

# CCCOE BTSA Induction Program

## Special Education

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# Individuals with Disabilities Education Act (IDEA, 2004)

IDEA is a federal funding statute for special education programs, not a civil rights law. It falls under the Americans with Disabilities Act and The Rehabilitation Act of 1973. The IDEA includes two fundamental requirements: **that the child receives a free appropriate public education (FAPE) in the least restrictive environment (LRE)**. Disabled children are to be educated with children who are not handicapped “to the maximum extent appropriate.”

The reauthorization of IDEA, 2004 continues the focus on accountability and improved student outcomes through increase access to the general education curriculum.

A local education agency (LEA) may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs 614, b, 2, & 3 of IDEA, 2004. This is referred to as the response-to intervention or RTI model. To insure that Special Education students will participate with non-disabled peers as often as appropriate, amendments were put in place, some examples of those amendments are:

- All special education students will participate in district and statewide testing,
- The IEP Team must prove why a student cannot participate in the general education program,
- Reporting of special education student’s progress to the parents must be as often as for general education students,
- There must be a general education teacher represented at the student’s IEP, and
- A transition plan (a plan for post high school) must be written for all special education students, beginning at age 16.

IDEA has specific requirements for educational agencies in order to receive funding under this statute. The Local Education Agency (LEA) is required to locate and identify all children within the thirteen recognized disability categories, in their jurisdiction, from birth to twenty-one years of age. The statute calls for a team of professionals to conduct assessments and evaluations of the disability and the student’s needs and then develop a written education plan called an Individualized Education Plan (IEP). Parental consent is required. All records must be kept confidential in conformity with the Family Educational Rights and Privacy Act.

## Section 504

Section 504 of the Rehabilitative Act has been a federal law since 1973. It was enacted to prohibit discrimination on the basis of a disability in any program receiving or benefiting from federal funds. The purpose was to eliminate impediments to full participation by persons with disabilities, including both students and staff members. In legal terms, the statute was intended to prevent intentional or unintentional discrimination against persons with disabilities or persons who are believed to have disabilities. The act states that:

No otherwise qualified handicapped individual in the United States... shall, solely by reason of...handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

It protects students who have or have had a physical or mental impairment which substantially limits a major life activity, have a record of, or are regarded as handicapped by others. The student is not required to need special education in order to be protected. An example of a student who is protected by Section 504, but not by IDEA, is one who has juvenile arthritis. For this student, Section 504 services might be the provision of a typing course and the use of a computer/word processor to improve writing speed or to provide a less painful means of writing. Section 504 requires the provision of a free appropriate education for students covered, including individually designed programs. "Appropriate" means an education comparable to the education provided to non-handicapped students. Additional funds are not provided for these services.

Specifically, FAPE (Free Appropriate Public Education) under Section 504 is defined as:

The provision of regular or special education and related aids and services that...are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and...are based upon adherence to specified procedures.

Section 504 is not an aspect of special education. It is a civil rights law and therefore is the responsibility of the comprehensive general public education system. As such, building administrators and superintendents of schools are responsible for its implementation within districts. Special education administrators are participants but are not ultimately the responsible LEA administrators. IDEA funds may not be used for the sole purpose of meeting only Section 504 requirements. All IDEA students are also covered by Section 504, but not all Section 504 students are eligible for services under IDEA.

## Differences Between Section 504 and IDEA

<b>Section 504</b>	<b>IDEA</b>
Function of regular education	Function of special education
Eliminates barriers that exclude people with disabilities	Remedial
Requires that schools not discriminate, and in some cases, undertake actions that require additional expenses, but provides no additional funding	Requires more of the schools; it provides additional, insufficient funding
Broader definition of a disability	Only students who are eligible under one of the 13 specific disability categories are eligible
Requires a written plan	Requires a written and specific IEP document
FAPE “Appropriate” means an education comparable to the education provided to nonhandicapped students	FAPE “Appropriate education” means a program designed to provide “educational benefits”
Does not require written notice, but the district would be wise to do so	Requires written notice
Does not require consent, only notice	Requires consent before initial assessment
Requires periodic reevaluations	Requires reevaluations at least every 3 years

# What is RTI?

Response to Intervention (RTI) is a multi-tier approach to the early identification and support of students with learning and behavior needs. The RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data.

Though there is no single, thoroughly researched and widely practiced “model” of the RTI process, it is generally defined as a three-tier (or three-step) model of school supports that uses research-based academic and/or behavioral interventions. The Three-Tier Model is described below.

## **Tier 1: High-Quality Classroom Instruction, Screening, and Group Interventions**

Within Tier 1, all students receive high-quality, scientifically based instruction provided by qualified personnel to ensure that their difficulties are not due to inadequate instruction. All students are screened on a periodic basis to establish an academic and behavioral baseline and to identify struggling learners who need additional support. Students identified as being “at risk” through universal screenings and/or results on state- or district wide tests receive supplemental instruction during the school day in the regular classroom. The length of time for this step can vary, but it generally should not exceed 8 weeks. During that time, student progress is closely monitored using a validated screening system such as curriculum-based measurement. At the end of this period, students showing significant progress are generally returned to the regular classroom program. Students not showing adequate progress are moved to Tier 2.

## **Tier 2: Targeted Interventions**

Students not making adequate progress in the regular classroom in Tier 1 are provided with increasingly intensive instruction matched to their needs on the basis of levels of performance and rates of progress. Intensity varies across group size, frequency and duration of intervention, and level of training of the professionals providing instruction or intervention. These services and interventions are provided

in small-group settings in addition to instruction in the general curriculum. In the early grades (kindergarten through 3rd grade), interventions are usually in the areas of reading and math. A longer period of time may be required for this tier, but it should generally not exceed a grading period. Students who continue to show too little progress at this level of intervention are then considered for more intensive interventions as part of Tier 3.

### **Tier 3: Intensive Interventions and Comprehensive Evaluation**

At this level, students receive individualized, intensive interventions that target the students' skill deficits. Students who do not achieve the desired level of progress in response to these targeted interventions are then referred for a comprehensive evaluation and considered for eligibility for special education services under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). The data collected during Tiers 1, 2, and 3 are included and used to make the eligibility decision.

It should be noted that at any point in an RTI process, IDEA 2004 allows parents to request a formal evaluation to determine eligibility for special education. An RTI process cannot be used to deny or delay a formal evaluation for special education.

In addition to variations in the tiers used to deliver RTI services, schools use different approaches in implementation, such as problem-solving, functional assessment, standard protocol, and hybrid approaches. Although there are many formats for how a school might implement RTI to best serve the needs of its students, in every case RTI can be a school-wide framework for efficiently allocating resources to improve student outcomes.

# RTI Flow Chart

## Universal Screening for All Students Completed

(District, Site, and/or Classroom based assessments. Previous academic records review)

## RTI Core Team

Reviews the data and determines which students are at risk according to universal screening data listed below

(Can include: Principal, Assistant Principal, Instructional Coach, Intervention Specialist, School Psychologist, Counselor, Regular & SPED Teachers)

### Tier 1

Students who are NOT at risk according to universal screening cut scores will remain at Tier 1. Performance will be reviewed at the next benchmark assessment.

### Tier 2

Students who are AT RISK according to universal screening cut scores will be considered for Tier 2 intervention.

The RTI Core Team will use the universal screening data and the information from other relevant records to assign the students to the appropriate standard protocol intervention.

1. Teacher document intervention
2. Progress monitoring data collected
3. Parents notified of concern and keep informed of student progress with intervention
4. RTI Core Team reviews data in 4-6 weeks

Goal met, return to Tier 1, notify parents

Making progress, continue w/ intervention; notify parents

Insufficient progress, request assistance from SST for possible Tier 3 intervention

### **Tier 3/ Student Support Team (SST)**

1. Complete SST Request for Assistance form; stamp cum folder SST
2. Schedule meeting w/ teacher(s) to complete the SST Teacher Questionnaire form prior to initial meeting – this information will be used to determine what type of screenings will need to be completed
3. Schedule SST meeting and invite parents to attend
4. Select SST Members based on specific student concerns and notify them of meeting date, time and location. The SST must have at least three members present for the meeting to be held. Parents must be invited to all SST meetings.
  - Classroom teacher(s) – at least one of the student’s teachers must attend
  - Person(s) implementing the intervention and/or collecting progress monitoring data
  - Speech/language concerns – invite SLP
  - Private psychological evaluation provided by parent – must invite school psychologist
  - Person(s) request to complete screenings – to share results of screening assessments and assist with selecting interventions
  - Referral for SPED evaluation being considered – invite the following as appropriate:
    - School psychologist
    - Behavior Intervention Specialist
    - Speech/Language Pathologist (SLP)
    - Special education teacher – Hearing/Visual Impaired teachers if student has sensory impairment(s)
    - Social worker – if there are behavioral concerns and a social history will need to be completed during the evaluation
    - ESOL teacher
    - Related service provider – OT, PT, AT, APE
    - Autism Specialist
    - Hospital Homebound Teacher
    - School Nurse – if there are medical concerns
    - School Counselor – if there are behavior/emotional concerns
    - Administrator
5. Obtain parental consent for screening assessments – this may be done at the initial meeting – requests for OT/PT/AT/APE screenings should be written under “other”
6. Submit copy of signed consent for vision/hearing screening to School Nurse
7. Notify person(s) responsible for administering other screening assessments once the parent has signed the consent form
8. Inform administrators when a student with discipline problems has been referred for evaluation so that suspension days may be closely monitored. (IDEA protections being – a manifestation determination meeting must be held to suspend the student more than 10 days.)

## What Does the IEP Include?

The Individual Education Program (IEP) is a written statement in a meeting of the individualized education program team. The IEP should have the following general documentation:

- A. A statement of eligibility
- B. A statement of program options considered and a description of all educational components.
- C. Percent of time in a non-integrated setting and a rationale for placement in special education

The IEP shall include, but not limited to all of the following:

- 1. Address how physical education will be provided
- 2. Transportation needs
- 3. Assistive technology needs
- 4. Progress reporting of the IEP goals and objectives and statewide testing, special factors, grading, and promotion and retention
- 5. Accommodations, participation in district and statewide testing, special factors, grading, and promotion and retention
- 6. Student's present level of educational performance
- 7. Annual goals and short term objectives

When appropriate, the IEP shall also include, but not limited to, all of the following:

- 1. A transition plan to include course of study and agency collaboration, when appropriate
- 2. For students whose primary language is not English, linguistically appropriate goals and objectives and services in order for the student to benefit from instruction
- 3. Extended school year services
- 4. A plan for transition to general education or a least restrictive environment

## Accommodations vs. Modifications

	<b>Accommodations</b>	<b>Modifications</b>
<b>Explanation</b>	<ul style="list-style-type: none"> <li>• ACCOMMODATION = How</li> <li>• Changes <u>how</u> the content is taught, made accessible, and/or assessed</li> <li>• Accommodations <u>DO NOT</u> change what the student is expected to master. The objectives of the course/activity remain intact</li> </ul>	<ul style="list-style-type: none"> <li>• MODIFICATION = What</li> <li>• Modifications <u>DO</u> change <u>what</u> the student is expected to master. Course/activity objectives are modified to meet the needs of the learner</li> <li>• Also changes <u>how</u> the content is taught, made accessible, and/or assessed</li> </ul>
<b>Types</b>	<p style="text-align: center;"><b><u>Accommodation Types</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Quantity</u></b> – Reduce the number of items the learner is expected to learn or complete</li> <li>2. <b><u>Time</u></b> – Adjust how long the student is given to complete tasks</li> <li>3. <b><u>Level of Support</u></b> – Cooperative groups, a peer buddy, a mentor or a paraprofessional are used to help the student learn</li> <li>4. <b><u>Input</u></b> – Teaching strategies that are used that help the student to be able to understand what he or she is learning (e.g. a video, computer programs, visual aids, graphic organizers)</li> <li>5. <b><u>Participation</u></b> – Change the extent to which a learner is actively involved in the task</li> </ol>	<p style="text-align: center;"><b><u>Modification Types</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Difficulty</u></b> – Skills are varied, different levels and processes of being able to understand so the student can learn (e.g. using a calculator, having tests or lessons, other than reading, read to the child, making abstract concepts concrete)</li> <li>2. <b><u>Alternate Goals</u></b> – The outcome expectations are adapted (ex. The student will copy information instead of composing information)</li> <li>3. <b><u>Substitute Curriculum</u></b> – A different textbook on the same subject is used</li> </ol>

	<p>6. <b>Output</b> – Ways the student can demonstrate what he or she has learned (e.g. Giving answers to tests or assignments orally instead of written, typing instead of handwriting, using the child’s sensory modality preference, such as auditory, visual or tactile/kinesthetic, using the child’s multiple intelligence strengths (verbal-linguistic logical-mathematical, visual-spatial, bodily-kinesthetic, musical-rhythmic, interpersonal, intrapersonal and naturalist)</p>	
<p><b>Examples</b></p>	<ul style="list-style-type: none"> <li>• One-on-one or small group instruction</li> <li>• Extended time on assignments and/or assessments</li> <li>• Braille or large print materials</li> <li>• Shortened assignments and/or assessments</li> <li>• Slant boards or study carrels</li> <li>• Oral administration of subject-area tasks that do not assess decoding/reading comprehension</li> </ul>	<ul style="list-style-type: none"> <li>• Instruction that focuses on selected grade-level Standards instead of all of the Standards for the grade-level course</li> <li>• Changes in the scoring rubrics or grading scale</li> <li>• Reducing the complexity of the activity (e.g., only one step as opposed to multiple steps to solve a problem)</li> <li>• Cueing or prompting the student during a grade-level activity</li> </ul>

## **What is a Special Education Local Plan Area (SELPA)?**

A SELPA is a state-mandated association that provides for all the special education service needs of children residing within the regional boundaries. There are approximately 116 SELPA's in California. Each SELPA develops a local plan describing how it provides special education services. Responsibilities of the SELPA include:

- Ensuring Program Availability for all Children with Disabilities
- Curriculum/Program Development Support
- Surrogate Parent Training
- Community Advisory Committee Support
- Management Information System
- Transition Planning
- Legal Assistance
- Personnel Development
- Budget Planning and Review
- Evaluation
- Interagency Coordination
- Program Coordination
- Fiscal Management
- Program Specialists
- Community Awareness

The SELPA works to assure that:

- All individuals with disabilities receive a free appropriate public education in the least restrictive environment.
- All regular education resources are considered and, where appropriate, utilized on a local or regional basis to meet the needs of students with disabilities.

# Acronyms in Special Education

504 – Section 504 of the Rehabilitation Act of 1973

ADA – Americans with Disabilities Act of 1990

AEP – Alternative Education Program

AFDR – Annual Federal Data Report

AG – Access to the General Curriculum

AI – Auditory Impairment

APR – Annual Performance Report

ARD – Admission, Review, and Dismissal

AT – Assistive Technology

AU – Autism

AYP – Adequate Yearly Progress

BIP - Behavior Intervention Plan

CADRE – Consortium for Appropriate Dispute Resolution in Special Education

CARS – Center for Academic & Reading Skills

CATE – Career and Technology Education

CBM – Curriculum Based Measurement

CFR – Code of Federal Regulations

CF – Child Find

CIMP – Continuous Improvement Monitoring Process

CIP – Continuous Improvement Plan

DAS – Data Analysis System

DB – Deaf-Blind

DPH – Due Process Hearing

ECI – Early Childhood Intervention

ED – Emotional Disturbance

ELL – English Language Learner

ESC – Education Service Center

ESY – Extended School Year Services

FAPE – Free Appropriate Public Education

FBA – Functional Behavioral Assessment

FERPA – Family Educational Rights & Privacy Act

FIE – Full and Individual Evaluation

GED – General Educational Development Certificate

GC – General Curriculum

HO – Hearing Officer

HIPAA – Health Insurance Portability & Accountability Act of 1996

IAES – Interim Alternative Educational Setting

ID – Intellectual Disability

IDEA – Individuals with Disabilities Education Act of 2004

IEE – Independent Educational Evaluation

IEP – Individualized Education Program

IFSP – Individual Family Service Plan

ITP – Individual Transition Plan

LD – Learning Disability

LDAA – Locally Determined Alternative Assessment

LRE – Least Restrictive Environment

LEA – Local Education Agency

LEP – Limited English Proficient

LPA – Language Proficiency Assessment

LRE – Least Restrictive Environment

MD – Multiple Disabilities

MDR – Manifestation Determination Review

MOU – Memorandum of Understanding

NASDE – National Association of State Directors of Special Education

NCEC – Non-categorical Early Childhood

NCLB – The No Child Left Behind Act of 2001

NECTAC – National Early Childhood Technical Assistance Center

OHI – Other Health Impairment

OI – Orthopedic Impairment

ORR – Open Records Request

OSEP- Office of Special Education Programs, U.S. Department of Education

OSERS – Office of Special Education & Rehabilitative Services

PBM – Performance-Based Monitoring

PBS – Positive Behavior Support

RTI – Response-to-Intervention

SBOE – State Board of Education

SDAA – State-Developed Alternative Assessment

SHARS – Student Health & Related Services

SI – Speech or Language Impairment

TBI – Traumatic Brain Injury

USDE – United States Department of Education

VI – Visual impairment

VR – Vocational rehabilitation

## Resources

U.S. Department of Education: [www.ed.gov/](http://www.ed.gov/)

California Department of Education, Special Education Division:  
[www.cde.ca.gov/spbranch/sed/index.htm](http://www.cde.ca.gov/spbranch/sed/index.htm)

SELPA:

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2520 Stanwell Drive, Suite 270  
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[www.cccoe.k12.ca.us/ccselpa.htm](http://www.cccoe.k12.ca.us/ccselpa.htm)

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