

# Special EDition

## Mamaroneck-Larchmont 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.

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Special Education Parent Teacher Association

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Dear Friends,

As the year winds down I am organizing all of the papers that I have accumulated as SEPTA president and realizing how much I have learned. Some topics are near and dear to me, which motivates me to make them a personal crusade. Some topics are unfamiliar to me, yet they are near and dear to some of us, so I have gathered information with the idea of passing it on.

It is amazing to learn what people go through both in the Special Education system and in life in general. Being SEPTA president has benefited me in many striking ways.

- Striking is the number of individuals that I have had the pleasure of getting to know: parents, teachers, administrators, advocates, state agencies, and government officials.

- Striking is the array of unique manifestations and degrees of ability within each disability category.

- Striking is the scope of optimism or pessimism by each parent; the level of each person's ability to face one's fears head on.

- Striking is the level of trust or distrust each person has.

- Striking is how much a mom relies or doesn't rely on her own intuition.

- Striking is how some people really are perplexed as to where to start.

- Striking is how some (students, parents...) are so silent, so isolated by their lack of being truly able to 'come out' with their learning or emotional disability.

- Striking, on a personal note, how my son, whose life hung in the balance at age one, at age three and again at age 7 has arrived at this juncture (now almost 17 years old) intact, able, engaging, part of the community, for me that is the most striking of all.

- Striking is how much progress has been made every year - in the medical field, in science, in research, in advocacy, in legislation - and yet how much more we have to accomplish.

- Striking are the true friends I have made - without their support I shudder to imagine how I would fare.

- Striking is how hard it is to maintain perspective.

- Striking is the work, the commitment it takes to be an advocate but without it, life is a form of stagnation.

- Striking is the benefit one gains from anticipating, staying a step ahead.

- Striking is the outcome if you don't.

- Striking is the power one gains from knowledge.

As the year comes to a close I really wish that the following thoughts could make a lasting impression on even one person:

1. It's all in the attitude

2. Knowledge is crucial

2. For better and for worse - all things are fluid - perceptions can change, kids can change, one's reality can change

3. Let your intuition be your guide

4. Don't be ashamed EVER to ask for clarification - you are your child's BEST advocate!

With those thoughts, I thank you for allowing me to gain so much.

*Amy Lieberman, SEPTA President*

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**SPECIAL EDUCATION TASK FORCE ACCOMPLISHMENTS**

*by Dr. Anthony Minotti, Asst. Superintendent for Student Support Services*

A preliminary draft report from the Special Education Task Force was presented to the Board of Education (BOE) on March 3, 2009. Subcommittees of the Task Force met several times in the areas of Student Data/Identification, Department Structures/Program Alignment, Out of District Placements/Transition Services, General Education Connections/RTI, and Related Services/IEP's – CSE's. The purpose of this preliminary draft report was to seek input from staff, the Board of Education (BOE) and parents, prior to a District plan. A complete report from the Task Force along with the Two-Year District Plan for the Education of Disabled Students will be shared with the BOE in September 2009.

The Special Education Task Force was created to study the comprehensive Special Education Program Review Report completed in February 2008 by two outside consultants, and shared with the BOE. In June, 2008 the Special Education Task Force met to determine the structure and system to review the Special Education Program Review Report, and met as subcommittees throughout the 2008-2009 school year. In October 2008, a 2005-2007 District Plan for the Education of Disabled Students and a Proposed Interim New Plan for 2008-2010 were reviewed with the BOE for mandated and compliance purposes.

The Special Education Task Force brought together teachers, (general; special education) related services staff, administrators, parents and a member of the Board of Education, who brought a wide range of experiences and expertise that provided input into the writing of reflective questions for study, and spent time inquiring to gain a deeper understanding of special education and related services. Most importantly, Task Force members brought imagination and developed recommendations to bring Student Support Services and General Education together at a crossroads for collaborative planning that will create a new culture for a more cohesive early intervention instructional student support system for the District. The Preliminary Draft – Special Education Task Force Report is posted on the Student Support Services website: <http://www.mamkschools.org/education/dept/dept.php?sectionid=175>

The two year review process of Special Education and Related Services (2007-2008; 2008-2009) through the Program Review and Task Force has provided District structures and systems for continuous improvement and effective and efficient management of mandate services for children with disabilities. Members of the Task Force (Full/Subcommittees) had opportunities for rich, open, honest and productive conversations. We are now planning to move the Task Force recommendations from the report process into an action plan. I would like to thank all staff, Board of Education members, and parents who served on the Task Force and contributed to the outcomes of the report. ###

**DMV Written Test Accommodation**

**Can the written test for a driver's license be read to a person who has a learning disability or who has difficulty reading English?**

Yes, A DMV representative may read the English version of the written test to an applicant for a noncommercial driver's licenses. Some DMV offices require appointments to be made to arrange for the test to be read to the applicant. Please call a DMV call center to determine if an appointment is necessary.

## POST-SECONDARY TRANSITION

*by Kristen Macaluso, Transition Counselor*

No matter which path students choose, whether they plan to go to college or become employed following graduation, the important question to ask is “what can we be doing now while they are here at Mamaroneck High School so that they are prepared for their post-secondary transition”. Just as our special education students are in need of supports in school, they may continue to need similar assistance and accommodations once they graduate. How can we best assist students in starting to plan now for life beyond high school so that they have the tools to reach their full potential?

Transition planning, according to NY State regulations, is required to be part of the IEP the year a student turns 15 years old. Here in Mamaroneck, all classified students will have a “Transition Plan” documented in their Individualized Education Program (IEP) starting in 8<sup>th</sup> grade, even if this is prior to the student turning 15. The Transition Plan is the section of the IEP that outlines the student’s goals related to their post-secondary education, employment and independent living. Activities that the student can take part in while in high school to develop the skills needed to achieve those goals are also detailed in the plan.

As Transition Counselor, my priority is to help students, families, teachers and guidance counselors in generating ideas and conversations about how students’ innate talents and personal passions can possibly translate into a future vocation. Students I have connected with over the course of this past year have had the opportunity to become exposed to various career options through strength and interest assessments, by hearing from local professionals about their vocational backgrounds, and for some students, by working in an internship in the community.

Students have also had a chance to practice job readiness skills. Several have taken part in mock job interviews both here at school, where they were filmed answering typical interview questions; as well as out in the community where local business owners provided “real-life” practice of what it feels like to be interviewed. Twenty-one students are currently attending internships where they gain first-hand work experience in a local business. Some internship placements include CVS, LJ Photo Studios, Sarah Neuman, Foley’s Hardware, Boiano Bakery and Arcadia Floral.

For many of our students, transportation to and from college classes or a job will be a challenge in the future, being that driving may not be a feasible option. The Westchester County Travel Training Program is currently working alongside some teachers to familiarize students with public transportation systems and helping them to create a much greater sense of independence.

Trainers from the Self-Advocacy Association of NY and the University of Buffalo’s Model Transition Program have also assisted me in engaging students in discussions about self-determination. We spoke about why it is important to know your strengths and limitations, and how being able to speak up for your needs in college or to an employer is a crucial skill to have when trying to succeed in post-secondary life.

In addition to working directly with students, I feel that it is absolutely necessary for me to serve as a resource to students’ parents. I collaborate closely with disability service providers outside of the district so that families can become connected to these agencies prior to their child’s graduation. A series of monthly workshops are being offered, training parents about these agencies and other various topics related to transition. A list of the workshops can be found by going to the Mamaroneck School district’s website, clicking on “District” then choosing “Student Support Services” then pointing to “Related Services” and choosing “Transition Service” and finally by scrolling down to the “post-secondary transition workshops” entry or by going to:

<http://www.mamkschools.org/education/components/scrapbook/default.php?sectiondetailid=2092>

As I continue to build relationships within the Mamaroneck community, it is my hope to create even more individualized and accessible opportunities that provide special education students and their families with the skills and knowledge necessary for a seamless post-secondary transition. # # #

**We thank Robin Nichinsky for serving as the liaison to SEPTA from the School Board.**

## MHS SPANISH CONVERSATION COURSE GETS an A+

*by Amy Lieberman, SEPTA President*

A special note of thanks to Beth Mullaney and many other parents for their commitment and research on this topic.

You may know that Mamaroneck High School only requires one year of foreign language credit in order to graduate from high school. This minimum requirement may be met by taking a language in seventh and eighth grade at Hommocks Middle School. Except in rare cases, it is recommended that most children continue foreign language study at MHS.

For students unencumbered by a learning disability, foreign language study is enriching and rewarding. However, for the learning disabled student, it can be an unbelievably stressful and an unsuccessful experience, resulting in a low or even failing grade which brings down one's grade point average.

About a year ago some parents brought this to the attention of the high school administration and to the district's central administration.

After some research and inquiry by parents, it was decided to offer the Spanish for Communication course at the high school as an alternative to traditional second year Spanish foreign language class. This class is appropriate for any child, classified or not, who struggles with a foreign language.

This course is open to students who have completed one credit of Spanish. It is designed to be a conversational course that will enhance the student's understanding of the language and culture of the Spanish-speaking world. The focus on the class is basic conversational Spanish and utilizes authentic materials and cultural components. After completion of this class, the student may choose to move on to the more traditional Spanish 2.

This school year, 2008-2009, 16 kids were registered, all by counselor recommendation, teacher recommendation or by their own volition. The class was added due to the need for kids to have a minimum of two, but ideally three years of foreign language in order to meet most college admission requirements.

The research was based on:

- 1) The number of years or units of high school foreign language study required for admission to college in terms of high school foreign language credits- clearly no one wants their child to be at a disadvantage due to language based learning disability (most competitive schools are looking for a minimum of two years of credit); and
- 2) What difficulties were experienced and how they manifested themselves by the student wanting/ needing to seek that second credit yet struggling just to eke out a passing grade.

As there is no special education support in foreign language courses for high school students, another option in VERY RARE instances would be requesting to take the course on a Pass/Fail basis.

Currently there is an effort to discuss adding a second year of conversational Spanish to be added to next year's offerings. We understand already there are 25 students signed up for the Spanish Conversation class, which does not include potential candidates in the incoming ninth grade.

In closing, a special thank you to this year's teacher, Sr. Chabot. The class has been a success! It would not have happened without our school district. We hail it for being a leader amongst the neighboring school districts and first to offer this second year 'substitution' to the traditional second year of language and look forward to celebrating our children's successes.



## PSYCHOLOGICAL EVALUATION CLARIFIED

*A note from the Mamaroneck School District Psychology Department*

As a follow up to the article by Dr. Caren Baruch-Feldman (Special Edition, fall 2008) about psychological evaluations, the Psychology department notes that we agree with much of what Dr. Feldman has said but want to clarify her point regarding the distinction between a school based and private psychological evaluation.

School based psychological evaluations are done for a variety of purposes. They are indeed part of a comprehensive CSE assessment as Dr. Feldman correctly notes. However, such evaluations are done for more than merely meeting diagnostic criteria in the school. That would be just one aspect of evaluations. The psychologist uses the data along with information from other disciplines/ evaluations and with on-site observations of children actually working in class, interviews with parents, classroom teachers and other school personnel who know the child. This information provides a comprehensive view of the child and is interpreted in a way that will enable the psychologist, the family and all those working with the child to gain a better understanding of the strengths and weakness of the child as a learner.

Academic planning, instruction and intervention strategies are best formulated with a thorough assessment. Psychological evaluations are also frequently used in making a differential diagnosis and can help parents gain a better understanding about any underlying factors that may be contributing to the child's academic performance, behavior and social relationships.

## SEPTA'S IEP ANNUAL REVIEW SURVEY - GIVE US YOUR VIEWS

This is the time of year when students who are classified to receive special education have an annual review of their classification, placement and services. This meeting of the Committee on Special Education (CSE), or for most annual reviews, a meeting of a subCSE, is the primary opportunity for a substantive discussion to develop the Individualized Education Program (IEP) for the following school year. SEPTA is reaching out parents of children who are classified to receive special education.



SEPTA and the District's Student Support Services Department are interested in learning how the annual review CSE process is working from parents' perspectives this year as several changes were made by the school district. SEPTA is also seeking input from its members to determine how to better serve its members' interests (for example, by providing information to members and having discussions with Mamaroneck School District leaders). Next year parents will be asked to complete a survey from the NYS Education Department regarding special education services and programs in Mamaroneck.

The survey is anonymous - no personal information is obtained. Please take a few minutes after your annual review meeting and if possible, before June 15th, to complete the survey. You may access the SEPTA Annual Review survey by putting this internet address into your internet browser: [http://www.surveymonkey.com/s.aspx?sm=jeMtVze8cgLq1GBrtNC7sg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=jeMtVze8cgLq1GBrtNC7sg_3d_3d) You may also go to the SEPTA home page <http://mamkschoolspta.org/septa/> and go to the orange box on the right - look for "We Need Your Input" and click on the link to the survey - Annual Review Process.

We appreciate your feedback and look forward to sharing what we learn!

## ANNUAL REVIEWS AND IEPs

*by Cecilia Absher, SEPTA VP Law & Policy*

**Introduction:** It is annual review season for students who have Individualized Educational Programs (IEPs.) We wanted to share some essential information about the annual review process and provide resources for parents seeking to learn more. An annual review is conducted by the Committee on Special Education (CSE) or, more likely, a Subcommittee on Special Education for every resident student who has been classified as having a disability. The annual review refers to a meeting by the CSE or a subcommittee of the CSE conducted in the spring to review the child's progress, determine whether the child will continue to be classified in the following year, and to plan for the following school year (and for the upcoming summer if the student is eligible for Extended School Year services (ESY)). Prior to an annual review, the child's teachers and related service providers will prepare reports, and at least every three years, the school staff, with parents' consent, conducts testing and evaluations they consider relevant to aid in the IEP development. The CSE or subcommittee will use these reports or evaluations, as well as any private evaluations or input that parents provide, to develop the IEP. Following completion of the IEP, it is presented to the Board of Education for approval. The IEP is an agreement between the student's parents and the school district. Much information about the IEP process can be found in the Mamaroneck School District's Special Education Handbook, <http://www.mamkschools.org/education/components/scrapbook/default.php?sectiondetailid=2103>

**Getting Ready:** As parents prepare to participate in an annual review, it is helpful to first reflect upon the purposes of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The first purpose is to provide an education that meets a child's unique needs and prepares the child for "further education, employment and independent living". The second purpose is to protect the rights of children with disabilities and their parents. To prepare for the annual review, it is a good idea for parents to review their child's current IEP, the recent testing and evaluations that have been conducted by the District (these may be provided in advance of the meeting, but if they are not, parents may make a written request to the CSE for all evaluations and reports that will be discussed or considered at the Annual Review), a draft of an IEP for next year, if parents receive one from the district, their child's most recent achievement reports (report cards) and IEP Progress Reports. It is advisable to read the Procedural Safeguards information provided by the school district in advance of the annual review meeting. Parents may find it helpful to bring this information with them to the annual review in case you need to refer to it at a meeting. Parents are equal partners with other CSE members and thus, parents are allowed to meaningfully participate in the development of their child's IEP. While the CSE or subcommittee may present a draft IEP prior to or during the Annual Review, if such a draft does not already reflect the parents' input, it should be viewed as a starting point for discussion.

**Who Attends the Annual Review IEP Meeting:** Annual Review meetings are typically conducted by a subcommittee on special education (subCSE) rather than a full CSE. (A parent may request in writing that the subcommittee refer to the CSE for a review of the subcommittee's recommendations.) The membership of each subcommittee shall include, but not be limited to:

- the parents of the student;
- a general education teacher of the student whenever the student is or may be participating in the regular education environment
- a special education teacher of the student;
- a representative of the school district qualified to provide or supervise special education and who is knowledgeable about the general curriculum and the availability of resources of the school district
- a school psychologist whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered
- an individual who can interpret the instructional implications if the evaluation results
- other persons having knowledge or special expertise regarding the student
- if appropriate, the student

A "Parent Member" is not a required member of a subCSE but may be requested by a parent of the child. See the article in this Issue, "The Role of Parent Members in the CSE Process" on page 14. The subcommittee may perform the functions of the CSE, except when a student is considered for initial placement in a special class, a special class outside of the student's school of attendance, a school primarily serving students with disabilities, or a school outside of the student's district, or when the parent requests the full committee.

**Conduct of the Meeting:** The CSE or subCSE Chair typically leads the meeting and the subcommittee members share information about the child's progress and on-going needs. The team, including parents, will discuss the components that go into the student's new IEP for the following year. District staff often take notes and parents may do so as well, or they may audio record the meeting. At the conclusion of the meeting, there is usually a summary of recommendations made and parents may indicate that they are in agreement or if not, state what they are not in agreement with. If the parents do not agree with the CSE or subcommittee's recommendations, they may request that their disagreement be reflected in the IEP Comments section – they should state their

disagreement clearly so that it may be reflected accurately. Parents may also communicate concerns in writing after the meeting and request that they be included in the IEP, however, it is wise for parents to inform the CSE of their primary concerns at the meeting.

**What Are the Components of an IEP?** The committee must develop an individualized education program (IEP). The IEP must consider the results of the initial or most recent evaluation, the student's strengths and weaknesses, and the concerns of the parents. It also includes: (1) present levels of performance; (2) the classification of the disability; (3) measurable annual goals; (4) benchmarks or short-term objectives for students taking the Alternate Assessment; (5) the recommended special education program and services, (6) the class ratio, if appropriate; (7) the supplementary aids and services the student needs; (8) program modifications or supports for school personnel; (9) the general education classes in which the student will receive consultant teacher services; (10) if a student will participate in the alternate assessment and the reasons why; (11) an explanation of the extent to which the student will not participate in general education; (12) an explanation of the extent the student will not participate in general physical education; (13) a description of transition goals and service needs for students 15 and older; (14) information on how the parents will be regularly informed of their child's progress at least as often as parents are informed of their non-disabled student's progress; (15) date for initiation of services; (16) assistive technology devices needed; (17) individual testing accommodations to be used with the student; and (18) the recommended placement.

**Let's Look at a Few Key Features of the IEP:** It is impossible to adequately cover the IEP process and discuss the contents of an IEP in this article – the law is complex and extensive books have been written on this topic. (See Selected Resources listed below.) However, we can focus in on a few important areas.

**Child's Present Levels of Performance:** In order for goals and objectives can be developed and the student's placement and services can be determined, it is important to identify and state clearly the Student's Present Levels of Performance. This includes present levels of academic achievement and functional performance and indicate the individual needs of the student according to each of the four areas listed below including, regarding how the student's disability affects involvement and progress in the general education curriculum: (a) *academic achievement, functional performance and learning characteristics* which means the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style; (b) *social development*, which means the degree and quality of the student's relationships with peers and adults, feelings about self, and social adjustment to school and community environments; (c) *physical development* which means the degree or quality of the student's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process; and (d) *management needs* which means the nature of and degree to which environmental modifications and human or material resources are required to enable the student to benefit from instruction.

**Disability Classification:** It may be useful for parents to review the descriptions of New York's 13 classifications of disabilities for school-aged students in Reg. 200.1(zz) <http://www.vesid.nysed.gov/specialed/publications/lawsandregs/part200.htm#200.1> ): (1) Autism, (2) Deafness, (3) Deaf-blindness, (4) Emotional disturbance, (5) Hearing impaired, (6) Learning disability, (7) Mental retardation, (8) Multiple disabilities, (9) Orthopedic impairment, (10) Other health-impairment, (11) Speech or language impairment, (12) Traumatic brain injury, and (13) Visual Impairment.

**Program and Placement:** As a general principle, the special education laws strongly favor placing children with disabilities in classes with typical, nondisabled peers. This concept is known as the "least restrictive environment", and means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment must: (1) provide the special education needed by the student; (2) provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and (3) be as close as possible to the student's home.

The recommended program and services must be, to the extent practicable, based on peer-reviewed research. If a child needs special education "instruction" what does that mean? Specially-designed instruction means adapting, as appropriate to the needs of the student, the content, methodology, or delivery of instruction to address the unique needs that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students. Special education instruction can take place within a general education classroom, for example through a consultant teacher or co-teaching model or in a resource room, or if necessary, in a self-contained classroom.

In addition to specialized instruction, the subCSE team will consider the student's possible needs for related services (such as speech/language therapy, occupational therapy, therapeutic recreation, counseling, parent training, physical therapy), supplemental aids, assistive technology, testing accommodations and in certain circumstances, extended year services.

Although the school district may suggest that certain services be provided on a "building-level" informal basis rather than through an IEP, parents of a child who is classified with a disability may request that the IEP specify the child's unique needs and all services

*Annual Reviews and IEPs—Continued:*

and annual goals needed to address the child's needs. Classified students and their parents have the benefits of an IEP and due process protections under IDEA, but students receiving building level services are not entitled to these benefits and protections with respect to the building level services if not included in the IEP.

**Goals & Objectives:** The IEP lists measurable annual goals, consistent with the student's needs and abilities. The measurable annual goals must relate to: (1) meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (2) meeting each of the student's other educational needs that result from the student's disability. Each annual goal includes the evaluative criteria, evaluation procedures and schedules to be used to measure progress toward meeting the annual goal. Parents may find it helpful to review the current and prior years' goals to get a sense of their child's progress and the past experience with meeting or progressing towards achieving goals. In case you are interested some samples of starting points for various goals and objectives can be found at Bridges4Kids.org — [http://www.bridges4kids.org/IEP/iep\\_goal.bank.pdf](http://www.bridges4kids.org/IEP/iep_goal.bank.pdf)

**After the Annual Review:** When parents receive a final Board of Education approved IEP following the annual review, they should review it and reflect upon it. Does it contain the information parents expected and understood that it would? Hopefully it does and your child will have his IEP fully in place at the start of the school year. If, however, parents believe their concerns have not been adequately addressed or that their child's unique needs are not reflected or may not be met based upon the IEP, they should contact the special education office in writing to arrange for further discussion or provide their feedback on the IEP in writing. IEPs, even once approved by the Board of Education may be revised at any time and may be amended by agreement. It is prudent for parents to express any concerns or differences of view in a timely manner – within a short period of time after receiving the IEP and where possible at the annual review meeting. Parents receive a Procedural Safeguards Notice from the District prior to the annual review – it contains very important information about parents' rights and it is important to read this.

**Do you have a child classified to receive special education? In so, have you had your annual review this year? Please take SEPTA's has a short survey for parents to provide to provide feedback. To take the survey, go to SEPTA's home page (<http://mamkschoolspta.org/septa/>) and look for the orange box on the right with the text "WE NEED YOUR INPUT!!! Please [CLICK HERE](#) to take a survey re: the Annual Review Process" : Your participation will help SEPTA and the school district serve students' and parents' needs better!**

### *Selected Resources:*

#### **Books:**

**Better IEPs**, by Barbara Bateman & Mary Anne Linden

**From Emotions to Advocacy**, by Peter & Pamela Wright

**Nolo's IEP Guide, Learning Disabilities**, L. Siegel (<http://www.nolo.com/product.cfm/ObjectID/6383438D-6F9F-4A83-979310DC11EA847A/118/>)

**Special Education Law:** by Peter & Pamela Wright

**The Complete IEP Guide**, by L. Siegel (6<sup>th</sup> Edition) (Check it out at: <http://www.nolo.com/product.cfm/ObjectID/53269B09-7112-4E95-A90F8979BEA1F73A/118/>)

#### **Internet Resources:**

**Great Schools: Aligning the IEP and Academic Content Standards to Improve Academic Achievement**  
<http://www.greatschools.net/cgi-bin/showarticle/3116>

**LD Online: Your Child's IEP: Practical and Legal Guidance for Parents:** <http://www.ldonline.org/article/6078>

**NY State Special Education Laws:** <http://www.vesid.nysed.gov/specialed/publications/lawsandregs/part200.htm#200.4>

**NYSED Guidance on Present Levels of Performance:**

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

**NYSED/VESID Sample IEP & Guidance:**

<http://www.vesid.nysed.gov/specialed/publications/policy/iep/SampleIEPGuidanceDocument.pdf>

**Parent Members :** [http://www.wswheboces.org/speced/pdf\\_files/parent\\_member\\_detailed\\_handout.pdf](http://www.wswheboces.org/speced/pdf_files/parent_member_detailed_handout.pdf)

**Wrights Law:** [www.wrightslaw.com](http://www.wrightslaw.com)

**Note:** *This article provides information SEPTA believes is useful to parents. However, nothing herein is intended to be legal advice and should not be construed as such.*



## ALL STUDENTS WILL ACHIEVE THROUGH OUR COLLECTIVE AND COLLABORATIVE EFFORTS

*by Dr. Anthony Minotti, Assistant Superintendent for Student Support Services*

This has been an incredibly productive school year for Student Support Services while continuing to address the challenges. Even though the Special Education Task Force was the focal point for the Board of Education, staff and parents, there were many initiatives in all Departments throughout Student Support Services that have and will continue to help all students achieve.

In the March issue of the Parent Connect Newsletter many of the Department initiatives were highlighted. You can access a copy of the March, Parent Connect Newsletter on the Student Support Services website:

<http://www.mamkschools.org/education/dept/dept.php?sectionid=175>

On the evening of Thursday, May 28, 7:00 pm, at the Hommocks Library, SEPTA will hold its final program of the year and I will be sharing our accomplishments, challenges, and long-range plans.

We have made a difference, as we continue to move forward together through our collective efforts (SEPTA; staff; BOE). I am very appreciative to have the opportunity to continue to work collaboratively with you, and look forward to the continued journey with you. ###

### What is the “Emotional Disturbance (ED) Disability Category Under the IDEA?”

Many terms are used to describe emotional, behavioral or mental disorders. Currently, students with such disorders are categorized as having an emotional disturbance, which is defined under the Individuals with Disabilities Education Act (IDEA) as follows:

"...a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance--

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems." [Code of Federal Regulations, Title 34, Section 300.7(c)(4)(i)].

As defined by the IDEA, emotional disturbance includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance. [Code of Federal Regulation, Title 34, Section 300.7(c)(4)(ii)].

#### **Incidence**

In the 2000-2001 school year, 473,663 children and youth with an emotional disturbance were provided special education and related services in the public schools (*Twenty-fourth Annual Report to Congress*, U.S. Department of Education, 2002).

#### **Characteristics**

The causes of emotional disturbance have not been adequately determined. Although various factors such as heredity, brain disorder, diet, stress, and family functioning have been suggested as possible causes, research has not shown any of these factors to be the direct cause of behavior or emotional problems. Some of the

characteristics and behaviors seen in children who have emotional disturbances include:

Hyperactivity (short attention span, impulsiveness);

Aggression/self-injurious behavior (acting out, fighting);

Withdrawal (failure to initiate interaction with others; retreat from exchanges of social interaction, excessive fear or anxiety);

Immaturity (inappropriate crying, temper tantrums, poor coping skills); and

Learning difficulties (academically performing below grade level).

Children with the most serious emotional disturbances may exhibit distorted thinking, excessive anxiety, bizarre motor acts, and abnormal mood swings. Some are identified as children who have a severe psychosis or schizophrenia.

Many children who do not have emotional disturbances may display some of these same behaviors at various times during their development. However, when children have an emotional disturbance, these behaviors continue over long periods of time. Their behavior thus signals that they are not coping with their environment or peers.

### **Educational Implications**

The educational programs for children with an emotional disturbance need to include attention to providing emotional and behavioral support as well as helping them to master academics, develop social skills, and increase self-awareness, self-control, and self-esteem. A large body of research exists regarding methods of providing students with positive behavioral support (PBS) in the school environment, so that problem behaviors are minimized and positive, appropriate behaviors are fostered. (See the resource list at the end of this publication for more information on PBS.) It is also important to know that, within the school setting:

For a child whose behavior impedes learning (including the learning of others), the team developing the child's Individualized Education Program (IEP) needs to consider, if appropriate, strategies to address that behavior, including positive behavioral interventions, strategies, and supports.

Students eligible for special education services under the category of emotional disturbance may have IEPs that include psychological or counseling services. These are important related services which are available under law and are to be provided by a qualified social worker, psychologist, guidance counselor, or other qualified personnel.

Career education (both vocational and academic) is also a major part of secondary education and should be a part of the transition plan included in every adolescent's IEP.

There is growing recognition that families, as well as their children, need support, respite care, intensive case management, and a collaborative, multi-agency approach to services. Many communities are working toward providing these wrap-around services. There are a growing number of agencies and organizations actively involved in establishing support services in the community.

### **Other Considerations**

Families of children with emotional disturbances may need help in understanding their children's condition and in learning how to work effectively with them. Help is available from psychiatrists, psychologists or other mental health professionals in public or private mental health settings. Children should be provided services based on their individual needs, and all persons who are involved with these children should be aware of the care they are receiving. It is important to coordinate all services between home, school, and therapeutic community with open communication.

Source: <http://www.nichcy.org/disabilities/specific/pages/emotionaldisturbance.aspx>



## UNDERSTANDING THE INTEGRATED CO-TEACHING CLASSROOM

*by Jill Miller*

We all want our children to be in the best educational environment to maximize their potential and ability to learn. To ensure that this happens for students with special needs, there are federal and state laws mandating that school districts must provide the “least restrictive environment” (“LRE”) for kids receiving special education services. These laws essentially state that a child should be taught in the regular classroom unless he or she cannot be educated there satisfactorily. School districts are provided with a number of models that they can use to meet these educational requirements. Our district’s elementary schools have always taken a particularly innovative approach to providing LRE’s for our students within these legal parameters.

As many of you know, last year all Mamaroneck elementary schools introduced “inclusion” classes in which a small group of students with a disability were taught within the general education classroom instead of being “pulled out” for instruction by a special educator. This year Murray (along with the other district elementary schools) instituted a new type of inclusion class known as an “Integrated Co-teaching Class”. This new model is a result of recent changes to New York state laws affecting special education. These changes included adding “Integrated Co-Teaching Services” to the continuum of services that a school district may provide in order to meet the LRE requirement.

The central feature of the new Integrated Co-Teaching classes is that there are two full-time educators (a general education teacher and a special education teacher) in the class. Last year’s inclusion classes, by comparison, had one full-time general education teacher, one full-time teacher assistant and one half-time special education teacher. That program was listed as Consultant Teacher Services on the continuum of special education services.

The teachers in the Integrated Co-Teaching classrooms were selected carefully to ensure success. All were enthusiastic about being involved. Over the summer those teachers worked with an outside consultant hired by the district to plan lessons and discuss methods of teaching as well as to address issues and questions that arose. The consultant is continuing to meet with the teachers on a regular basis to provide on-going development and support services.

The co-teachers effectively work as a “partnership” in the classroom. Collaboration, along with open and consistent communication, are the keys to success for this type of classroom. The co-teachers work together closely and spend much time during the day (at lunch and common prep times) planning and organizing lessons. They both attend the parent conferences and frequently answer parent emails together. A parent may approach either teacher with a question or concern, and that teacher often will discuss the issues raised with the other co-teacher to get additional input. The Integrated Co-Teaching model also uses very specific ways to deliver lessons. Educators who work within the model are trained to use one of six different methods to teach a lesson. For example, the co-teachers may choose to “team teach”, or they may choose “station teaching” where they divide the content and teach at centers around the room.

New York allows up to 12 students with a disability to be placed into an Integrated Co-Teaching class, but the Mamaroneck School District is making every effort not to exceed eight or nine in a class. The rest of the class is balanced for abilities and personalities (as are all the other classes at Murray). The curriculum and assignments may be modified if necessary for a student with a disability. A student may also be “pulled out” for additional services such as speech/language, occupational or physical therapy and/or counseling as required by his or her individualized education program (“IEP”) or 504 plan.

The general education students benefit from having another full-time teacher in the classroom and from spending additional time in small work groups (sometimes homogeneous in ability and sometimes not). The special education teacher also may suggest modifications and extensions of lessons for those children who need

more challenge. The children are exposed to a variety of teaching and learning styles and models of cooperation and collaboration.

The participating teachers have been extremely happy with the Integrated Co-Teaching classroom this year. The fifth grade team, consisting of Andrew Figueroa and Maryalice Pietropaolo, has this to say: "We feel like this model works very well for all of the kids in the class. We are truly able to consider the needs of every student regardless of the level at which they achieve. Each student receives more attention and can be challenged at a level appropriate for them. Whether they are struggling with a particular concept or in need of extra challenge, having two teachers allows us to engage with each child to support them and help them achieve to the best of their ability. Working together also allows us to look at individual students from different perspectives, discuss ideas to help support them and collaborate on plans to help them succeed."

The fourth grade co-teachers, Colleen Melnyk and Linda Baker, state: "We both feel we have had a great beginning to the school year; the students are comfortable in the classroom and appear very happy to be at school each day. We think this is great evidence that we have managed to create a very comfortable learning environment for all of the students in a very short period of time. Also, we have been able to accomplish more work in less time. Finally, and most importantly, we are getting more opportunities to work with the students on an individual basis."

The Mamaroneck School District plans to continue evolving its approach to meeting federal and state requirements to provide LRE's to children with special needs. They follow a very rigorous process which is coordinated across the four elementary schools. They examine the progress students with a disability are making as well as evaluate how general education students are doing under various models. Based on the special education needs of the children in a particular grade, a decision will be made at the end of each year which classroom models should be used for that grade for the following year. According to Roni Kramer, Director of Elementary Special Education, the ultimate goal is "to ensure the district is meeting the needs of the individual child". ###

## ASSISTIVE TECHNOLOGY HAPPENINGS

Excerpted from *Parent Connect Newsletter* by Dr. Anthony Minotti

We are excited to announce that we have a new position in district! Lori Ritvo, a Speech-Language Pathologist with over 20 years experience has joined our district to provide Assistive Technology (AT) Services to our students.

Since her arrival, building level teams have been formed to support the identification and use of AT services district wide. These teams participated in a Kick Off training at the Westchester Institute for Human Development where they learned the latest about AT.

We have also been selected to receive grant monies for an AT Jumpstart Grant from the Mamaroneck Schools Foundation in which we will be developing a training and evaluation program that will greatly reduce out of district spending.

In the future, information and resources about AT will be available district wide on the web and we hope to develop a SharePoint site for therapists and teachers to access ready-to-use materials.

## WHAT IS DYSLEXIA?

According to the IDA, Dyslexia is characterized by an unexpected difficulty in reading in children and adults who otherwise possess the intelligence, motivation, and educational opportunities to learn.

For more information we encourage you to visit the NY Branch of The International Dyslexia Association (IDA) [www.Nyvida.org](http://www.Nyvida.org). We will be writing more about dyslexia in our fall 2009 Special Edition.

## BUILDING BRIDGES AT CENTRAL SCHOOL

by Patty Wolff

We all hope that our kids will learn about inclusion and understanding people with different abilities and appreciate that all people are worthy of being valued and deserve our acceptance. In order to teach this a little bit more proactively, Central School recently held a program called "Building Bridges": Understanding People with Different Abilities. Though Building Bridges is not new to the district, the way this program was rolled out at Central was a bit different from prior programs. Here is an overview of the program.

A critical component of making the Building Bridges program a success was Central School's principal, Carol Houseknecht, and Assistant Principal, Edgar McIntosh. Both Carol and Edgar were passionate about making the program happen and worked tirelessly with the faculty to coordinate the scheduling and content of the program. Carol had experienced and run similar programs in other schools and brought the idea and concept of how it would work to Central. The program also leveraged material from the Understanding Handicaps Program which used to be held for fourth grade students in the district.

The week long program was run at Central School during the beginning of February. The program had three very specific objectives: (1) to increase students' knowledge and understanding of people with different abilities and needs (2) to allow students to experience what it might be like to live with these differences and, (3) reinforce the idea that all people have the same social needs and feelings. The program was delivered entirely by Central parent volunteers and over 65 parents were involved in making it happen.

Each grade featured a distinct focus area. Each class participated in two different sessions during the Building Bridges week. The first component involved a presentation and activity session. Parent volunteers presented information describing the area of disability and then the children took part in a hands on activity to experience the disability. For example, first graders learned about blindness and got a chance to learn about Braille using Braille alphabet cards. The second session during the week involved an engaging speaker who had a different ability. The topics covered by grade were: Kindergarten – an overview of blindness/deafness and physical disabilities, First Grade – Blindness/Vision Impaired, Second Grade – Deafness/Hearing Impaired, Third Grade – Autism and Down Syndrome, Fourth Grade – Physically Disabled, Fifth Grade – Learning Disabilities such as Dyslexia, Language Processing and ADHD.

Some of the highlights of the program included:

- Lisa Galdi, a blind woman, and her guide dog coming to speak to first grade
- Carol Moskowitz teaching the second graders how to do sign language
- the older brother of an autistic child speaking openly with third graders about what it is like to live with Autism
- Dennis Oehler, a physically disabled, para Olympic gold medalist challenging fourth graders to a sprinting contest
- A panel of Mamaroneck High School students with learning disabilities speaking to fifth graders about their challenges and how they succeeded despite their differences

The program was also integrated into the other "specials" which students participated in throughout the week. During weekly library sessions, students were read and discussed books focused on a specific area of disability. In gym, the fourth grade students used a wheelchair to complete routine tasks. Students received take home materials and relevant information to share and discuss with their parents.

Feedback from the program from parents, teacher and students has been excellent. Most people feel like this is a good way to open up the dialog about a topic which may be uncomfortable to discuss. The program also demonstrated to the kids that while someone may do things differently, they still have the same needs for friends and fun as everyone. Because of its overwhelming success, the program will continue next year at Central and there are discussions about possibly expanding it to other elementary schools. "One of our missions is to teach children to care for themselves, for others, and the larger community as they grow in their ability for ethical behavior," stated Carol Houseknecht. "A program such as this goes far in strengthening student empathy and building understanding for differences." If you are interested in learning more about the program, please contact Debbie Bunder at [dsbunder@gmail.com](mailto:dsbunder@gmail.com) or Patty Wolff at [patty.wolff1@gmail.com](mailto:patty.wolff1@gmail.com)



## THE ROLE OF PARENT MEMBERS IN THE CSE PROCESS

*by Michelle Gavens, Parent Member Chair and Cecilia Absher, VP Law and Policy*

### **CSE and CPSE Parent Members**

Under New York State Special Education law, a Parent Member is required to be in attendance at all Committee on Preschool Special Education (CPSE) and full Committee of Special Education (CSE) meetings, unless waived by the student's parents. Parent members are not required at CSE subcommittee meetings, but at the request of the subject child's parents, will be included. Importantly, subcommittee meetings are used for nearly all meetings following classification – including annual and triennial reviews of Individualized Educational Programs (IEPs).

### **Who May be a Parent Member?**

Parent members of a CSE or subCSE may include (1) parents whose children are special education classified students attending District schools, (2) parents of children residing in the District and receiving special education services but who attend private schools located in the District, (3) parents living in the district but whose kids are in out of district placements receiving special education services or (4) any parent in (1) – (3) who resides in the District and whose child was classified as a special education student within the past five years.

For service on a CPSE, the parent member must have a preschool or elementary school child with a disability. (Parents of Section-504 students are not eligible, nor are employees of the Mamaroneck School District.) Parent members need not be members of SEPTA, but most are.

### **What Do Parent Members Do?**

Parent Members must attend a training session in order to serve in this capacity – the training is offered by District personnel and in the region by BOCES. Included in the training is information about special education laws, the CSE and IEP process and the roles of Parent Members (as described below). Following completion of training, Parent Members are then appointed to serve by the Board of Education.

Before a CSE meeting, it is common (though not required) for the Parent Members to talk with the parents of a child who will be discussed at a CSE or subCSE meeting to get a sense of each other and the anticipated framework of the meeting. The District will provide parents and parent Members in advance with any written materials to be discussed at the meeting. Many parents find it helpful to talk with the Parent Member about her/his experience and to share information about their child. At a CSE or CPSE meeting, a parent member should:

- \* Participate in discussions involving eligibility for Special Education services and development of an IEP;
- \* Provide information and support to the parents of the student being referred to the Committee;
- \* Help ensure that the child's parents understand and are comfortable with the evaluation and/or IEP process;
- \* Help ensure the parents' concerns are heard and addressed;
- \* Focus on the child; and
- \* Importantly, the parent member keeps the information discussed at the meeting confidential.

### **How Do Parents Obtain a Parent Member?**

For an initial eligibility determination meeting, a full CSE, including a Parent Member, is required, unless waived by the parents of the child who is the subject of the meeting. Therefore, a parent of a child who is being considered at a CSE for possible classification, need not take any "action" to obtain a Parent Member as it is "automatic".

Once a child is classified under special education, further IEP meetings, such as annual or triennial reviews, are conducted by a subCSE (or CSE Subcommittee), which includes nearly all the participants of a full CSE but, importantly does NOT include a Parent Member. The parent may request and obtain a Parent Member at a subCSE meeting by contacting the district's special education office.

### **How to Excuse a Parent Member**

If parents planning to attend a full CSE meeting relating to their child's eligibility for special education (or any CPSE meeting), do not wish for a parent member to attend (or if a CSE subcommittee is scheduled and the parents requested a parent member attend and no longer wish for a parent member to do so), the parents may contact the district's special education office and sign a form waiving the attendance of the Parent Member. Although, parents may waive attendance by a Parent Member at the meeting, unless here is an emergency situation, the parents should notify the district special education office as soon as possible in advance of the meeting.

For information about training or if you have further questions about Parent Members, please contact **Michelle Gavens**, [mgavens@juno.com](mailto:mgavens@juno.com)



**GRANTS THAT BENEFIT STUDENTS WITH SPECIAL NEEDS**

**Mamaroneck Schools Foundation Grants That Benefit Students with Special Needs**

This spring the Mamaroneck Schools Foundation (MSF) awarded 34 grants totaling \$275,000, for the 2009-2010 school year. SEPTA is extremely grateful to the community and the Mamaroneck Schools Foundation for its generosity and commitment to the students in our district. The grants will benefit every school in the district, as well as the community at large. Listed below are some of the grants that will particularly benefit the staff and children involved in special education.

***Assistive Technology (AT) Jump Start***

This grant will fund Assistive Technology devices for the creation of an AT Assessment/Training Center to support the work of the district’s recently hired AT specialist. This equipment will be used for student evaluations at all schools, as well as for staff/parent training.

***Educational Evaluation – Jump Start***

To assist elementary school teams in assessing a student being evaluated for special education services, this grant will fund the purchase of research-based educational tools (tests) to accurately diagnose a student’s areas of disability.

***Taking Advantage of Teachable Moments***

This grant will fund the purchase of two document cameras and two projectors for the Special Ed department at MHS. This equipment will be used by all MHS Special Ed teachers, who work with approximately 200 students daily. Document cameras are invaluable tools for instantly capturing spontaneous “teachable moments” and offer valuable ways to teach visual learners. Document cameras can be used for everything from highlighting relevant passages in a text or showing students how to annotate history notes, to showcasing cell slides in science or breaking down a math problem with step-by-step analysis.

***Special Education Professional Library***

To promote continued professional growth in the ever-changing field of Special Education, this grant will be used for the purchase of a library of professional journals and books for teacher reference at the high school. According to Cathy Bean, chair of the MHS Special Ed. Department, “this will better enable us to provide the most current research-based instruction,” and learn about new tools, strategies and information.

You can learn about all the Schools Foundation’s fabulous grants for next year by going to this link: <http://www.mamaroneckschoolsfoundation.org/aboutgrants/0910grants.html>

**SEPTA Grants:** In addition to the Mamaroneck Schools Foundation Grants, SEPTA has funded approximately \$4000 in grants to teachers and staff of the elementary schools and the high school to support phonemic awareness and literacy by providing new audio books, reading subscriptions and learning games in the elementary schools, to augment teaching and evaluation strategies in phonemic awareness, to provide fine motor skills support and to assist in the development of techniques to improve parent involvement in school work. ###

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\* Half of the Special EDition newsletters have been copied,  
\* folded and sealed by the self-advocates at Westchester Arc.  
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## WESTCHESTER DAY SCHOOL

*by Dr. Helene Walisever, Co-Chair of PAPAS and SEPTA member*

In the November 2007 edition of Special Edition, the article “Recent Changes in New York’s Special Education Laws” noted that there are 3 private schools located in Mamaroneck for whom the District of Mamaroneck is now responsible. Mamaroneck, as the District of Location, is responsible for “Child Find” outreach and evaluations, and for developing and implementing IESPs (Individualized Education Services Programs). Westchester Day School on Orienta Avenue is one of these private schools.

Westchester Day School (WDS) recently celebrated its 50<sup>th</sup> year as a Jewish Day School in Mamaroneck. It’s nearly 400 students are taught a dual curriculum of General Studies and Hebrew Language and Judaic Studies.

Recently, Westchester Day School parents and school administrators formed PAPAS—Parents and Professionals Advocating for Students. PAPAS serves the Westchester Day School community much the way Mamaroneck SEPTA does for its public schools. PAPAS is dedicated to promoting a quality education that addresses the individual needs of every student. PAPAS offers informational meetings, a support network, and other resources aimed at providing a better understanding of learning differences and helping parents to deal with the many challenges they encounter. This past year we offered:

**\* Informational meetings and workshops with WDS staff and outside specialists.** Topics included were:

*-The Parent-Educator Team: How We Can Advocate for Our Children*

*-Meet Dr. Anthony Minotti, Assistant Superintendent for Student Support Services, Mamaroneck School District*

*-How Special Education Law and Section 504 Applies to Private School Students, Carol Boccumini, Esq., Legal Director of Student Advocacy*

**\* Contact with and support from a network of parents facing similar issues.** Questions and concerns may be shared with confidentiality at meetings or in e-mail or telephone discussions with fellow PAPAS members.

**Publications, referral lists, and other resources.** PAPAS offers vital information on how the New York State Special Education Laws affect you and your child and other practical information to help you address your child’s learning differences and advocate on his or her behalf. PAPAS is a resource for referrals to doctors, therapists, and other professionals who have been recommended by other members. The list includes a wide range of specialists such as psychiatrists, attorneys, developmental optometrists, audiologists, and tutors.

The volunteer co-chairs of PAPAS are two parents of Westchester Day School students. Dr. Caren Feldman is a practicing school psychologist and has a private practice as well. She is the mother of two children who attend WDS. Dr. Helene Walisever is the mother of 5 children, four of whom have thus far attended WDS, and one of whom is a child with special needs. She also has a doctoral degree in Clinical Psychology. The co-chairs are also members of Mamaroneck SEPTA. They are encouraging all PAPAS members to join SEPTA as well.

As new constituents of the Mamaroneck School District, two WDS parents recently volunteered to be school liaisons to SEPTA, and a WDS 3<sup>rd</sup> grade teacher, Mrs. Barbara Rosen, is a school liaison as well. They have attended the last several SEPTA executive board meetings.

As PAPAS and SEPTA have similar missions, we look forward to a collaborative and productive relationship.



**SUPREME COURT TO RULE ON TUITION REIMBURSEMENT**

*By Cecilia Absher, V.P. Law and Policy*

The Supreme Court recently heard oral arguments in the case of Forest Grove School District vs. T.A., which is an important case for school districts, special education students and parents. The issue in the Forest Grove case is whether the federal Individuals with Disabilities Education Act (IDEA) permits parents to possibly obtain reimbursement from a public school district for tuition parents pay to a private school they unilaterally place their child in, even though the child had not previously received special education in the public school setting. I had the privilege of attending the oral argument. It was fascinating to watch and hear the lawyers present arguments as the Supreme Court Justices peppered them with many questions. Justices Ginsberg and Souter appeared particularly knowledgeable about the law and practical workings of the special education process. Justice Kennedy though, is considered the swing vote since he recused himself in an earlier case that ended in a 4-4 tie on the Court .

The facts show that the child, T.A., a student who attended public school in Forest Grove, Oregon from kindergarten through part of his junior year, struggled academically for years in school. Although he had passed from grade to grade, he managed to do so in part because he had significant help at home. In ninth grade a counselor suggested to his parents that T.A. might have a learning disability. At a couple of internal school team meetings, school staff suggested he might have ADHD but no one informed T.A.'s parents of this suspicion. The school district, with parents' consent, evaluated T.A. for a learning disability. The District did not evaluate T.A. for ADHD. The team found that T.A. did not have a learning disability and thus was ineligible for special education. The school advised the parents to take a "wait and see" approach because "many boys had similar problems but started "turning around" as sophomores or juniors". In tenth grade T.A. began failing tests and his mother contacted the school and was told although they could do further evaluation, it "would be difficult to find him eligible" for special education. The following year, T.A.'s parents had him evaluated by a private psychologist who diagnosed him with ADHD, depression and math disorder". T.A.'s parents placed him into a private residential school and filed for due process against the school district seeking tuition reimbursement for the cost of the private school. The hearing was suspended with agreement of the parents because the district then agreed to and did evaluate T.A. further, for ADHD. However, a majority of the committee of special education determined that T.A.'s disabilities were insufficient to make him eligible for special education. The parents continued their due process challenge and the hearing officer ruled in favor of the parents – concluding that in finding T.A. ineligible for special education, the school district failed to provide a free and appropriate education to T.A.

The school district appealed the decision to federal court which agreed with the hearing officer that T.A. had a disability that impacted him sufficiently for T.A. to be eligible under the IDEA to receive special education but the court reversed the hearing officer's order of tuition reimbursement on the ground that the IDEA only allows tuition reimbursement for students who have previously received special education services. T.A.'s parents then appealed this ruling to the federal court of appeals and won – the appellate court stated that the district court's reading of the IDEA as having a categorical bar to tuition reimbursement where the child had not previously received special education services would "lead to the absurd result that parents of a child with a disability must wait (an indefinite, perhaps lengthy period) until the child received special education in public school before sending the child to an appropriate private school, no matter how uncooperative the school district and no matter how inappropriate the special education". Here the Forest Grove school district had twice found T.A. ineligible to receive special education. This violated the school district's IDEA "child find" obligation under which "[a]ll children with disabilities residing in the State" must be "identified, located, and evaluated." School

**SUPREME COURT TO RULE ON TUITION REIMBURSEMENT—Cont'd**

districts unable to provide a child a FAPE in a public school setting may place the child in a private school or facility--at no cost to the parents—as a means of implementing IDEA's requirements.

The IDEA expressly provides for the possibility of parents being awarded tuition reimbursement through a due process hearing (a legal proceeding) in a situation in which a child has been receiving special education services in public school but has been denied a free appropriate education, which could be for a number of reasons, such as the Individualized Education Program (IEP) not being reasonably calculated to provide educational benefit or the placement being inappropriate for the child's needs. The IDEA is ambiguous about the availability of tuition reimbursement as a remedy in situations like T.A.'s, that involve a child who never received special education. If the Supreme Court rules that private tuition reimbursement is possible in the absence of a student having first received special education, it is important to remember that that under the IDEA and several court cases, parents who follow the proper process and remove their special education children to private school may obtain private reimbursement only if: (1) the public school district did not provide an appropriate placement, and (2) the private school did. Under New York law, school districts bear the burden of proving their special education placement is appropriate and parents who unilaterally place their child in a private school and seek tuition reimbursement have the burden of proving that the private school placement is appropriate. A decision by the Supreme Court in Forest Grove is expected by the end of June and assuming there is a majority decision, it instantly will become enforceable law across the United States.

»For an article that explains the case and some of the arguments & questions, go to:

Article: [http://blogs.edweek.org/edweek/school\\_law/](http://blogs.edweek.org/edweek/school_law/)

»Extensive information, including the case history and briefs may be found at:

[http://www.scotuswiki.com/index.php?title=Forest Grove School District%2C Petitioner v. T. A.](http://www.scotuswiki.com/index.php?title=Forest_Grove_School_District%2C_Petitioner_v._T._A.)

***Did You Know? A Few Noteworthy Items . . .***

- **More IDEA Funding is Coming.** Did you know that under the new stimulus act, the American Recovery and Reinvestment Act ("ARRA"), our school district is expected to receive over \$320,000 additional funds under the Individuals with Disabilities Act (IDEA) Part B to help children with disabilities (around \$900,000 of stimulus funds are being used to restore general education teacher positions that were otherwise going to be cut). Additional funds are also expected next year. The school district will convene a committee to discuss the priority areas that the funds might be used for and SEPTA will participate in this process. You can learn about the ARRA's IDEA funding at: <http://www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html>
- **Worthwhile Reading.** (1) "Special Education Storm Warning" article on page 11 of Education Update: [http://issuu.com/educationupdate/docs/edupdate\\_may09](http://issuu.com/educationupdate/docs/edupdate_may09); and (2) Challenging Change: How Schools and Districts are Improving the Performance of Special Education Students, online at <http://www.ncl.org/images/stories/downloads/advocacy/challengingchange.pdf>
- **School District Policies are On-Line.** Go to the Mamaroneck Schools homepage and look for "BOE Policy Manual" on the left. Here is the website address: <http://www.mamkschools.org/education/components/docmgr/default.php?sectiondetailid=3254>. Special education instructional policies are set out in Policy 4321 (including subparts). Section 504 is addressed in policy 4322.

## What is Prior Written Notice and When is it Required?

*By Cecilia Absher, VP Law & Policy*

For each Special Edition we highlight and explain some special education terms you may not be familiar with. Here we shine the spotlight on “Prior Written Notice”. Sometimes we hear the term “prior written notice”, but what does that really mean in the context of special education for a classified student? Prior written notice, which is explained in the Procedural Safeguards Notice you receive from the school district before your annual revise CSE meeting, must be given by a school district to the parents of a student with a disability a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student.

If the prior written notice relates to an action proposed by the school district that also requires parental consent, the district must give notice at the same time it requests parent consent. The prior written notice must include:

- (1) a description of the action proposed or refused by the district;
- (2) an explanation of why the district proposes or refuses to take the action;
- (3) a description of any other options that the district considered and the reasons why those options were rejected;
- (4) a description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;
- (5) a description of the factors that the district considered and the reasons why those options were rejected;
- (6) a statement that the parents of a student with a disability have protection under the procedural safeguards of the Individuals with Disabilities Act (IDEA), and the means by which a copy of a description of the procedural safeguards can be obtained; and
- (7) sources for parents to contact to obtain assistance in understanding the IDEA’s procedural safeguards.

As Pete Wright explains in his book Special Education Law, Second Edition, “prior written notice is easier to understand if you eliminate the word “prior” from your analysis.” Written notice is required, for example, to be given by a school district when parents request a certain evaluation, service or program for their child. If a parent requests that their child’s speech services be increased from 30 to 60 minutes per week and the district refuses, it must provide “written notice” that explains the reason for denying the request and describe the evaluation procedure, assessment, record or report that the district used as a basis for the refusal. The same is true when the district proposes to make a change in the identification, evaluation or placement of the student. See NY Regulation 200.1(oo) and IDEA Section 1415(c)(2)(B)(i)(1). Here you can find a sample form for Prior Written Notice: [http://idea.ed.gov/download/modelform2\\_Prior\\_Written\\_Notice.pdf](http://idea.ed.gov/download/modelform2_Prior_Written_Notice.pdf)  
Learn more at: <http://www.wrightslaw.com/advoc/tips/bonnell.iep.attach.htm> and [http://www.specialneedsadvocate.com/prior\\_notice.htm](http://www.specialneedsadvocate.com/prior_notice.htm)

## Please Volunteer to Help the SEPTA Family

SEPTA draws its strength from its broad membership—it is only PTA that covers parents and staff from pre-kindergarten through 12th grade in all of the schools in the district, including private schools located in the district. SEPTA welcomes volunteers. Please let us know if you can help:

- (1) plan and hold fundraising activities so SEPTA can offer more informational and supportive programs for parents, students & staff, and/or
- (2) plan and carry out social and recreational events for families and for children with special needs. Please send an email to Amy Lieberman at [dashdoar@gmail.com](mailto:dashdoar@gmail.com) or Cecilia Absher at [ctabsher@att.net](mailto:ctabsher@att.net). Together we can grow, support each other and help our children succeed!

## We are already thinking about our fall 2009 Special EDition:

In the works:

- Dyslexia – the most common learning disability. What is it? How can it be identified? How can it be remediated?
- Private School Tuition Reimbursement – We will report on the outcome of the Forest Grove Supreme Court case (discussed herein on page 17).
- Transition Planning Post High School: Protections under IDEA no longer apply to students after they graduate. Good transition planning and self advocacy skills are “**musts**” for post high school success.

And much more!

Please send any ideas or suggestions you have for Special EDition to Cecilia Absher at [ctabsher@att.net](mailto:ctabsher@att.net) or Amy Lieberman at [dashdoar@gmail.com](mailto:dashdoar@gmail.com).

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