

IDEA & Special Education



Gardner Public Schools

Updated: August 2023

Individuals with Disabilities Education Act (IDEA)

- Federal law that governs all special education services & provides some funding to state and local education agencies to guarantee special education and related services for those students who meet the criteria for eligibility. (Includes policy & guidelines for child find, IEP development, definition of teams, accountability (progress reports), least restrictive environment, discipline procedures, time lines, parent participation).
- IDEA determines who is eligible for special education services – a student between the ages of 3 and 21 who has an identified disability which makes the student unable to access the general curriculum without specially designed instruction or related services. It guarantees a “free and appropriate public education” to those students and prescribes the process for determination of eligibility and services.
- To be eligible for special education services a student must meet both requirements: Identified disability and requires specialized instruction.

Educator's Responsibilities

INCLUSION: Federal law recognizes and supports inclusion because of the developmental, educational, and social benefits inclusion provides to children with disabilities.

- IDEA expanded general educator's responsibilities to support a belief that students with disabilities should participate in the general education curriculum to their maximum extent.
- Equal education opportunities for students with disabilities in the least restrictive environment alongside their peers.

Considerations:

- 1) Think of SWD as children wanting and needing all the same developmental and educational opportunities as children developing typically.
- 2) Do whatever you can-provide any aids and services-to prevent separating SWD from their peers, in placement, in what they are taught, or in any other activities.

What is Child Find?

- IDEA requires that every state have a process for locating, identifying and evaluating all children suspected with disabilities who are in need of special education and related services.
- As a general educator, if a student is not making progress and you suspect may have a disability. You refer the student to the Student Support Team (SST) by notifying an Administrator.

Some indicators may include:

- Difficulty gaining academic skills
- Demonstrating atypical behavior
- Failure to appropriately respond to instruction

Student Support Team (SST)

- When a teacher has a concern regarding a student's progress, academic and/or behavioral, the teacher is encouraged to request assistance from the SST. The principal/designee leads the team that includes the participation of any/all of the following personnel: general education teacher, school counselors, assistant principals, classroom teacher(s), school psychologist, special education teacher, speech/language therapist, occupational therapist, physical therapist, and additional specific school staff (Ex. School nurse). Parent participation is welcome.

Student Support Team (SST) Goals

- To provide immediate assistance to teachers and students; focused on both prevention and intervention.
- To assist educators with problem-solving for individual cases and with building capacity in intervention strategies to support current and future students.
- To significantly reduce the number of inappropriate referrals for special education evaluations (evaluations).
- To significantly reduce the number of student retentions, suspensions, and expulsions.
- To assist Administrators in reviewing issues that are repeatedly brought before the SST to direct resources and professional development.

What happens during an IEP Meeting?

Eligibility meetings

- Participants include: parent, special education staff and a general education staff
- Goal: determine eligibility for special education services based on evidence of a disability and effective progress within the general education curriculum
- General Educators should be prepared to speak about the student's current performance. Be prepared to give concrete details, supported by most recent data.
- Talk about Needs—Not Accommodations

Annual Reviews

- Participants include: parent, special education staff and general education staff
- Goal: review progress according to IEP goals and objectives. Plan for accommodations, goals, and service delivery for the upcoming year.
- General Educators should be prepared to speak about current performance as it relates to the student's individual goals & objectives.

IDEA and Student Discipline

Manifestation Determination Meetings

- Participants include: parent, special education staff and general education staff
- Goal: determine if behavior in question is a direct result of the student's disability.

Team should be prepared to answer the following questions:

- Did the conduct in question have a direct & substantial relationship to the child's disability?
- Was the conduct in question a direct result of the district's failure to implement the IEP?

Section 504

- *No qualified (disabled) person shall, on the basis of (disability), be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal assistance.*

Section 504 protects a person with a disability who has:

- A mental or physical impairment which substantially limits one or more of such person's major life activities;
- A record of such impairment
- Regarded as having such an impairment

This statute is enforced by the Office for Civil Rights (OCR). For many years its main thrust was in areas of employment for individuals with handicaps. More recently OCR has applied its provisions to the education of handicapped children. It is more expansive in determining eligibility than IDEA in that it defines disability as a physical or mental impairment that substantially limits major life activities. However, its guarantees accommodations to permit equal access to regular education - are less expansive.

NOTE: All students in special education are also covered by Section 504; however, the inverse is not always true. Some disabled students are covered by Section 504, but are not covered by IDEA or M.G.L. Chapter 71:B.

504 Accommodation Plans

- *A 504 Accommodation Plan is a legal document that outlines a plan of instructional services for students in the general education setting.*
- It covers individuals who meet the definition of qualified “handicapped” person (i.e.: a child who has or has had a physical or mental impairment that substantially limits a major life activity).
- Major life activity includes: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Who oversees the 504 process?

- The Principal is ultimately responsible.
- District Coordinator: Joyce West, Director of Pupil Personnel Services

Please review the following **required** documentation before continuing to the next slide:

- [JIC - Student Discipline](#)

If employees have any questions regarding this training module or required documentation, please contact your direct supervisor or your school's principal.

In order to complete this training, please proceed to the form linked below to confirm receipt of all documentation:

- [Certification of Completion of the IDEA & Special Education Mandatory Training](#)