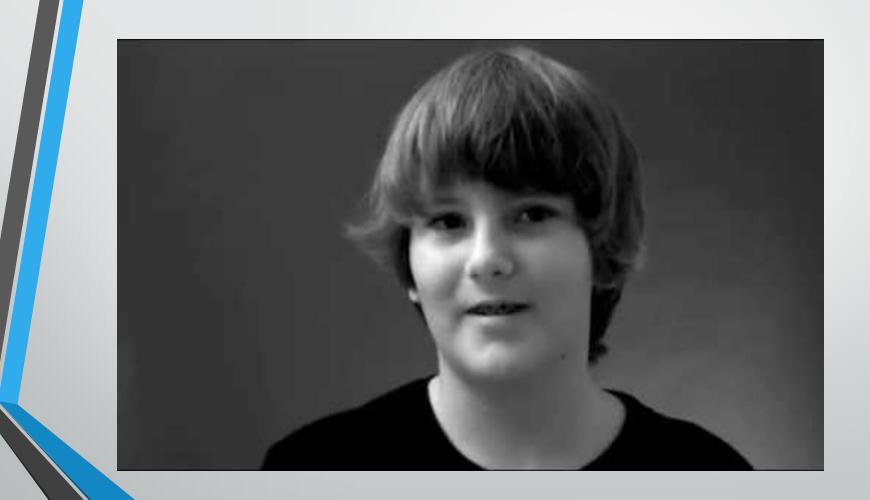
Sandra Doggett Arkansas Public School Resource Center Director of Special Services Special Education Sdoggett@apsrc.net

Who is Here?

- Principals
- Assistant Principals
- Curriculum
 Specialists

- Interventionists
- Special Educators
- General Educators

• Other



Agenda

Child Find

Procedural Safeguards and Parent Rights

SPED Process(Referral, IEP Development, Implementation)

Discipline

Collaborative Teaching Classroom Practices

QUESTIONS

Why Special Education Matters

Every Student Deserves Access to Learning

Special education ensures all students—regardless of ability—can reach their full potential.

Equity Over Equality

We meet students where they are, providing individualized support to create fair opportunities for success.

Real Impact, Lifelong Change

Special education helps students develop academic, social, emotional, and life skills that open doors for the future.

Collaborative Teaching Classrooms Benefit Everyone

When we teach with inclusion in mind, all students learn compassion, flexibility, and collaboration.

It's a Legal and Moral Responsibility

Supporting students with disabilities isn't just the law (IDEA)—it's the right thing to do.



Ensure that your district has a child find plan and is using it. WHY??? BECAUSE IT IS THE LAW

Arkansas Child Find Resource Guide Arkansas Child Find- DESE- Resources

Child Find Regs

CHILD FIND (SEC. 300.111)

<u>a)</u> General.

- (1) The State must have in effect policies and procedures to ensure that—
 - (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

Other children in child find. Child find also must include—

(1) Children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade; and
 (2) Highly mobile children, including migrant children.

Average Special Education Identification Rates NATIONAL 15% ARKANSAS

	Total Student Population (All Students)	Number of Students with Disabilities	Percentage of Total Student Population
District	449,486	63,676	14.2%
Charter	23,082	2,603	11.3%
Total	472,568	66,279	13.4%

9

Data Source: Arkansas Division of Elementary and Secondary Education (DESE)5.

Data excludes The Arkansas School for the Blind, Arkansas School for the Deaf, and the Division of Youth Services.

Person-First

A person with autism

A person with a disability

A person with a developmental delay

Identity-First

An autistic person

A disabled person

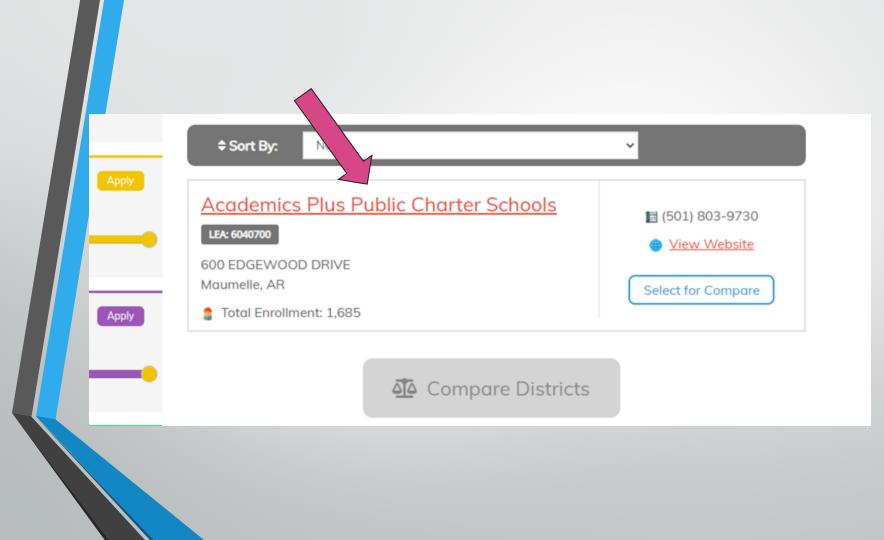
A developmentally delayed person

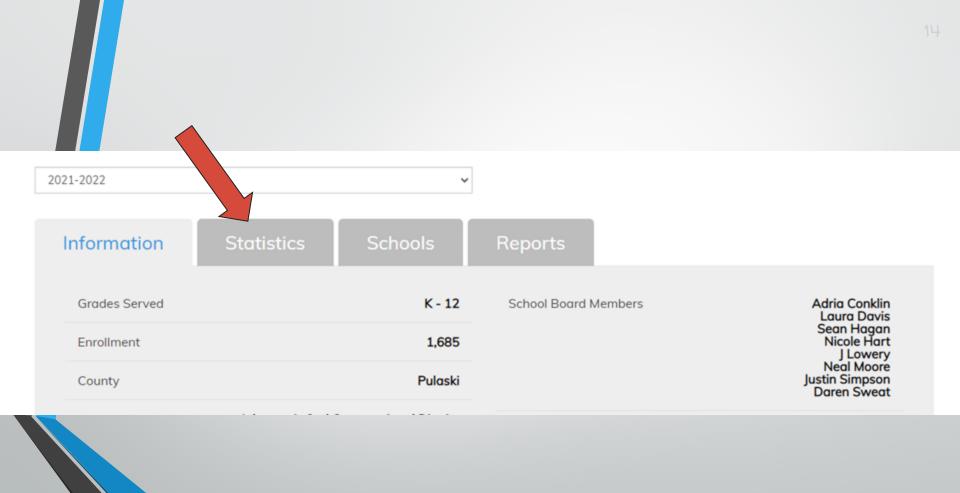
A look at your data: <u>My School Info</u>

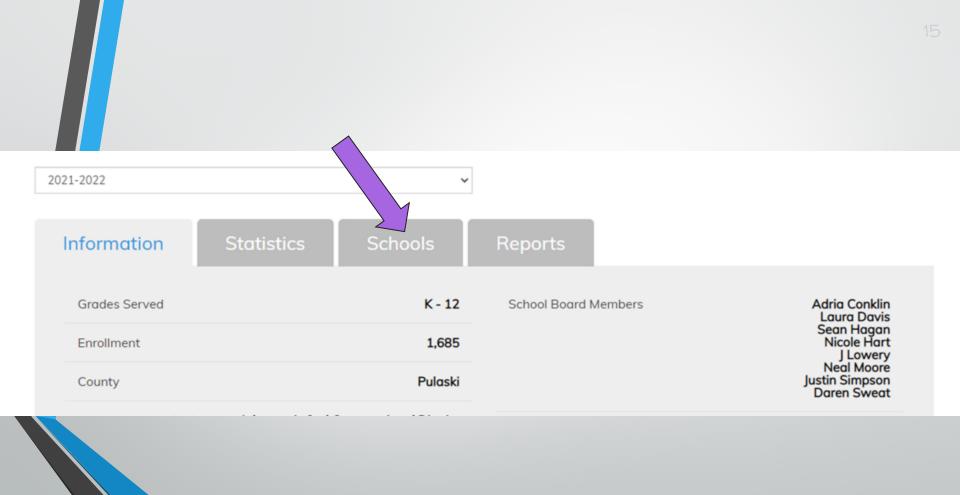
My School Info











Procedural Safeguards & Parent Rights

Ensure Staff is trained on.....

- → FERPA
- → Accommodations
- \rightarrow Modifications
- Expectations prior to IEP conferences
 Expectations at IEP conferences
 Expectations after conferences

amily Educational Rights & Privacy Act- FERPA

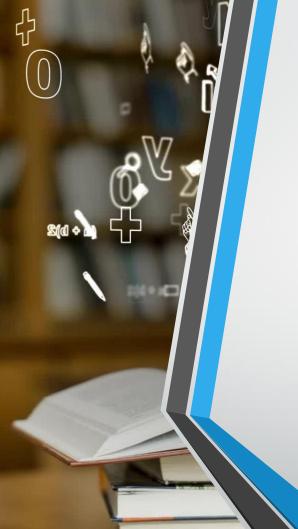
→FERPA is a federal law that sets out basic privacy requirements for personally identifiable information contained in education records created or maintained by schools.

What is FERPA

 \rightarrow K-12 school districts and schools are covered by FERPA.

→Eligible students or parents of students have FERPA rights. 18

→Who are Eligible Students?



IDEA PRIVACY

- Under the Individuals with Disabilities Education Act (IDEA), there is a <u>heightened expectation of privacy.</u>
- When the student is within the Special Education context, the legitimate educational purpose for access and disclosure is even more limited.

What to do about Confidentiality

•Log of disclosures MUST be maintained (to whom and for what purpose).

- Record of access
- Student details must NOT be discussed casually outside of the classroom or with anyone who is not educationally and legitimately concerned with that specific student's progress.
 - Examples include principals, counselors, nurses, parents, that student's teachers (not just any teachers) and other IEP team members.

If only wealth were measured

SPED PROCESS

Referral

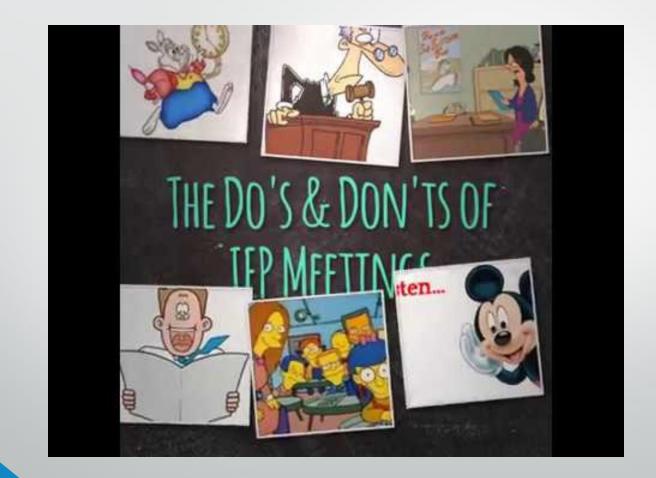
The IEP Development

The Implementation

Faculty and Staff

All staff working with students with disabilities must have an understanding of that student's specific IEP and each of the responsibilities stated within it.

If a situation goes to court and a teacher responds with, "I didn't know what was in the IEP", then the district/school will most likely lose the case.



Let's Discuss!

Who is on your Special Education Team:

- Parent
- 2. Gen Ed teacher
- 3. Special Ed teacher
- 4 District
 - Representative
- 5. Person who can interpret evaluations
- 6. Other relevant members

Here is an example of a form that you can give to parents when they walk into meetings to help them know attendees and how they can contact that person.



teem responsible for teaching

ette	basilitier railing scales, or conducting interviews,	
a can reach them at	Your school psychologie	

Sitting down at a special education meeting can be a bewildering experience. Here's a cheat sheet to help you remember who's who.

SPECIAL EDUCATION TEACHER PATHOLOCIST This is the person on your

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PSYCHOLOGIST

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or understands.	self regulation.
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OTHER ADMINISTRATOR TEAM MEMBERS

This person is responsible for Cepending on your shild's needs communicating the capacities you may have other people on your team. These might include people like an automonitation communication specialist on authorn spectalist, a sheaf and hand of hearing specialish, special adjocation assistants or other

OCCUPATIONAL

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S Special Education Proces U

- → Evaluation
 - Referral and Assessment
 - Evaluation Report
 - Determination of eligibility
- → IEP Development
 - ◆ Annual Goals
- → Specifically designed instruction
 - Ongoing assessment and progress reporting
 - ◆ IEP Review
 - ESY Considerations
- \rightarrow Reevaluation
 - Every three years



Step 1:

•Referral for services: A teacher, parent, or other involved person can request that a student be evaluated for special education services:

- If a parent makes a verbal request for referral, school personnel MUST move on that as if it was a written referral. (School can fill out the referral form saying parents made oral referral).
- Parents MUST give written consent to evaluate
- Parents MUST be given a copy of Procedural Safeguards - explaining their rights under Federal and State Law

Step 2: Evaluation/Assessment

- An information gathering process that leads to decisions about:
 - Eligibility for special education
 - IEPs educational placements specific interventions - measuring progress



Step 3: Eligibility Determination

A copy of the evaluation report and documentation of determination of eligibility MUST be provided to the parent at no cost.

Committee discusses the evaluation and decides if the student qualifies for special education and under what disability.



AFTER A HASTY SPECIAL EDUCATION PLACEMENT FOR BEHAVIOR PROBLEMS, SCHOOL OFFICIALS WERE EMBARRASSED TO LEARN THAT MARTY REALLY DID HAVE ANTS IN HIS PANTS.

Step 4: Developing the IEP

- Written document that is developed, reviewed and revised with a team and is:
 - designed to meet the unique needs of a child with a disability and
 - includes statements of the child's present levels of academic achievement and functional performance (PLAAFP) including how <u>the child's disability affects</u> <u>the child's involvement and progress in</u> <u>the general education curriculum.</u>



Placement is the amount of special education, supplementary aids and services provided to a student through an IEP.

Step 5: Placement on LRE

Placement is based on the IEP and is NOT a location.

Placement decisions are made by the IEP Team and must be in line with the LRE requirements.

Continuum of Services

- Regular Class with Indirect Service (RG)
- Regular Class 80% or More (RG)
- Regular Class 40% to 79% (RR)
- Regular Class Less Than 40% (SC)
- School-based Day Treatment
- Special Day School
- Residential School
- Hospital Program
- •Homebound Instruction

SPECIAL EDUCATION PROCESS GUIDE

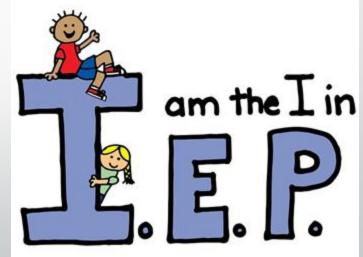
Step 5: Placement on LRE

• "To the maximum extent possible, children with disabilities are educated with children who are non-disabled; and Special classes, separate schooling, or other removal from the regular educational environment, occurs ONLY if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." <u>40 §300.114 – 300.120</u> Least Restrictive Environment is NOT the type of class a student is in; it is the percentage of time the student spends in general education.



Step 6: Annual IEP and always remember...

- → Review and revise annually
- → Meet more frequently to address any needs (amend the IEP)





Guess what...

There is NO voting at IEP meetings.

The goal is to reach consensus.

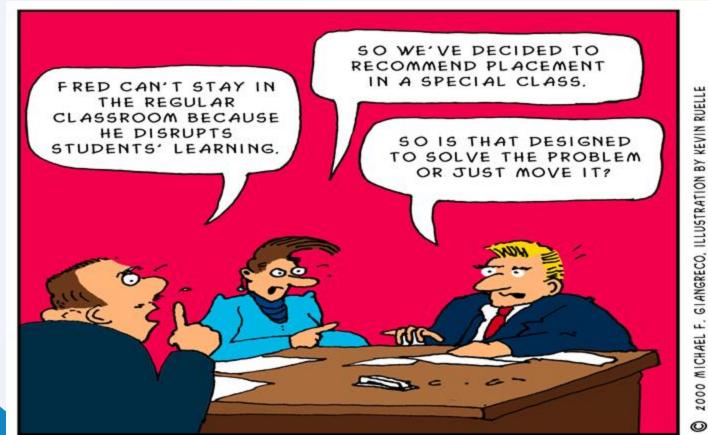


Discipline

Part B of IDEA from

<u>§§300.530 through 300.536.</u>

Double Standard: If it is <u>NOT</u> ok to disrupt the education of students without disabilities, <u>WHY</u> is it ok to disrupt the Education of students with Disabilities?



Disciplinary Action

- Discipline of students with an IEP is conducted on a case by case basis.
- School personnel may remove such a student who violates a code of student conduct from the current placement to an appropriate interim alternative educational setting, to another setting, or to suspension for not more than 10 consecutive days.

•WHY??? CHANGE OF PLACEMENT

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Change of placement

•A change of placement occurs if a student with a disability is removed from their placement for <u>more than</u> <u>10 consecutive school days</u> OR has been subjected to a <u>series of removals that constitute a pattern</u>:

- Because the series of removals total more than 10 school days in a school year;
- Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in removal; and/or
- Because of additional factors such as length of removal, total amount of removal time, and closeness in time of the series of removals.

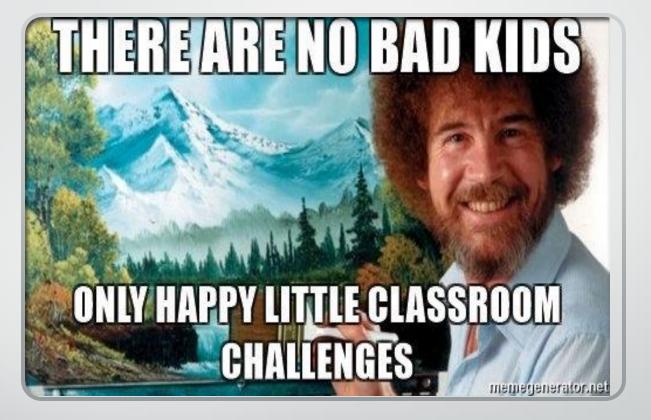
Change of placement

A change in placement is **not done lightly** and comes with its own special rules (and consequences if done wrong).

If a change is necessary, the student must be moved along the continuum to an alternative placement.

A student is not removed from education in an age appropriate regular classroom solely because they need modifications in the general education curriculum.

"Stay-Put" Provision



What constitutes a <u>Pattern of Behaviors</u>?

Manifestation Determination Review

A Manifestation Determination Review examines the relationship between a child's disability and their misconduct. It must be undertaken when a district proposes to take disciplinary action that <u>MIGHT</u> result in a <u>change of</u> <u>placement.</u>

- Once a student reaches 10 days of removal or shows a pattern of behaviors, then the district **<u>MUST</u>** hold an MDR Conference.
- To stay in <u>compliance</u>, your district needs <u>a plan of action</u> to track student behavior and ensure that MDR conferences are held before a student receives a Change of Placement unknowingly.

Discipline Continued

If the disciplinary change in placement would exceed 10 consecutive school days, <u>and</u> if the behavior that caused the violation is <u>not a manifestation of the</u> <u>child's disability</u>, the school can apply the relevant disciplinary procedures in the same way they would apply to nondisabled students. The school <u>may not</u> completely cease educational services, even during a valid period of expulsion, although another placement may take place. Expulsion is a change of placement

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 (PDF)

HOWEVER...

Special Circumstances

- School personnel may remove a student to an interim alternative educational setting for not more than 45 days regardless of whether the behavior was a manifestation of the child's disability if the child:
 - Carries a <u>weapon</u> to or possesses a weapon at school,
 - Knowingly possesses or uses <u>illegal drugs</u> or sells them,
 - Has inflicted <u>serious bodily injury</u> upon another person while at school, on campus, or at a school function.

Separate offenses

- Additional sets of up to 10 consecutive days may occur for separate offenses, but only as long as those removals do not constitute a pattern that amounts to a change of placement.
- During these removals, the school must provide services to the extent required to provide FAPE and to correct the behavior violation so that it does not happen again.
- Soft Removals count as a day. BE CAREFUL!

Essentially students with disabilities can be disciplined like all other students but there are some protections:

- IEP must be implemented and followed at the time of discipline
- Once a pattern or change of placement is present, then a Manifestation Determination Review must be completed.
- Students with disabilities receive educational services, even when suspended.

IDEA Sec. 300.530 Authority of school personnel NR 11.03 AUTHORITY OF LEA/PUBLIC AGENCY PERSONNEL

Authority of School Personnel Change of Placement Because of Disciplinary Removals

Committee looks at behavior during MDR to see if it is manifested from the disability or not. If the behavior is manifested from the disability; a Functional Behavior Analysis (FBA) needs to be done and a Behavior Intervention Plan (BIP) created (or updated if student has one) FBA is used to look at the behaviors, what is the cause, and what can replace that behavior appropriately by creating a BIP. IF a student has a BIP, it must be followed before district discipline procedures are.

> IDEA Sec. 300.530 Authority of school personnel AR 11.03 AUTHORITY OF LEA/PUBLIC AGENCY PERSONNE

TEACHER AND STUDENT PROTECTION LAW- ACT 565 2025

- Arkansas Act 565, also known as the Teacher and Student Protection Act of 2025, includes provisions related to students with disabilities, particularly regarding disciplinary actions and Manifestation Determination Reviews (MDRs)
- From Bill 1062
- <u>Teacher and Student Protection</u>

Collaborative Teaching Classroom Practices

Inclusion for All:

. "Inclusive education is not just a policy—it's a commitment to equity and quality in education. It ensures that all children, including children with disabilities, are given a fair chance to go to school, learn, and develop the skills they need to thrive, side by side with their peers." UNICEF+a UNICEF+a

This statement underscores that inclusive education transcends mere policy; it's a foundational commitment to equity and quality in education. Legal frameworks like the Individuals with Disabilities Education Act (IDEA) operationalize this commitment by mandating that students with disabilities receive a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), tailored to their individual needs.

These legal protections not only safeguard the rights of students with disabilities but also enrich the educational experience for all students by fostering diverse and inclusive learning environments.



For years we have heard that:

"ALL" MEANS ALL

Growth of Lowest Quarter Are the students who are farthest behind their peers growing? % Met Growth Target English Language Arts % Met Growth Target Math % Met Growth Target Science

% Met Growth Target – ELA, Math, and Science combined

But This: Your Role In Inclusive Settings

"THE ROLE OF THE SCHOOL LEADER IS PARAMOUNT IN ORDER TO CREATE AND MAINTAIN INCLUSIVE SCHOOLS."

"THERE IS A GROWING CALL FOR AND NEED FOR TRANSFORMATIVE LEADERS." "DIRECT ROLE IN SETTING AND IMPROVING THE CONDITION STHAT MAXIMIZE LEARNING"

The Principals Handbook for Leading Inclusive Schools by Julie Causton, George Theoharis; pg 2-3

• <u>Eight Inclusive Classroom Strategies for New Educators</u>

Inclusive Education Timeline

Special Education services should be determined on an individual student basis to include frequency, duration, and location of such services.

2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
Building Awareness Statewide trainings	Planning Year Schools are asked to make plans for moving forward. Any needed training should be provided.	6 th and lower	7 th and lower	8 th and lower	In order to earn credits on the regular pathway	In order to earn credits on the regular pathway	In order to earn credits on the regular pathway	In order to earn credits on the regular pathway
		It is recommended that students receive core instruction in general education courses with the appropriate supplementary aids, services, and supports to prepare them for fulfilling the regular diploma requirements for graduation. Programming decisions are determined by the IEP team.			9 th graders must have licensed content teachers	9 th and 10 th graders must have licensed content teachers	9 th , 10 th , and 11 th graders must have licensed content teachers	All high school students must have licensed content teachers

*Students with significant cognitive disabilities may have core instruction in general education classes or in special classes taught by teachers licensed in special education. In high school, these students would be working toward graduating via the Alternate Pathway to Graduation.

Green indicates students working towards fulfilling the regular diploma requirements for graduation.

Your Role In Inclusive Settings: Not This



INCLUSION MISHAP #9: DUE TO A FAULTY INTERCOM, MRS. SNIPPETT THOUGHT THE PRINCIPAL SAID, "YOU HAVE A NEW STUDENT COMING TO YOUR CLASSROOM - HE HAS DISABILITIES. DO YOUR BEST TO ELUDE HIM." "To be rooted is perhaps the most important and least recognized need of the human soul." —Simone Weil (2001)

Helping students feel that they belong is one of the most important jobs of the paraprofessional and teacher, under the leadership of the principal.

Inclusive education was built on the foundation that all people have the basic human right to belong.

The Principals Handbook for Leading Inclusive Schools by Julie Causton, George Theoharis; pg 28-9 "We've each been invited to this present moment by design. Our lives are Joined together like the <u>tiles of a mosaic</u>; none of us contributes the whole of the picture, but each of us is necessary for its completion." —Casey and Vanceburg (1996)

In an inclusive school, the supporting adults are like tiles of a mosaic. Each person is an important contributor to the larger picture.

The Principals Handbook for Leading Inclusive Schools by Julie Causton, George Theoharis; pg 64 60



Special education teachers at the end of each workday, exhausted but with a full heart



POWERFUL MOTIVATION AND INSPIRATION FOR TEACHERS

LET'S THINK ABOUT STUDENTS

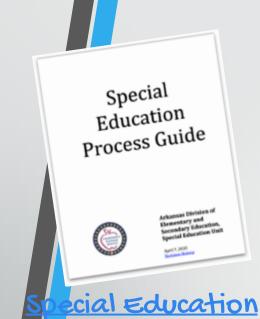
The school staff's beliefs about a student will affect how they support and work with that student.

Your staff can alter their beliefs about students by spending some time rethinking them.

Reframing your conceptions of students in more positive ways creates opportunities for growth.

By changing their language, people will begin to change their impressions.

The Principals Handbook for Leading Inclusive Schools by Julie Causton, George Theoharis; pg 89



Process Guide

Your feedback matters!

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