

Connections from Jerr

October 2009

ASD Obligations Under Federal Law ...

Why is our paperwork so important?

The Individuals with Disabilities in Education Act affects our professional lives daily. From writing IEPs to delivering the specialized instruction we've been trained to provide, special educators work diligently to incorporate all the standards of our profession and the dictates of the curriculum to ensure our students achieve their goals.

Legally, we are required to combine the content of our curriculum and methodology with the procedural requirements of the special education process. More than once, I've thought that federal special education law had more rules than the IRS! And often writing IEPs sometimes we wonder why so much paperwork! In reality, IDEA requires that school districts provide a **free appropriate public education**. Although we hear that term often, I wanted to spend some newsletter time sharing the definition.



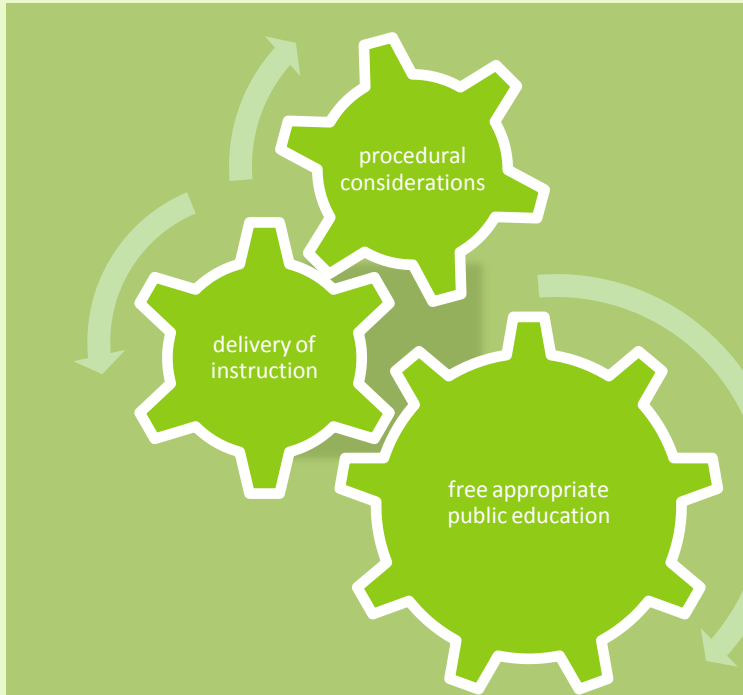
A **free appropriate public education** is defined to mean:

Special education and related services that:

- a. Are provided at public expense, under public supervision and direction;
- b. Meet the standards of the State Department of Education
- c. Include an appropriate preschool, elementary school or secondary school education; and
- d. Are provided in conformity with an IEP that meets the requirements of federal regulation.

An IEP is not an educational contract guaranteeing that a particular student will achieve the specific level of achievement described in the document, however. District personnel are required to make a “good faith effort” to assist the student to achieve his or her IEP goals.

Courts and hearing officers reviewing a student’s special education program are required to answer two critical questions to determine whether a student has been offered or provided a **free appropriate public education**. Question One involves a decision of whether the District



complied with the procedures of IDEA. And Question Two involves an analysis of whether the IEP in question was reasonably calculated to enable the student to receive educational benefit.

With the focus on procedure, the value of the IEP process (why our paperwork requires what it does) becomes clear. My office and administrators will continue to provide individual practical assistance to teams with questions, but we

also want to emphasize the importance of our procedural guidance memoranda. All of us need to be familiar with the state handbook provisions and the procedural guidance I send to insure that IEP teams are utilizing appropriate procedures to guide their decision-making.

All special education guidance can be located on the ASD website at: <http://www.asdk12.org/depts/sped/policy/> . This important section of our department website includes a complete listing of any new guidance and is specifically designed to include the current state special education handbook guidance as well.



Change to Cognitive Impairment



In mid September, the State Board passed a regulation to replace the term “mental retardation” with “cognitive impairment” in state education regulations. Originally a medical term, “retardation” has migrated into the vernacular and is sometimes used as a derogatory term.

Anchorage School District was a strong support for the proposed regulation, submitting substantial information for the Board’s consideration. A particularly persuasive opinion was presented to Superintendent Comeau from the Related Services School Psychologist section. The recommendations and research of the psychologist’s committee was specifically referenced in our District’s written support for the regulation change.

Special education staff will be notified once the regulation takes effect but we should all share this vital information with parents, students and colleagues interested in this timely change.



NO Expired IEPs

Despite the popularity of the terminology, there are no “expired IEPs”. IEPs represent the special education and related services to be provided to a student. Although best practice dictates that the IEP is reviewed at least annually, there are unfortunate circumstances that a team is not able to review a student’s IEP within twelve months of the prior annual review.

If an annual review date has passed, the team continues implementing the IEP until the new IEP can be completed. The team should very carefully document all attempts to schedule the IEP review within the one year and complete a Prior Written Notice regarding the District’s decision. For infrequent circumstances such as these, please be sure to work with your division teacher consultant closely.



How is Special Education Using ARRA Funds?

The American Recovery and Reinvestment Act was signed into law by President Obama on Feb. 17, 2009. This law was designated as a direct response to the economic crisis, a component of which, provided increased federal funds for education.

Improving results for all students, including early learning, extended learning time, use of technology, preparation for college, and school modernization. In the Special Education division, professional development for special education and general education teachers on evidence based school-wide strategies in reading, math, writing, science and other subject areas and positive behavioral supports will improve outcomes for student with disabilities. To that end, over 1300 special education teachers were in attendance at the District-wide In-service on August 14, 2009 where the audience participated in training opportunities from nationally renowned presenters. ASD Special Education plans to make this an annual event!

Supporting our professional development efforts, ASD has contracted with CARE for training to enhance our current educational practices with students experiencing autism. **Collaborative Autism Resources and Education** provides consultation to school districts serving students with Autism Spectrum Disorders and related developmental disorders. Board Certified Behavior Analysts (BCBA) who have expertise in the field of Applied Behavior Analysis (ABA) and have extensive experience working with students across all grade levels in school settings are available to conduct Functional Behavior Assessments as well as develop and implement Behavior Support Plans for students who are exhibiting challenging behaviors. Trainings are currently underway and will continue into the summer of 2010. Additionally, consultant **Deb Evensen of Fetal Alcohol Consultation and Training Services** will be providing professional development opportunities on Education of Students with Brain Based Disorders.

Finally, of important to all of us in the special education division -- another key initiative will fund contracted services to launch an easy-to-use online Individualized Education Program system for students with disabilities that is aligned with state academic standards and can be used by educators to create content rich IEPs aligned with general education curriculum.