

What Every Anchorage School District Teacher Should Know

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Introduction

Special education supports and services are provided to students with disabilities in all schools throughout our district. All staff within ASD schools should anticipate that he or she may work with students receiving special education services or accommodations and modifications under Section 504 Plans. A person other than a teacher of a child with a disability (i.e., a regular classroom teacher or a paraprofessional) may assist in providing special education to students with disabilities if the instruction is supervised by a teacher with a special education endorsement.

While questions about particular students issues should be addressed to the student's special education team or 504 team members, general questions about special education and 504 procedures can be addressed by building level administrators, 504 school level coordinators, special education teacher consultants and building level staff. Questions about special education policy or procedure can also be addressed to the email account sped_connect@asdk12.org.

The Anchorage School District Special Education Handbook appears online at: <http://www.asdk12.org/depts/sped/policy/index.asp>. Any new state or district policy or procedure is posted to that website and includes within archives of changes referenced at http://www.asdk12.org/depts/sped/policy/0506_changes.asp.

Basic Concepts

Districts must provide special education and related services to eligible children with disabilities beginning at age 3 and continuing through age 21 (a student who is age 21 on the first day of the school year is entitled to Free Appropriate Public Education (FAPE) for the entire year even if his/her 22nd birthday occurs during the school year).

The following concepts form the foundation of special education services and will be discussed in the remainder of this section: Free Appropriate Public Education (FAPE), Least Restrictive Environment (LRE), Disability, Special Education, and Related Services.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The concept of FAPE means regular and special education and related services that:

are provided without charge to the parent - FREE;

are provided in conformity with an appropriately developed Individualized Education Program (IEP) - APPROPRIATE;

are provided at public expense, under public supervision and direction - PUBLIC; and

include pre-school, elementary school, and secondary school education that meet the education standards, regulations, and administrative policies and procedures issued by the State Education Agency - EDUCATION.

FAPE is required for a child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

FAPE must be provided to the following children:

- 1. Those who experience a disability (as defined later in this section).*
- 2. Those who are age 3 through 21 and have not graduated with a regular high school diploma.*
- 3. Those who reside within the District's jurisdiction regardless of the residence of the child's parents (see Part IV, Section 2 - Responsibility for Development and Implementation of IEP).*

Note: State boarding schools and districts operating a statewide correspondence program (who enroll children from outside their district) are responsible for assuring that FAPE is provided to children with disabilities enrolled in their programs. Also, the requirement to provide special education and related services to children with disabilities voluntarily enrolled by their parents in a private school has been limited to the level of service required by IDEA 04 (See Part IV, Section 19, Private Schools).

- 4. Those who are placed in an out-of-state educational setting by the District or another state agency.*

To provide FAPE, the IEP must address all of the child's identified special education and related services needs. The needed services and placement must be based on the child's unique needs and not on the child's disability.

FAPE for Children Suspended or Expelled

- 1. FAPE for children with disabilities suspended or expelled for 10 days or less in a school year*

- a. *No services are required if services are not provided to a student without disabilities who has been similarly removed.*
2. *Children with disabilities removed for more than 10 days in a school year*
- b. *Provide services to enable the student to progress in the general education curriculum and advance toward achieving his/her IEP goals (See Part IV, Section 12, Student Discipline).*

FAPE for Students in Adult Correctional Facilities

Students, aged 18-21 years in adult correctional facilities are entitled to services if:

1. *the student received services under an IEP, in their last educational setting even if the student left school prior to his/her incarceration; or*
2. *the children did not have an IEP in their last educational setting, but had been identified as a student with a disability.*

Exceptions to Provision of FAPE

1. *Students graduating with a regular high school diploma are no longer entitled to FAPE.*
2. *No services are required for students 18-21 years old in adult correctional facilities if, in the last educational placement prior to their incarceration in an adult correctional facility, the student was not previously identified as a child with a disability and the student did not have an IEP.*

LEAST RESTRICTIVE ENVIRONMENT (LRE)

IDEA 04 states that, to the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled. This concept is known as the least restrictive environment (LRE). The IEP must contain an explanation of the extent, if any, to which the child will not participate in the general education classroom and curriculum, and extracurricular, or other nonacademic activities (See Part V of the Handbook for more information).

DISABILITY

Two federal laws protect children with disabilities: the Individuals with Disabilities Education Act (IDEA 04), and Section 504 of the Vocational Rehabilitation Act of 1973. The U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) administer IDEA 04 and Section 504. However, the authority for compliance with the two laws lies within two different divisions of OSERS. The authority for ensuring compliance with IDEA 04 falls under the auspices of the Office of Special Education Programs (OSEP). IDEA 04 also gives responsibility for ensuring compliance with IDEA 04 directly to the States. The authority for ensuring compliance with Section 504 lies with the Office of Civil Rights (OCR). Both these laws are binding on school districts.

MEDICATION

State and District personnel may not require a child to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school, receiving an evaluation, or receiving services. Teachers and other school personnel may consult and share classroom-based observations with parents or guardians regarding a student's academic and functional performance or behavior in the classroom or school or regarding the need for evaluation for special education or related services (20 USC 1412 a 25).

IDEA 04

Under IDEA 04, children with disabilities are those who meet the following three criteria:

- 1. The child has a physical or mental disability as defined in Part III (Specific eligibility criteria for the various disability categories are discussed in Part III, Section 8).*
- 2. The presence of such physical or mental disability adversely affects the educational performance of the child.*
- 3. Because of such physical or mental disability the student is in need of special education and related services.*

HOMELESS CHILDREN

The State is responsible for ensuring that homeless children receive a free and appropriate public education, that the requirements of IDEA are met, are under the general supervision of individuals responsible for educational programs for children with disabilities, meet the educational standards of the state, and meet the requirements of the McKinney–Vento Homeless Assistance Act (20 USC_1412 a 11 A).

SECTION 504

"Any person who has a physical or mental disability which substantially limits a major life activity or has a record of such disability or is regarded as having such a disability."

If a child is disabled under IDEA 04, the child will qualify as disabled under Section 504, since education is a major life activity (see Appendix I for more information on Section 504 and a sample Student Accommodation Plan). It is possible for a student qualified under Section 504 not to be eligible under IDEA 04. Furthermore, it is possible for a child with a disability not to qualify as disabled under either program. Examples of these situations follow:

- 1. A child who attends the regular school program has AIDS. This condition is not considered a disability under IDEA 04, but may be under Section 504.*

2. *A child who uses a wheelchair requires a ramp or elevator to get to classes in a school building. Once she is provided access, her educational performance is not adversely affected. Consequently, she does not require special education, although she would be considered disabled under Section 504.*

3. *Some children have a disability, such as mild cerebral palsy, which requires no special accessibility adaptations or special education and which does not substantially limit one or more of life's major activities. These children would not qualify as disabled under Section 504 or IDEA 04.*

SPECIAL EDUCATION

Special Education means the specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the child and to ensure access of the child to the general education curriculum. Special education is a service, not a place.

Special Education includes:

- 1. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.*
- 2. Instruction in physical education.*
- 3. Speech-language pathology services, or any other related service.*
- 4. Travel training.*
- 5. Vocational education.*

In keeping with the criteria set forth previously, the child must be determined, through the evaluation process, to have a disability and be in need of special education. When a child meets both these criteria the IEP Team must identify the specific services that will comprise the special education program.

RELATED SERVICES

Related services means those supportive services that are required to assist a child with disabilities to benefit from special education. If a child does not need special education, there can be no related services provided under an IEP since a related service must be necessary for a child to benefit from special education.

A related service such as speech therapy may qualify by itself as special education. In such a case, the child must demonstrate a disability that meets one of the special education eligibility categories (such as speech-language impairment) and require specially designed instruction.

A child covered by Section 504 may be entitled to related services even if they are not in need of special education. Section 504 calls for the provision of regular or special education or the provision of related services.

Services commonly listed as related services include: transportation; speech language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; diagnostic and evaluative medical services; school health services; social work services; and parent counseling and training. Assistive technology services and transition services may also be related services (see glossary for definitions of these related services).

A service may be a benefit to a child with a disability, but this does not automatically qualify it as a related service. There are services that may be of benefit to such a child, but may not be the responsibility of the District to provide because the services are not required for a child to benefit from special education. For example, a student with a speech impairment that does not adversely affect his educational performance would not require special education services.

FULL EDUCATIONAL OPPORTUNITY GOAL

The provision of services and establishing the goal of providing full educational opportunity for all children with disabilities aged birth through 21. The State of Alaska achieves Full Education Opportunity for all children because of the collaboration that it maintains with the Department of Health and Social Services. DHSS and Part C provide Child Find and services for children birth to 3 years of age. Through our mutual responsibilities and the Memorandum of Agreement between the two state agencies, Full Educational Opportunity Goal is being met.

Child Find Obligations of District Personnel

Under both IDEA 2004 and Section 504, district personnel, including teachers, have an affirmative obligation to locate and identify students who may be eligible for Section 504 plans or special education services. Identification requires appropriately identifying children who need to be evaluated. Evaluation must be as extensive as necessary to determine whether a child is eligible for special education and to develop a comprehensive special education program.

Many questions regarding the ASD Child Find Plan are addressed in the Plan, found online at: <http://www.asdk12.org/depts/sped/policy/part2.asp>.

All ASD schools and programs have referral and screening procedures and staff assigned to each program/school are required to be familiar with the procedures as to 1) recognize when students may be in need of referral for Section 504 or special education eligibility and 2) assist parents to understand referral procedures for Section 504 or special education eligibility.

Responsibilities of General Educators and Special Education Personnel

REGULAR EDUCATION INTERVENTIONS

The rationale for systematic regular education intervention is to identify problems early and prevent them from becoming major problems. Successful regular education interventions can negate the need for enrolling the child in a special education program, as well as avoid the stigma and "labeling" often associated with receiving special education. However, regular education intervention activities must not be instituted to divert or delay a referral to special education.

One type of regular education intervention support is to informally share effective interventions with parents and teachers. A second type of regular education intervention is more formalized and might involve (1) specific support to parents and/or classroom teachers from school personnel, (2) documentation of specific interventions tried, and (3) formative measurement of student progress in areas of difficulty.

The type, duration, and result of regular education interventions should be well documented. The evaluation data collected and recorded will indicate the effectiveness of various interventions. If the child is referred for an individual evaluation, this regular education intervention information will provide important additional data to determine areas of need and to make recommendations.

The support for school personnel may come from school psychologists, special education consulting teachers, principals, district curriculum consultants, or some combination of available support services. The interventions may involve curriculum adaptations; social skills training implemented in the home and/or classroom; cooperative learning activities; changes in classroom organization; and changes in the teaching techniques, school placement, or schedule. It is recommended that the school inform the child's parents of the regular education interventions being implemented.

WHAT IS THE ROLE OF THE GENERAL EDUCATOR IN IEP MEETINGS?

The general educator(s) must participate in the development of the IEP, the determination of appropriate, positive behavior interventions and supports,

and other strategies; and participate in the determination of supplementary aids and services, program modifications and support for school personnel that will be provided to a student for the student to:

- a. advance appropriately towards attaining annual goals;*
- b. be involved in and make progress in the general education curriculum;*
- c. participate in extracurricular activities and other nonacademic activities;*
- d. be educated and participate with other children with disabilities and nondisabled children in the regular class and in extracurricular and nonacademic activities.*

The general educator should be familiar with the following topics, provided with handbook weblinks for further information:

- a. Eligibility Criteria for Special Education
<http://www.asdk12.org/depts/sped/policy/part3.asp>*
- b. Responsibility for Development and Implementation of IEPs
<http://www.asdk12.org/depts/sped/policy/part4.asp>*
- c. Participants in IEP Meetings
<http://www.asdk12.org/depts/sped/policy/part4.asp>*
- d. Notice of Procedural Safeguards
<http://www.asdk12.org/depts/sped/policy/part7.asp>*
- e. FERPA (Family Education Rights Privacy Act) and Confidentiality
<http://www.asdk12.org/depts/sped/policy/part7.asp>*

Keeping Current with Special Education and Section 504 Information

While questions about particular students issues should be addressed to the student's special education team or 504 team members, general questions about special education and 504 procedures can be addressed by building level administrators, 504 school level coordinators, special education teacher consultants and building level staff. Specialized information on 504 planning is available on the ASD website at:

<http://www.asdk12.org/depts/eeo/504.asp>. Questions about special education policy or procedure can also be addressed to the email account sped_connect@asdk12.org.

How to Get Help

The special education and related services staff at the schools are available to meet with teachers. In addition, each special education program has a supervisor and teacher consultants who provide assistance to teams in the schools. They may be reached at:

Organization	Phone	Fax
<i>Alaska State School for Deaf and Hard of Hearing</i>	907-742-4243	907-742-4299
<i>Elementary Special Education</i>	907-742-3886	907-742-3997
<i>Gifted Education</i>	907-742-3794	907-742-4778
<i>Related Services</i>	907-742-6050	907-742-6075
<i>Secondary Special Education</i>	907-742-3888	907-742-3997
<i>Special Education Administration</i>	907-742-4236	907-742-4289
<i>STeP Center</i>	907-742-3872	907-742-3875
<i>Special Schools</i>	907-742-3888	907-742-3997

Teachers interested in information on special education, Section 504 topics or education of students with special needs can access information from the ASD STeP Center Web site at: <http://www.asdk12.org/depts/step/>.

The STeP Center is a section of the Special Education Department that offers a nexus between families and educators of common concerns. The STeP Center is specifically charged with providing information resources to Students, Teachers and Parents. Utilizing an extensive lending library and large website, the STeP Center personnel provide a service oriented approach to problem solving and location of resources. Additionally, STeP works with community agencies and ASD professional development personnel to offer monthly educational opportunities through mini-conference events including Parent Teacher Institutes.