

SPECIAL EDITION

Fall 2008

Special Education Parent Teacher Association

Dear Readers,

When I moved to Larchmont and joined SEPTA I was awestruck by the knowledge of the SEPTA Board. My oldest at that time was in elementary school and I had truly no idea what the future would hold – for him, for us both educationally and generally speaking.

Being involved in SEPTA, afforded me the opportunity to, of course, make great friends and the opportunity to learn year by year.

As my oldest entered middle school I started to become more attuned to conversations around me regarding transition, life after high school, adulthood, social security, guardianship, Special Needs Trusts. I must admit not only was I completely overwhelmed but I was so incredibly lacking in knowledge.

In keeping with my basic personality trait of always trying to anticipate needs and being a step ahead, I committed myself to attend any and every workshop, program, family day, transition fair that was being offered. I would gather information, in the case of family day you are given a huge bag when you enter and you go from table to table literally collecting pamphlets and placing them in your big bag. Of course when I would get home I would leaf through and become more aware of how uninformed I was.

I'm not on the back nine yet but close to it. My oldest is now in his second year of high school. I still have so much to learn but at least I am familiar with the buzz words/ have a basic understanding of what might be available, have an understanding where the school district's responsibility will end and where/ when we will be on our own. It still is overwhelming but at least I have made contacts, have made friends and have an understanding of the challenge that lies ahead.

My recommendation if I can offer counsel:
The more informed you are, the less surprises you might encounter – apart of course from what is beyond our control. Even if you don't think certain things will pertain to you or your child, it is worth having some knowledge. You never know!

With that said, we invite you to our SEPTA programs, to read our newsletter, to visit our website, to attend our workshops, to be informed: As the famous aphorism goes~ Knowledge is power—soak it up and use it to help yourself, your child, your friends.

I am always grateful for the opportunity to gather information and impart it.

Thank you for being such an attentive audience,
Amy Lieberman
SEPTA President
dashdoar@aol.com

SEPTA Mission Statement: Recognizing that students have a broad range of learning styles and abilities, SEPTA works to promote a quality learning experience for all children. SEPTA aims to promote a better understanding of children's learning differences and to be a resource for all parents.

Join SEPTA! Go to:
www.mamkschoolspta.org/septa

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Understanding Psychological Evaluations

Dr. Caren Baruch-Feldman was recently interviewed on the topic of “Understanding Psychological Evaluations”. She appeared on “As you Like It” a show that is recorded at LMC-TV, one of Mamaroneck’s own local channels. Some highlights from the program are discussed below.

1. Parents are an integral part of the CSE process. They are the student’s best advocate.

2. Nothing that occurs in the CSE is written in stone. It is a process that can be and often needs to be tweaked in order to achieve the best results for the student.

3. Special education is not a place but a service. Furthermore, it isn’t the only game in town. Intervention should be done in general education before a CSE referral is made. Also, most schools have Instructional Support Teams or Child Study Teams that can help brainstorm further ideas that can be implemented in the classroom.

4. A balance needs to be achieved between accommodation and remediation. When a child is younger there is often more of an emphasis on remediation. Younger children are often more open to remediation and changes in the brain are easier to achieve. However, as one ages (middle and high school ages) there is less plasticity to the brain and less eagerness towards remediation. Therefore, there is often more of an emphasis on accommodation. Nevertheless, at all ages a balance should be kept in mind between accommodation and remediation.

5. The role of the school psychologist is not only tied to special education. The school psychologist is often involved in counseling and consultative work with teachers, parents, and staff. School psychologists are also involved in preventive and crisis work as well.

6. There is a difference in the goals of a school psychological evaluation versus a private psychological evaluation. The goal of a school psychological evaluation is to determine whether a student meets criteria for 1 of the 13 categories of disabilities as outlined by IDEA law. If a student meets criteria for 1 of the 13 disabilities then special educational supports will be developed through

an IEP. The goal of a private evaluation is to obtain a better understanding of a student as a learner and to describe the student’s strengths and weaknesses. It is important to keep these distinctions in mind when comparing these evaluations.

7. Grade equivalents are often poorly understood. When a second grade student attains a grade equivalent of 5.0 on a second grade arithmetic test, it does not mean that he or she is capable of performing those arithmetic operations taught in fifth grade. It means that the student has performed as well as the average fifth grade student, on second grade work. Parents and others often misunderstand these scores and as a result, grade equivalents are often not used by the school district because of this misunderstanding. Percentile rank and standard scores from norm referenced tests are recommended for interpreting test results for these reasons.

8. The mandate of special education services is to “level the playing field” and not to “maximize potential”. Although a youngster may have a relative weakness it is not the role of special education services to maximize this relative weakness. In contrast, if a youngster has a disability it is the role of special education to equip a student with support so that he/she can function like others in the classroom.

* * *

Dr. Caren Baruch-Feldman is the President of the School Division of the Westchester County Psychological Association. She works part-time in the Harrison schools and maintains a private practice in Scarsdale. In addition, she is co-president of Parents and Professional Advocating for Students (PAPAS) an advocacy support group at Westchester Day School in Mamaroneck. She can be reached at (914) 646-9030 or at drcarenfeldman@msn.com. ■

Constantly Learning, Growing, Thriving

By Dr. Anthony T. Minotti,
Assistant Superintendent for Student Support Services

Since my arrival in July, 2007, it has been a year of learning, growing, and thriving experiences for Student Support Services staff and me. Staff has adjusted quickly and intelligently to shifts for meaningful change throughout the District, in a complex special education environment. There have been large scale and substantial changes from the implementation of eleven (11) co-taught classes at the elementary level, to the re-organization of special education services at the high school, the new addition of a Transition Counselor (grades 8-12) and the Assistive Technology Specialist (PreK-12), a strong partnership established between the Curriculum Department and Student Support Services, and improved planning coordination and collaboration among related service staff.



Our short and long range plans have allowed us to experience the possibilities of unknown opportunities to continuously improve services and programs for children with special needs. These learning experiences for staff have provided lessons that were insightful, actionable, and concisely communicable. Through this learning process, our goal is to create deep and lasting change for children with special needs.

The Directors, Department Chairs, and Coordinators have been instrumental in bringing the theory and practice of effective leadership together in a very complex PreK-12 organization for many of the program/service accomplishments that occurred at every level this past school year. The 2007-2008 Special Education Program Review by the outside consultants and the newly formed Special Education Task Force have provided us with a framework for a deep understanding of what we (staff, parents, BOE, community) need to continue to strive for, to increase the changes of brining about lasting change through constantly learning, growing and thriving.

During the first months of the 2008-2009 school year we have started to implement many of the new initiatives, along with continuous planning to strengthen programs/services for the next school year. The 2008-2010 Interim Special Education Two Year Plan (mandated by NY state), was presented to the BOE on October 21, 2008, with a description of accomplishments since 2005, plans for the future, and objectives linked to BOE goals from every department in Student Support Services. Another report will be provided to the BOE in June 2009, highlighting recommendations from the work of the Special Education Task Force during this school year. The 2008-2010 Interim Two Year Plan and the report to the BOE can be found on our new Student Support Services website (www.mamkschools.org). This website will grow throughout the school year.

We are continuing to work closely with the BOE, SEPTA, Mamaroneck Schools Foundation, PTA Council and community agencies to expand learning opportunities for children with special needs and their parents, in the most cost effective and efficient manner. I look forward to seeing you soon at upcoming SEPTA presentations and meetings, or at the event listed below.

504 Accommodations/Response to Intervention (RTI)
Awareness Presentation
December 1, 2008, 7:30 pm, Tiered Classroom
PTA Council Sponsored

On behalf of the entire Student Support Staff, we look forward to a very productive and rewarding school year with your children, as we collaborate with you to continue to learn, grow, and thrive together.

Special Ed Terms with Powerful Meaning

By Cecilia Absher
SEPTA VP Law & Policy

There are many important and complex terms used in special education. We will choose a few to explain in each newsletter.

Assistive Technology & Assistive Technology Evaluation

When the Committee on Special Education develops an IEP (Individual Education Plan), it describes the recommended program and services that will be provided for the student:

(1) to advance appropriately toward attaining the annual goals; (2) to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and (3) to be educated and participate with other students with disabilities and nondisabled students in the activities. The IEP must also indicate any “assistive technology devices or services” needed for the student to benefit from education, including the use of such devices in the student’s home or in other settings. Under the special education laws, “related services” specifically includes assistive technology services. (Access to assistive technology and services may also be sought through the Americans with Disabilities Act and Section 504.)

“Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. It does not include a medical device that is surgically implanted, or the replacement of such a device. As a practical matter assistive technology can be useful for students with disabilities in many areas, including for example, note-taking, organization, written expression, productivity and AT can range from low tech items such as slant boards and pencil grips to more high tech solutions such as use of computers for written work, books on tape, Kurzweil Software or Dragonfly Naturally Speaking.

“Assistive technology service” means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes: (1) the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student’s customary environment; (2) purchasing, leasing, or otherwise

providing for the acquisition of assistive technology devices by students with disabilities; (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (5) training or technical assistance for a student with a disability or, if appropriate, that student’s family; and (6) training or other technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the student.

Some students may require assistive technology devices and services to benefit from a free appropriate public education (FAPE). The Committee must also consider whether the use of school-purchased assistive technology devices must be used in the student’s home or in other settings in order for the student to receive FAPE. Currently, around 500 students in our district benefit from using assistive technology. Parental input in this area is especially important. The Committee should consider the following questions:

1. What can the student do now with and without assistive technology devices and services?
2. What does the student need to be able to do?
3. Can assistive technology devices and services facilitate student success in a less restrictive environment?
4. Does the student need assistive technology devices and services to access the general curriculum or to participate in nonacademic and extracurricular activities?
5. What assistive technology services would help the student participate in the general curriculum and/or classes?
6. Does the student need assistive technology devices and services to benefit from educational/printed materials in alternative formats?
7. Does the student need assistive technology devices and services to access auditory information?
8. Does the student need assistive technology devices and services for written communication/computer access?
9. Does the student need an assistive technology device or service for communication?

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10. Does the student need assistive technology devices to participate in State and districtwide testing?

11. Will the student, staff and/or parents need training to facilitate the student's use of the assistive technology devices?

12. How can assistive technology devices and services be integrated into the student's program across settings such as work placements and for homework?

From: <http://www.vesid.nysed.gov/specialed/publications/policy/iep/attach2.htm>

Want to learn more? Go to these sites:

- ♦ Closing the Gap: www.closingthegap.com
- ♦ LD Online: www.ldonline.org
- ♦ <http://www.ldonline.org/indepth/technology>
- ♦ http://www.kidsource.com/kidsource/content2/assistive_technology.html

Independent Educational Evaluation (IEE)

An independent educational evaluation (IEE) of a child means an individual evaluation of a student with a disability or a student thought to have a disability done by a qualified examiner who does not work for the school district. A parent is entitled to only one independent educational evaluation paid for by the district each time the school district conducts an evaluation (including initial evaluations and triennial valuation) with which the parent disagrees.

If a parent asks the school district to pay for the IEE,

the school district may ask, but not require, the parent to explain the reason why he/she objects to the district's evaluation. The school district may not unreasonably delay either providing the IEE or initiating an impartial hearing to defend the district's own evaluation.

The IEE must be obtained under the same criteria, including the location of the evaluation and the qualifications of the examiner, as the criteria the school district uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. A school district may not impose additional conditions or timelines related to obtaining an independent educational evaluation at public expense. (IDEA & NY law)

Universal Design for Learning (UDL)

The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are made usable with assistive technologies. (Section 3 of the Assistive Technology Act of 1998).

Universal design for learning is also referred to as a process of designing instruction that is accessible by all students; UDL includes multiple means of representation, multiple means of expression, and multiple means of engagement; the focus in creation of UDL curricula is on technology and materials. Learn more at <http://www.osepideasthatwork.org/UDL/index.asp> ■

School Psychology Department: Social Competence of Children

By Dr. Barbara Merling

Young children can learn important life skills through play and exploration. The developmental stages that children go through help to shape and develop interpersonal abilities. The classroom and school community are natural settings to facilitate, encourage and reinforce the development of social competence. The acquisition of these skills is supported every single day by teachers, support staff and parents.

At the secondary level, peer relationships become increasingly important. These social interactions are practiced within the classroom setting, in extra curricular activities, in the lunchroom and in the community. Classroom teachers, guidance counselors, school psychologists, social workers and support staff continue to build

upon the social skills developed in the elementary schools.

A very small percentage of children may benefit from explicit instruction to acquire isolated social skills. However, research suggests that the most effective generalization occurs when these skills are taught and practiced within the more typical school settings with larger peer group interactions.

The School Psychology Department, along with district Social Workers and Guidance Counselors have been reviewing practices that are currently being used throughout the district. They have also been exploring other effective strategies to support children's social competence. This multi-disciplinary committee is working to articulate a continuum of social developmental stages and other useful resources. More information will follow throughout the school year. ■

Dear Friends,

As I take a few moments to pause and reflect on the start of a new school year, I must begin by thanking everyone for such a warm welcome.

I may struggle with names at times but have quickly learned that the staff in both the high school and the middle school is incredibly talented and dedicated. I am continually impressed by the level of skill displayed in their teaching craft and the care for our students that is evidenced by all of the collaborative efforts that occur on a daily basis. To say this is a caring group is an understatement!

The faculty is supported by an equally energetic and highly skilled group of administrators to which I am proud to be a member. They are good at what they do and I am inspired when I watch them in action!

I think what has been exciting for me is acclimating to the pace and the careful balance as we manage a large number of priorities as a team in an effort to provide all of students with all of the things they need. This is a challenging task but with the personal and professional knowledge offered within the district we are very successful.

Please take a few moments to read about many of our new secondary programs and initiatives for this year. I have described them below. And be assured that I would like to meet each and every parent at some point. I look forward to our continued work as partners to provide your child with a most successful school experience.

*Yours truly,
Karen Gatto
Director of Secondary Special Education*



New High School Programs

Grades 9-10 STRIVE (Soaring Toward Responsibility & Independence through Valuable Experience)

Students in the 9-10 special class are taught through an integrated, team approach in all academic areas including English, Social Studies, Math and Science.

English and Global are instructed in back to back periods creating a flexible instructional block of time. The focus of instruction is on building reading and writing skills within the context of appropriate literature and the global curriculum. Study skills are explicitly instructed. Students are prepared to take the Global Regents and/or Regents Competency Test at the end of 10th grade.

Math and Science are taught by grade level, again preparing students for regents and/or RCT's in 9th and 10th grades. Teachers collaborate regularly and provide students with feedback on their academic and social development.

Attendance and participation are closely monitored and parents are communicated with regularly regarding progress. Students attend a credit bearing advisory class daily, taught by one of their team teachers. A psychologist and the transition guidance counselor work with students as needed in social skills groups, individual counseling and in building self advocacy skills during the advisory period. The advisory period also focuses on skill development through individual and small group instruction for assignments and homework

Grade 11 STRIVE

Students in 11th grade STRIVE classes are meeting expectations in terms of course work and in passing required assessments. In 11th grade: English, Math, Social Studies and Science instruction focuses on building essential skills while preparing students for required assessments. The

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team of teachers communicate and collaborate regularly. Students' attendance and participation is monitored and parents are communicated with regularly.

An advisory period is provided to support students' skill development. Reinforcement of essential skills and preparation for assessments are highlighted. A psychologist and transition guidance counselor work with students to prepare the student for post-high school experiences. This may include participation in a BOCES vocational program in the 3rd, 4th or 5th year of high school or a credit bearing internship or job. The student's strengths and abilities are assessed and a transition plan is developed to effectively prepare the student to transition to post high school demands.

TRANSITION ACADEMY

Transition Academy is a combination of services based on a student's post secondary goals. Teachers, guidance counselors, related service providers, job coaches and support staff provide direct support to students, helping them to acquire skills that will maximize independence.

For some, this is a special education service for students earning an IEP Diploma with an academic/vocational focus. These students attend the program for a portion of their morning academics. Courses focus on functional math, English and civic/community studies. All students participate in an appropriate vocational component in the afternoon which may include BOCES occupational education or a community based experience.

Afternoon services support students who are following a non-traditional post-secondary path due to their unique needs. Students are provided direct instruction in social skills, activities of daily living and authentic experiences in the community including travel training if needed in order to prepare the students for transition to adult life.

Job coaches create jobs and support students in various settings. Entrepreneurial efforts by students are encouraged as a way to deepen understanding of the work/effort/budget connections. Assistive technology is incorporated into plans for some students as needed. Parents partner in the development of the transition plan and regular communication is a part of the service.

STEP: Supported Teaching & Employment Program

STEP is a special class program for students earning an IEP diploma. The program is designed to develop academic, vocational and life skills with connections to the broader community and appropriate post-secondary support agencies.

Academic instruction focuses on functional skills in reading, writing and math. Activities of daily living and community based experiences are integrated and authentic experiences for students. The program builds the vocational capacity of students through direct instruction of the communication, social and vocational skills required. Job Coaches and trained teaching assistants, support students in a range of community and vocational settings. Speech and Language Services and Occupational Therapy Services are integrated into the classroom and vocational settings. All instruction focuses on developing the students' communication, academic and daily living skills to the maximum extent possible while preparing them and their families for the transition to post-secondary adult and educational opportunities.

PROJECT SUCCESS

The Project Success program is based on the belief that all students will be successful and achieve their goals with highly engaging, interdisciplinary instruction that is geared to the individual needs of each student. It is an alternative class for both classified and non-classified students.

The students who benefit from the program are students who are not meeting with success in the standard high school approach: they have not earned academic credits and as a result are lacking in direction, focus and commitment to long and short term goals.

Project Success builds each student's capacity by:

- Collaborative assessment of the student's strengths, interests and goals for the future.
- Articulating with the student a plan to meet his/her goals including an academic timeline, a vocational component and a therapeutic approach.
- Involving parents and outside agencies in a comprehensive support plan.
- Providing flexible and creative approaches to earning credits to meet student's goals including internships and compacted curriculum.
- Building community and trust among students and staff through intense monitoring of progress and reinforcing

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More Programs . . .

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feedback designed to teach the student to make appropriate choices.

Academic Instruction:

- **Whole Group Focus Block:** Group works together for a portion of the block on a compacted curriculum designed to teach skills and concepts in a specific curriculum area. For example – if all students need a credit in English – for a specified period of weeks students focus on a project together that teaches the essential skills in a way that is meaningful to the students from both an academic and functional level and relates to their long term goals.
- **Individual Focus:** Each student is working on activities related to credits they need to earn through small group or individual lessons and assignments designed to engage students in successful academic

Advisory Conferences –Psychologist and Transition Counselor:

- Psychologist meets with students individually and/or in small groups to help students develop coping strate-

gies and address self-esteem, motivation, family or other areas of concern.

- Transition Counselor meets with students to develop career plan and monitor vocational placements either at BOCES or through credit-bearing internships or jobs.

Students are engaged in vocational placements as determined by their plan which may include the BOCES Occupational Ed. ½ day program, credit bearing internships in the community developed by the transition counselor, or vocationally related workshops.

Special Reading Class Grades 9-12

The Special Education department at MHS offers a Reading Skills class to help students with serious disabilities in basic literacy skills. The class is instructed through a research based, multisensory approach. The class provides direct instruction for decoding skills in conjunction with spelling skills for students who are weak in these areas.

Students are chosen for the program based on teacher recommendations. The class meets twice a week. ■

Community Jobs Program for Transition Training

By Karen Gatto

The 2008-2009 school year is underway and the administration and faculty have been busy preparing for a successful and enriching experience for our students.

Mamaroneck High School (MHS) is developing and expanding our Community Based Vocational Training Program. This program is geared towards students in need of intensive support for vocational training and transition planning. Kristen Macaluso, a newly hired Transition Counselor, will be coordinating the services provided by this unique program.

Kristen comes to MHS with a wealth of experiences in the field of disability services. She has served as a counselor at Fordham University and New York University arranging accommodations for students with various types of disabilities. She has also worked as a supported employment specialist, helping post-secondary students explore career interests and obtain appropriate jobs. Most recently,

Kristen assisted in the development of an Autism Family Center which connected families with local agencies and services.

Along with teachers and support staff, Kristen will be creating employment or internship positions in local communities for students. MHS job coaches will implement strategies to assist students in learning appropriate work behaviors and identifying personal strengths.

We have formed many successful partnerships with local businesses and would like to continue making connections within the community in order to create worthwhile employment and internship settings for our students.

We invite you to take part in this meaningful learning experience by considering how a Mamaroneck High School student can help your business meet its current needs. Please feel free to contact Kristen Macaluso, Transition Counselor at 914 220-3039 or kmacaluso@mamkschools.org, to learn more about our Community Based Vocational Training Program. ■

My Pre-College Summer Experience

By Kenny Burr

This past July, I participated in the Pre-college Summer Experience at SUNY Albany in Albany, New York. This program is designed for high school juniors and seniors who have disabilities and are preparing for college. A student with any kind of disability, including learning disabilities, can go. I went because I have cerebral palsy, a physical disability.

All in all, the pre-college experience was very interesting. I learned a lot about time management skills and that you need to study 30 hours a week in order to be successful in college. You need to be able to keep up with the work so you don't fall behind. I also learned about managing credit card debt when you go to college and making sure you have a balanced checkbook. Plus, I got a feel for what it was like to sit for a few hours listening to lectures about college. There were nineteen seminars altogether and I attended them all. For me, the lectures that addressed dealing with disabilities in particular, and not general study skills, were the most helpful. For example, the lectures that talked about advocacy and accommodations had a lot of useful information.

While I was there I got to have the feeling of what it was like to be on the college campus at SUNY Albany. For me, it was hard to tell the buildings apart because they have the same architectural design. The food was okay, it wasn't the greatest food, but then again that's what college is all about.

Aside from people with visual impairments, I was the

only person with a physical disability. I was also the only participant who used a wheelchair. Mostly there were kids who had Asperger's syndrome and autism. I found the experience helpful, but I felt that some of the lectures did not pertain to students like me, who primarily have physical disabilities. For example, there was a lot of discussion about things like making sure to shower yourself before you start your day or making sure you have your routines down pat.

If you're someone with a physical disability who decides to attend this program and needs a personal care attendant, it would be helpful if that person knows you and has worked with you before. On my first day at the program my personal care attendant, who I had never worked with before, almost ran over my mom and me with my power wheelchair because she didn't know how to operate it. I learned the hard way that if you decide to not bring your own personal attendant and work with the one they assign you, you should make sure you meet the person beforehand so you know that it's a good match.

I would recommend this program to anybody who has a disability, but make sure you do the research to see if it makes sense for you. Even if you are not planning to apply to SUNY Albany, you can still participate in its Pre-college Summer Experience. The quickest way to find out more about this program is to call SUNY Albany's Disabled Student Services at (518) 442-5490. Your guidance counselor and Kristen Macaluso, the Mamaroneck School District's new transition counselor, can also help you decide whether this program is right for you. ■

Do you know the name of the only public school district in New York that was created to educate a hospital population?

Mt. Pleasant-Blythedale UFSD. It was chartered by the NY State legislature as a Special Act school district. Their students are inpatients and day hospital children and adolescents receiving rehabilitation and medical services at Blythedale Children's Hospital.

Attention all parents of classified students at:

- French American School
- Sts John and Paul
- Westchester Day School

We encourage you to become trained to serve as a CSE Parent Member. Further information can be found on our website or by contacting Michelle Gavens at mgavens@juno.com

Help for Struggling Students - Academic Intervention Services

By Cecilia Absher,
SEPTA VP – Law & Policy

Did you know that students in grades K-12 – both those in general education and those in special education – who fail to, or who are at risk of failing to, achieve proficiency in meeting the New York State learning standards in specified subject areas are eligible to receive “academic intervention services” (“AIS”) to help them meet the standards? Here are answers to some essential questions about AIS:

What are Academic Intervention Services? (AIS)

Academic intervention services (“AIS”) assist students who fail to meet the State designated performance level on State assessments (score below level 3) or who are at risk of not achieving state learning standards in designated subject areas, which vary by grade. Academic intervention services are additional instruction -- meaning extra time for focused instruction -- which supplements the general classroom instruction and may include student support services such as guidance, counseling, attendance, and study skills, if needed to improve academic performance.

AIS are “general education” services and do not require that a child be classified as special education or undergo extensive special education type evaluations to be eligible. Moreover, AIS must be provided to students with disabilities on the same basis as for nondisabled students, to the extent consistent with the student’s individualized education program. “To the extent consistent with the individualized education program (IEP)” means appropriate accommodations and supports must be provided when AIS is implemented for students with disabilities to assure that these students benefit from AIS.

Who is Eligible to Receive AIS? New York education law designates basic eligibility criteria for grades K-3, 4-8 and 9-12. In kindergarten through 3rd grade, AIS is to be provided to students determined by the school district through established district-wide procedures to (1) lack reading readiness based on an appraisal of the student, including his/her knowledge of sounds and letters or (2) be at risk of not achieving the State designated performance level in English lan-

guage arts and/or mathematics. In recent years, the state standardized ELA and Math tests have been administered starting in third grade and thus students who receive a 1 or 2 on these assessments are also eligible to receive AIS.

In grades 4 through 8, AIS is given to students who score below level 3 on the State elementary assessments in English language arts, mathematics, social studies or science. In addition, AIS is to be provided to students, including those who are limited English proficient (LEP) determined, through a district-wide procedure to be at risk of not achieving State learning standards in English language arts, mathematics, social studies and/or science.

Subject areas covered by AIS in grade nine through to grade twelve are expanded to include those who score below the State designated performance level on any one of the State examinations required for graduation.

What Must Be in An AIS Plan? Since the year 2000, school districts in New York have been required to adopt a written description of their AIS plan, which according the New York Education Department, must include: (a) the district-wide procedure(s) used to determine the need for AIS; (b) academic intervention instructional and/or student support services to be provided pursuant to the regulations; (c) whether the instructional support services and/or student support services are offered during the regular school day or during an extended school day or year; and (d) the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

According to a NY State memorandum on AIS, districts must adopt or approve a written procedure for identifying students for AIS in those grades K-12 where there are no State assessments in English language arts or mathematics and in those grades 4-12 where there are no State assessments in social studies or science. The procedure must apply across the district to all schools and students at the same grade level. Districts should assure that multiple assessments/sources of evidence are used and that criteria

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AIS . . .

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are in place that determine the identification of performance on those measures/sources of evidence that would place a student at risk of not meeting State learning standards and in need of academic intervention services; and performance that indicates that a student is meeting, or is likely to meet, State learning standards and no longer in need of academic intervention services.

This district procedure may also include diagnostic screening for vision, hearing and physical disabilities as well as screening for possible limited English proficiency or possible disability. For information regarding the state learning standards for each grade and subject area, go to the NYSED website: <http://www.emsc.nysed.gov/deputy/Documents/learnstandards.htm>

When, by Whom and How Much AIS is Provided?

AIS may be provided during or after the school day and over the summer; the District's description of AIS must specify when the services will be provided. In public schools, academic intervention instructional and/or support services must be provided by teachers who are appropriately certified (teacher aides and assistants are not qualified to provide AIS). The intensity of such services is to be tailored to respond to student needs as indicated through State assessments results and/or the district-wide procedure.

AIS and/or student support services must start by the semester following a determination that a student needs such services. Services continue until a student's performance:

- (a) meets or exceeds the State designated performance level on the next State assessment; or
- (b) is shown to be likely to meet or exceed the State designated performance level on the next State assessment through achievement on the district-selected assessments of the levels specified in the district description of AIS.

What Communications Occur with Parents? The school principal is to notify parents if their child needs AIS and include a summary of the academic intervention services to be provided, the reason the student

needs such services and the consequences of not achieving expected performance levels. Similarly, parents must receive written notification when academic intervention services are no longer needed.

Parents of students receiving academic intervention services also are to be given an opportunity to consult with the student's regular classroom teacher(s), and other professional staff providing academic intervention services, at least once per semester during the regular school year and are to receive reports on the student's progress at least once each quarter during the regular school year. Finally, parents are to be given information on ways to work with their child to improve achievement; monitor their child's progress; and work with educators to improve their child's achievement.

What if the Child Might Have a Disability? A child who is not classified as a special education student and who has been determined to be eligible for AIS may also be referred to Special Education for evaluation as to whether the child has a disability if it is suspected that the difficulties a student is having are due to a disability. Such a referral must describe the attempts to address the student's performance prior to referral, including any supplementary aids or support services, such as academic intervention services. Parents may also request a special education evaluation which, if requested, must be conducted within 60 days of the request, whether or not the child is receiving AIS.

Want to Learn More? Here are Additional Resources:

- ◆ A Guide to Academic Intervention Services produced by the NY State PTA & NY State Teachers Union can be found on the SEPTA Website:
<http://mamkschoolspta.org/septa/>
- ◆ New York Regulations relating to AIS:
<http://www.emsc.nysed.gov/part100/pages/1002i.html>
- ◆ NY State Dept of Ed. Info on AIS:
<http://www.emsc.nysed.gov/part100/pages/topics.html#Academic%20Intervention%20Services>
- ◆ New York State Learning Standards:
<http://www.emsc.nysed.gov/deputy/Documents/learnstandards.htm>
- ◆ Guidelines for Implementing Academic Intervention Services
<http://www.emsc.nysed.gov/top/AISQAweb.pdf>
- ◆ Process to Practice: A Quick Reference Guide for Committee on Special Education (CSE) Chairpersons:
<http://www.vesid.nysed.gov/specialed/publications/per->

Project AIIM

By Amy Lieberman

You may remember in April's issue of Special Edition that I was fascinated by the many arms of BOCES. Over the summer I learned about Project AIIM*, a program that I admit I had not known much about. Researching Project AIIM opened my eyes to the three classes that BOCES maintains at Hommocks Middle School.

The classes are under the supervision of Will Guterman, Supervisor of Special Services at SW BOCES and are welcomed and supported by our great Hommocks building administrators Dr. Seth Weitzman, Nora Mazzone and Larry Keane.

The BOCES program at Hommocks serves students on the autism spectrum who require NY State Alternate Assessment. The program combines academic instruction, social skills training, behavior management, functional and recreational skills, and community based instruction. With eight students in a class, the classrooms are staffed with a teacher and two aides or assistants. In addition, the Project AIIM program is supported by a consulting psychologist, consulting psychiatrist and a Speech and Language Pathologist who provides individual direct services twice weekly and once in a group session.

Students range in their language abilities from non-verbal to functional language skills. There is a shared emphasis on academic training in the classrooms and learning to negotiate the nearby and accommodating community with exercises and practice in shopping, ordering and maintaining appropriate behavior in the local diner and even working with job coach supports for select students. If you are ever driving down the Post Road by Hommocks mid-morning you might have seen the group starting out on one of their shopping excursions, staff carefully travel training them to cross the intersection safely.

It is equally important for students to develop the ability to choose and enjoy recreational activities to support a healthy life style. The students utilize the nearby park and pool and at times the ice skating rink. Sometimes

the home economics room helps support Activities in Daily Living that are so important for emerging teenagers. The ultimate goal being to maximize independence in daily living skills exhibited in home, community and school environments. Periodically BOCES students have been included in one of the Hommocks Unified Arts electives where appropriate. Art and Music have been perfect for this type of inclusion experience.

When the programs first arrived in the building, team 6-3 adopted the three classes. The Language Arts teacher Stephanie Ebinger and BOCES teacher Carmen Wilson worked together to craft activities and experiences that Hommocks and BOCES students could do together. There have been other times where our own Middle School I teacher Maria Albano has collaborated with one of the BOCES staff to provide opportunities for BOCES students to interact with our Developmentally Disabled students from Mamaroneck. Each of these interactions has made the BOCES classes viewed as just another three classes in our building that service children with disabilities. Most staff and students are not aware that the BOCES classes service children who are not part of our system. Why would they? They see them in the hallways, eating in the cafeteria and following their daily routines as other Hommocks students and staff. That is a credit to the BOCES teachers and their program, they have integrated into the school almost seamlessly and they are fantastic people as well!

**Project AIIM, Applied Intensive Intervention Model, is designed to accommodate the full spectrum of children/young adults classified with Autism Spectrum Disorders. Project AIIM utilizes two highly-valued and research based approaches recommended by the National Research Council in Educating Children with Autism. The applications of Structured Teaching (TEACCH) and ABA (Applied Behavioral Analysis)*

Special thanks to Will Guterman at SWBOCES for kindly providing this information. And to Nora Mazzone for adding 'heart'. ■

An Introduction to – Response to Intervention (RTI)

By Cecilia Absher
SEPTA VP for Law & Policy

Response to Intervention (“RTI”) is being discussed extensively in the field of public education. Just a few weeks ago our Board of Education adopted as a goal the development of an RTI plan for the school district, to apply to all grades - K-12. You’ll be hearing a lot about this in the near future, so we thought it would be useful to provide an introduction of the topic and how it interrelates with Special Education.

“What is RTI”? Who does it affect? “How will it impact special education and regular education?” These are all big questions and our District, like many, is at an early stage in its work regarding RTI.

In a memo sent to all Districts, the NY State Education Department, described “RTI as a multi-tiered, problem-solving approach that identifies general education students struggling in academic and behavioral areas early and provides them with systematically applied strategies and targeted instruction at varying levels of intervention.”

Proponents of RTI assert that a major advantage of shifting the focus in identification of learning disabilities from using a “wait to fail” discrepancy model to inclusion of RTI is that RTI more appropriately and immediately addresses the instructional needs of students. Additionally, many believe RTI will shift instruction of students to more research based “proven” instructional methods and improve assessment measures.

What Is the Essence of an RTI Plan? In any school system, some students do not meet expectations for academic achievement. In NY, school districts must have written plans and policies for implementing school-wide approaches and interventions to help remediate a student’s performance before the District refers the student for a special education evaluation. This may include the RTI process as part of a district’s school-wide approach and as discussed on page 10, academic intervention services (“AIS”) are currently mandated for certain struggling students. According to the New York regulations, an RTI plan, if adopted, must include:

- ♦ Appropriate instruction of all students in the general education classroom by qualified teachers. With regard to reading, the regulations state that appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic

awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.

- ♦ Screenings applied to all students to identify those students who are not making academic progress at expected rates.
- ♦ Instruction matched to student need with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.
- ♦ Repeated assessments of student achievement, which should include curriculum based measures (“CBMs”), to determine if interventions are resulting in student progress toward age or grade level standards.
- ♦ The application of information about the student’s response to intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services.
- ♦ Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about the:
 - ♦ amount and nature of student performance data that will be collected and the general education services that will be provided;
 - ♦ strategies for increasing the student’s rate of learning; and
 - ♦ parents’ right to request an evaluation for special education programs and/or services.

The school district must select and define the specific structure and components of its RTI intervention program, including, the criteria for determining the levels of intervention to be provided to students, types of interventions, amount and nature of student performance data to be collected, and manner and frequency for progress monitoring.

Who is the Student Targeted for RTI? Under the Individuals With Disabilities Act (the “IDEA”), RTI (or similar prereferral interventions) is aimed at the general education student (or a special education student not classified under special education as having a “specific learning disability”) who does not achieve commensurate with his or her age

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and ability levels in one or more areas, if provided with appropriate learning experiences. Deficits may be in one or more of the following areas: (1) oral expression and/or listening comprehension (Speech/Language); (2) written expression; (3) basic reading skills, reading fluency and/or reading comprehension or (4) mathematics calculation and/or mathematics problem solving.

In New York, RTI is required to be implemented by 2012, but is only “mandated” for students in kindergarten through fourth grade who might have a learning disability in the area of reading. However, many districts adopting RTI plans are applying a much broader scope. Unlike AIS, which applies in specified subject areas that vary by grade and which apply to special education students as well as general education students, under the regulations, RTI may be limited to the above listed ELA & math areas and does not have basic state defined eligibility criteria but rather allows Districts to develop their own model.

What Research Based Instruction Fits Within RTI?

Many educators and experts in RTI agree that RTI is most effective when programs are tied to state learning standards. Thankfully, New York has fairly explicit and detailed learning standards and curriculum which can be found at <http://www.emsc.nysed.gov/deputy/Documents/learnstandards.htm> and <http://www.emsc.nysed.gov/ciai/cores.htm>

So what are examples of programs that correlate with these standards? According to the Educators Publishing Service, these include Wordly Wise for Vocabulary (adopted for use this year at Murray Ave.). And another program generally recognized as meeting the research-based instructional requirements of RTI is Preventing Academic Failure – a reading program in which many Mamaroneck teachers have received professional development and which is being used to some extent in the elementary schools in grades K-2.

What Assistance Will Staff Receive in Implementing

RTI? Each school district implementing a RTI program must ensure that staff have the knowledge and skills necessary to implement a RTI program and that the program is implemented consistent with the specific structure and components of the model. As a step in the process of moving toward RTI, Annie Ward, Assistant Superintendent for Curriculum and Instruction, has informed us that the District has over 40 teachers and the entire administrative team taking the Skillful Teacher course and the Observing and Analyzing Teaching course sponsored by The Research for

Better Teaching initiative which is dedicated to research-based instructional best practices.

How Does RTI Impact Special Education? The IDEA authorizes the use of RTI in the State's criteria to determine learning disabilities (LD) and requires, effective July 1, 2012, that all school districts have an RTI program in place as part of the process to determine if a student in grades K-4 is a student with a learning disability in the area of reading. As of July 1, 2012, a school district may not use the severe discrepancy criteria to determine that a student in kindergarten through fourth grade has a learning disability in the area of reading.

When RTI is Implemented, How Will it be Used to Determine Whether a Child has a Learning Disability?

The Individuals with Disabilities Education Act (the “IDEA”), defines a learning disability, in broad terms, as a condition when a child's achievement is substantially below what one might expect for that child. The IDEA defines a specific learning disability (SLD) as “. . . a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.” Thus, dyscalculia (math) and dysgraphia (writing) disabilities are included as recognized types of learning disabilities.

However, learning disabilities do not include, “. . . learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.”

RTI is not actually a method of determining the existence of a specific learning disability so much as it is a method of possibly ruling it out and preventing the misidentification of a learning disability. If a child responds to intervention, it may well be that it was the type or nature of the instruction that had previously negatively impacted the child's performance, rather than a learning disability. New York requires a multidisciplinary approach to determining whether a SLD exists. In New York, a student shall not be determined eligible for special education if the determinant factor is: (i) lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic coawareness, phonics, vocabulary development, reading comprehension strategies; (ii) lack of appropriate instruction in math; or (iii) limited English proficiency

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struction in math; or (iii) limited English proficiency.

What Disabilities Does RTI Not Apply to that Special Education Does Apply to? RTI does not apply to determining the existence of ANY disabilities other than specific learning disabilities, and again, only is mandated in the area of reading and grades K-4. The other IDEA & NY recognized disabilities that may result in special education and which are NOT impacted by RTI as a methodology to determine their existence are: autism, deafness, deaf-blindness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health-impairment, speech or language impairment, traumatic brain injury or visual impairment including blindness. (These categories are defined in the New York regulations Part 200.1(zz)

(<http://www.vesid.nysed.gov/specialed/publications/lawsandregs/sect2001.htm>).

What if RTI is Recommended but a Parent Desires that the Child be Fully Evaluated for Special Education? At any point during an RTI process and even before it commences, parents are permitted under the IDEA to request a formal evaluation to determine eligibility for special education. An RTI process may not be used to deny or delay a formal evaluation for special education. Before commencing RTI, the District must notify parents that the student needs an intervention beyond that which is provided to the general education classroom and include information about the performance data that will be collected and the general education services that will be provided; strategies for increasing the student's rate of learning; and the parents' right to request an evaluation by the Committee on Special Education (CSE) to determine whether the student has a disability.

In New York, upon receiving a request for referral, a school district must within 10 school days, either: request parent consent to initiate the evaluation; or provide the parent with a copy of a request for referral and inform the parent of his/her right to refer the student for an initial evaluation; and offer the parent the opportunity to meet to discuss the request for referral and, as appropriate, the availability of appropriate general education support services for the student. Districts have 60 days following a formal request to conduct initial evaluations for special education and if found eligible, to implement an IEP. Under the IDEA, if the child has participated in a process that assesses the child's response to scientific, research-based intervention, the documentation must include the instructional strategies used and the stu-

dent-centered data collected. Thus, if RTI or other interventions were tried, that information is relevant in the CSE process. Procedures for referral and information regarding the evaluation process can be found at :
<http://www.vesid.nysed.gov/specialed/publications/lawsandregs/sect2004.htm>

Want to Learn Even More? Come to a Meeting on December 1st at 7:30 pm in the tiered classroom at MHS. Dr. Anthony Minotti - Assistant Superintendent for Student Support Services, Annie Ward - Assistant Superintendent for Curriculum & Instruction and the District's outside counsel, Mike Lambert of Shaw & Perelson, will be providing information about RTI in the District.

Here are Additional Resources for Further Information:

- ◆ Aimsweb: <http://www.aimsweb.com/>
- ◆ Council for Exceptional Children's Position Paper on RTI: http://www.cec.sped.org/AM/Template.cfm?Section=Search§ion=Issue_4&template=/CM/ContentDisplay.cfm&ContentFileID=2666
- ◆ Curriculum Based Measurements: <http://www.osepi-deasthatwork.org/ParentKit/cbm.asp>
- ◆ EPS :http://www.epsbooks.com/dynamic/free_teaching_resources/state_standards.asp
- ◆ Florida Center for Reading Research, www.fcrr.org,
- ◆ How Progress Monitoring Assists Decision Making in a Response-to-Instruction Framework <http://www.osepi-deasthatwork.org/ParentKit/howpmassists.asp>
- ◆ IDEA Fact Sheet 3: Identification of Specific Learning Disabilities and Response To Intervention (RTI) NYSUT Research and Educational Services, Dec. 5, 2007 http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/bulletins_7397.htm
- ◆ International Reading Association: http://www.reading.org/resources/issues/focus_rti.html
- ◆ Intervention Central www.interventioncentral.org
- ◆ National Center on Response to Intervention: www.RTI4success.org
- ◆ NY Special Education Department: <http://www.vesid.nysed.gov/specialed/publications/policy/readguideline.html#A7>
- ◆ New York State Education Department Guidance on RTI: <http://www.vesid.nysed.gov/specialed/publications/policy/RTIfinal.pdf>
- ◆ The RTI Action Network: <http://www.rtinetwork.org/>
- ◆ What Works Clearinghouse: www.whatworks.ed.gov ■

Recent Amendments to Americans With Disabilities Act Will Better Protect Students Under Section 504

By Cecilia Absher
Septa VP Law & Policy

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibit discrimination, in the workplace and in the educational setting on the basis of disability. Eligibility for Section 504, which may be a basis for a student to receive accommodations and special education or related services, is based upon the existence of an identified physical or mental impairment that substantially limits a major life activity. Our District has a Board of Education Policy on Section 504 -see the Mamaroneck School District's Policy 4322 (available under "District Information" at www.mamkschoolspta.org/SEPTA).

What are the covered "major life" activities? The ADA doesn't attempt to provide an exhaustive list of "major life activities", but gives many examples such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Also included are normal bodily functions such as the immune system, normal cell growth, and the endocrine system. Section 504's coverage is similar.

What disabilities are covered? Disabilities that might be covered under Section 504 include a wide range of conditions such as diabetes, epilepsy, ADD/ADHD, asthma, cancer, etc. Importantly, coverage extends to both obvious disabilities and those that are "hidden" but nevertheless affect a major life activity. Students with hidden disabilities frequently are not properly diagnosed or the effect of their conditions on their school experience may not be well understood – after all kids all have different strengths and weaknesses. For example, a student with an undiagnosed hearing impairment may be unable to understand much of what a teacher says; a student with a learning disability (possibly auditory processing, or central auditory processing disorders) may be unable to process oral or written information routinely; or a student with an emotional or attentional problem may be unable to concentrate in a regular classroom setting. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of nondisabled students.

A parent who believes his or her child has a hearing impairment or is having difficulty understanding a teacher, should make a written request to have the child evaluated. A child

with behavior problems, or one who is doing poorly academically, may have an undiagnosed hidden disability. A parent has the right to request that the school determine whether the child has a disability and whether special education, related services (such as speech and language therapy, occupational therapy, counseling), or accommodations (extra time on assignments or tests, use of computers, an aide) are needed to provide the child an appropriate education. Once it is determined that a child needs special education or related services, the school system must arrange to provide appropriate services.

What services are available for students who qualify under Section 504? Section 504 requires that students with disabilities be provided appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classes with supplementary services, and/or special education and related services. If a student's disability negatively affects a child's educational performance, a special education evaluation is appropriate. Section 504 plans are significantly more limited than IEPs.

If a student is determined to have protection under the Section 504, they are entitled to "reasonable accommodations" in areas of program accessibility. *Reasonable accommodation* means the school district is required to take reasonable steps to accommodate the disability unless it would cause the district undue hardship. Moreover, schools are not required to make adjustments or provide aids or services that would result in a fundamental alteration of a the educational (or other) program. What accommodations are reasonable depends on the circumstances, including an analysis of the size of a program, its overall budget compared to the potential cost of an accommodation, the potential disruption to a program's central services that might be caused by the requested accommodation, and other factors.

Section 504 provides protections outside of the basic classroom as well. As the Office of Civil Rights has stated, students with disabilities may not be excluded from participating in nonacademic services and extracurricular activities on the basis of disability. Persons with disabilities must be provided an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include physical

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ADA Amendments . . .

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education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

In addition, school districts are not only responsible for avoiding discrimination and providing equal access to their buildings and educational programs, but under Section 504 and the ADA, public schools must not contract with an entity that discriminates illegally – this would apply to programs, such as after school sports and club activities for example and privately run theatre programs that operate in the schools. For programs located in a public school building and open to its students, parents may request help of the school administration in seeking accommodations.

The ADA was recently amended; what are the implications? The ADA was recently amended (it will be effective January 1, 2009) in a way that will also impact how Section 504 is to be applied. Both laws use the same language regarding a disability being a physical or mental impairment that substantially limits a major life activity. Under Section 504 regulations, a free appropriate public education 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."

The purposes of the ADA amendments are to reject the standards enunciated by the Supreme Court in *Toyota v. Williams*, that the terms "substantially" and "major" in the definition of disability under the ADA "need to be interpreted strictly to create a demanding standard for qualifying as disabled," and that to be substantially limited in performing a major life activity under the ADA "an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives". Although the definition of "substantially limits" was not changed, the Act now has a rule of construction requiring the term be construed in favor of broad coverage of individuals. Moreover, the amendments clarify that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis. In addition the amendments override the requirement imposed by the Supreme Court in *Sutton v. United Air Lines*, namely, that whether an impairment substantially limits a major life ac-

tivity is to be determined taking into account the ameliorative effects of mitigating measures such as medication or medical devices. Furthermore, the fact that an otherwise substantially limiting impairment is in remission or episodic does not preclude protection under the ADA.

As the Senate Committee on Labor and Human Resources described the effects of covered disabilities: "A person is considered an individual with a disability when the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. . . [W]hether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids."

The Supreme Court's requirement that mitigating measures be considered had created an unintended paradox: people with serious health conditions, like epilepsy and diabetes, who are fortunate enough to find treatment that make them more capable and independent, often have been found not to be protected by the ADA because the limitations arising from their impairments have not been considered substantial enough. Ironically, prior to the ADA amendments, the better a person managed his or her medical condition, the less likely that person was to be protected from discrimination, even if it results from that person's (mitigated) condition.

In conclusion, the amendments, effective January 1st, 2009, will somewhat "lower" the requirements as they had previously been interpreted and make it clear that the effects of medication or medical devices (except glasses or contacts) to reduce the impact of an impairment are not to be considered.

Want to Learn More? See these Resources:

- ◆ Brochure on Section 504 - <http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>
- ◆ Council for Educators for Students With Disabilities, Inc. <http://www.504idea.org/504resources.html>
- ◆ Protecting Students With Disabilities: <http://www.ed.gov/about/offices/list/ocr/504faq.html>
- ◆ On December 1st (at 7:30 pm in the MHS tiered classroom) the School District is hosting a program on Section 504 to be conducted by its counsel. ■

Newfound Appreciation for Out of District Placements

By Amy Lieberman
SEPTA President

There are two ways that a child is placed out of district:

- ♦ those children that are parentally placed out of district- a/k/a census students. In the 07-08 school year, there were approximately 50 kids* in this category: they might be kids with IEPs or not.

- ♦ those children who are recommended for an out of district placement

You may then ask – by whom- who oversees this responsibility for our school district? Cindy McKean I had the pleasure of sitting down with Cindy recently to learn more about her and her responsibilities.

As a bit of background, Cindy is a Certified School Psychologist. She worked as a Behavior Specialist/Psychologist at Putnam/Northern Westchester BOCES, as a School Psychologist at Southern Westchester BOCES, and as Unit Director/Psychology Chair at Richmond Children Center. The sum total of her years of experience prior to our district is over 25 years. This will be Cindy's 4th year here in the district.

Recommendation for out of district placement is made only when the CSE determines that the Mamaroneck School district does not have an appropriate program to meet the student's needs. For these families, Cindy is the point person when their child is placed out of district. Currently there are approximately 45 kids placed out of district. A hair less than ½ are placed in Southern Westchester BOCES.

Students who are referred for out of district day placement can have application to BOCES, other local districts, and private act schools simultaneously. All recommended schools are New York State Education Department approved placements.

Under the new federal mandate for special education services to be provided by the district of location, Cindy is also responsible for all CSE meetings and subsequent recommendations that relate to the currently approximate 35 classified students in any one of the three private schools located in the geographic region of Mamaroneck; namely French American School (4), Westchester Day School (22) and Sts John and Paul (9).

I asked Cindy how difficult is it to find the right setting. She explained that there are quite a number of specialized schools available. This includes both day and residential

placement. Because these programs are specialized it is possible to find a peer group of students with similar needs. Sometimes identifying the 'best fit' may be the best out of options available. Cindy works with the parents, student, and program to help fine-tune the placement to best support the student. Cindy also made the point that placements and issues should be thought of as fluid: things can change and do!

There are many factors at play regarding appropriate placement: complexity of needs is one factor as are short term and less than short-term goals that must be balanced with a proper socialization component, as school has always been a vehicle for that.

How does the process of actually finding a placement unfold? The parent signs consent so that the student's packet can be sent out for review. The packet includes the most recent IEP, related services reports, psychological and/or psychiatric evaluation, and any other pertinent information. A potential schools list is shared with the parent. The packet is sent out. If the schools feel there might be an appropriate program with availability the parents are contacted and asked to come in for a screening.

One of the many goals of our district administration for this year and beyond, reflected in our school budget, was to reduce the number of students in out of district placements while meeting state and federal mandates and to determine if those students could be accommodated in district. How difficult a decision for families and from a district planning perspective must it be to bring kids back? The Director of Special Education and Cindy McKean began the planning process to return children to District in October 2007. Several new staff members were needed for 2008-09 to begin new programs and services K-12. Parents of children who were Out of District placements were informed of the new programs/services, and met with Cindy on several occasions to plan smooth transitions back to District and/or mutually agree for the child to remain in the Out of District School.

Do the programs that were put in place help more than just the kids that have transitioned back? Yes, children in district are now able to remain in the school community, and we are also able to accept tuition students from other communities, if appropriate, for revenue.

How do the out of district families stay involved and informed in district happenings? Parents of students who

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Out of District . . .

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attend Out of District schools are kept informed through SEPTA Newsletters, the Student Support website, and Annual Review CSE meetings. As maintaining confidentiality is paramount, ALL communications go through the Student Support Services office

It is clear that the thought of placing a child out of district sets a family on a road that poses many difficult questions. When an appropriate placement is found, the unknowing turns into gratefulness.

The author thanks Cindy McKean for her candidness. The author always had an appreciation for the challenges that families face and now a newly understood appreciation for the sense of relief and wholeness that families can feel. There are a great number of families whose children have been placed out of district and this has been the difference between success and failure. In many cases this is what the parents and student are looking for.

In researching for this article and talking with Cindy, I learned that an individual in Cindy's position is mandated to 'find an appropriate placement': Cindy goes way beyond that; she shared with me her passion for truly doing right by each child and each family.

If you would like to learn more about out of district placements feel free to contact Cindy McKean through the Student Support Services Department

Please note

1. We invite you to hear Dr. Minotti on 5/28 as he presents "Student Support Services: The Year In Review"
2. The word approximately precedes all data as all things are fluid.
3. Data excerpted from the SSS Dept presentation on 10/21 to the School Board and to the public.
4. *The sum of 50 is comprised of various schools with 1, 2, 3 kids in each with the exception of Windward that has 26 kids. ■

Black, White & Gray Rules:

By Dr. Barbara Merling
Psychologist, Chatsworth Elementary School

We all know that the establishment of rules is a key ingredient to a smoothly running classroom. Rules of behavior form the foundation of social interactions at all stages of life. Some are explicit and others are more subtle and embedded into our collective set of mores and values. One of the most challenging aspects of parenting is setting limits for children that will provide safety, security and promote the family's values. Of course rules vary in each home as well as for different ages of children. Some rules are hard and fast, some are flexible and some change with the every shifting needs of the child and the situation.

A good way to delineate family rules is to clearly define which rules are the jurisdictions of the adults, which are determined by the child and which ones are open to negotiation. I call these Black, White and Grey rules respectively. A fun and useful way of getting family consensus is to call for a family meeting and make a chart. Black rules are clearly made by and administered by the parents or grownups and will differ within each family and at different ages. Some examples of Black rules for young children are: Bedtime; bathing; when play dates may occur; where the family lives; whether there is a pet; TV time. White rules will always be the domain of the child. Children have the right to their own feelings, so White rules might be:

Who the child likes; which foods the child wants to eat first from the dinner plate (although dessert at the end of the meal might be a Black rule!); which clothing to wear (within some boundaries for weather); which games to play on a play date. The Grey rules are more complex and require flexibility and negotiation. Parents have to be willing to compromise and allow the child to have a real voice in the decision making. Some Grey rules might be: bedtime on the weekends; who to invite for a sleepover; deciding on which chores to do (but the assignment of chores in general may be a Black rule); which sport or after school activity to participate in. As we go up the developmental age ladder, the rules will shift. When dealing with a teenager, a bedtime Black rule will shift and a HS junior or senior will probably take that on as a White rule (they will probably stay up later than their parents too!!!). Allowance may become more of a Grey rule for a middle school child. Permission to drive the family car may have to shift from a Black rule to a Grey rule as a teenager learns to present their case and demonstrate responsible behavior.

The negotiation and problem solving that occurs around the formulation of these rules sets the stage for children becoming independent problem solvers in later life. If parents set too many rules and don't allow children to be part of the process, they will miss important opportunities to develop their own set of standards for behavior, limits, and decision making. ■

SEPTA 2008/2009 PROGRAMS

December 8, 2008	Emotional & Social Learning Needs	A panel discussion to include Tom Cone, Asst. Headmaster - Eagle Hill School
February 11, 2009	A Walk in the Rain with a Brain (Co-sponsored with Mamaroneck Schools Foundation)	Dr. Edward Hallowell, The Hallowell Center
March 25, 2009	<i>Music Within</i> A film about the struggle for equal rights for persons with disabilities.	Location: Tiered Classroom at MHS
April 16, 2009	Sensory Integration in the General Education Classroom	Laurette Olson, Asst. Professor Mercy College/consultant to Mamaroneck School District
May 28, 2009	Student Support Services: The Year in Review	Dr. Anthony Minotti, Asst. Superintendent for Student Support Services

All programs held at Hommocks School at 7:30 pm, except as noted above.

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