

MOVING FORWARD

A newsletter about the education of special needs students for teachers and parents

THE "BUFFET" EDITION

Fall 2017

Assorted articles related to special education

SPECIAL EDUCATION COURT DECISION COULD HAVE HUGE IMPACT ON OUR PROGRAMS

(March 2017) *"In a stunning 8-0 decision in the case Endrew F. v. Douglas County School District, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities. Advocates and parents say the case dramatically expands the rights of special education students in the United States, creates a nationwide standard for special education, and empowers parents as they advocate for their children in schools. But critics say the decision will not have any impact on schools, arguing that the vast majority already provide a good education for those kids."* (Laura McKenna, The Atlantic, March 2017).



The lower courts sided with the school district, arguing that the intent of Individuals with Disabilities Education Act (IDEA) was to grant access to public education, not guarantee a specific level of quality. The parents appealed this ruling and the case went to the Supreme Court. The parents argued that the public school did not provide a free and appropriate education as required by federal law.

At the heart of this case are critical questions regarding what constitutes **"a meaningful education?"** Does the public school need to provide a "quality education" and if so, what level of student progress is acceptable?

The Supreme Court sided with the parents. Chief Justice John G. Roberts Jr. stated in the court opinion that a child's *"educational program must be appropriately ambitious in light of his circumstances and that every child should have the chance to meet challenging objectives. For children with disabilities, receiving instruction that aims so low would be tantamount to sitting idly awaiting the time when they were old enough to drop out."*

Parent and child advocates applaud the court decision as empowering and a much needed change to the lesser standards of special education programs. Critics feel that this law creates an excessive financial burden for districts as federal dollars shrink amid rising costs for providing special education services.

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THE KEY DIFFERENCES BETWEEN AN IEP AND A 504 PLAN



When parents of special needs students are searching for the best support services available to their child, the most common question is typically about the difference between a Section 504 Plan and an Individualized Education Plan (IEP). While both offer protections to children with disabilities, they are quite different in terms of their eligibility criteria, services and supports. The right plan for a child depends on their needs and the specific nature of the disability.

The first distinction between an IEP and a 504 plan is that they are governed by different laws. An IEP falls under Individual Disability Education Act (IDEA), which is a federal law that is interpreted and implemented by state mandates. Section 504 is a federal law based on the Rehabilitation Act of 1973, and is overseen by the Office of Civil Rights.

The benefits of the different programs are often what helps a parent determine which plan is better for their child. However, there are certain eligibility obligations that have to be adhered to.

The IEP route specifically requires that the child must have at least one of the thirteen disabilities listed in

Article 7, which is the special education law for the State of Indiana. In addition, it is not enough to just have a disability. The disability also must have a significant impact on the child’s ability to learn. The services can take place in the general classroom or in a separate setting, depending on the level of support needed for the student to learn. An IEP outlines services, goals, progress monitoring and a specific learning plan.

The advantages of an IEP are that it includes an extensive evaluation (at no cost to parents), it covers a wide range of detailed services/accommodations, parents are equal members of the team, and the process has very specific procedural safeguards. The disadvantages of an IEP are that there may be a stigma to being in special education, it’s a long eligibility process, and there is no mandate that the services follow the student after high school.

A 504 plan is typically geared toward **accessing** the general education curriculum. It does not outline individualized instruction or typically call for specific services.

504 plan advantages include a less time consuming evaluation process, ensures the least restrictive environment, and more importantly, can follow a student after high school. The disadvantages are that the eligibility and parent involvement requirements are more lax, there are fewer legal protections, and it is essentially only geared toward accommodations. The rules that govern this process are more vague, with no standard plan for educators to follow.

The significant downfall for school systems is that there is no funding linked to a 504 plan. For an IEP, the district receives supplemental money to help cover the costs of services and programs.

The regulations for a 504 are much broader but can be equally as effective as an IEP, especially if the students needs are centered on access to the general environment. All final decisions on what resources meet the needs of the student should be made by a team (including the parent) who act in the best interest of the child.

IEP vs 504	Individualized Education Plan (IEP)	Section 504 Plan
Type of law	Special Education - Individuals with Disabilities Act (IDEA)	Civil Rights - Rehabilitation Act of 1973
Department	Department of Education	Office of Civil Rights
Requirements for eligibility	Has a disability that: a) meets criteria under IDEA, b) significantly impacts educational performance, and c) requires specialized services	Has a disability that significantly impacts a major life function.
What is included?	Specialized education services, accommodations, related services.	Accommodations, modifications.
Age limits	IEP offered through 12th grade.	No age limits with a 504 plan.
Where is the plan used?	Educationally, through the 12th grade. Does not transfer to college.	School, work, and college. 504 Plans will transfer to college.
Discipline	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension. Services are required during long-term suspension.	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension. May require reevaluation.

THE IMPORTANCE OF SCHOOL CLIMATE

Embracing the concepts of diversity and inclusion in education are critical in terms of creating a culture of unconditional acceptance. When any student feels unwelcome or alienated for any reason, they cease to flourish as a student and as a person.



commitment to ensure that the climate of the school exudes unconditional acceptance. All staff, parents and students should understand the expectations and the importance of embracing our differences.

The undertow of harmful prejudice is everywhere in our society. To negatively judge others based solely on race, sexual orientation, ethnicity, disability, religious affiliation, or economic status is very hurtful. Teenagers who are trying to build their confidence and find their place in the world are especially vulnerable to insensitive words or actions.

As educators and parents, we have to keep in mind that we are the role models that children look to for clues on what is appropriate behavior. Sending the right messages are important in creating a classroom culture of unconditional acceptance. We should be the loudest cheerleaders when we see any semblance of positive actions and words being used in the hallways.

We also have to put just as much effort into addressing the negative behaviors firmly and directly, no matter how subtle. Ignoring bullying, damaging stereotypes, harsh comments or aggression allows these behaviors to fester.

Leadership must draw an ethical line in the sand and stand down all detractors. There has to be an unyielding

Peers or staff that intentionally alienate any student, for whatever reason, should face disciplinary measures. Interventions that support vulnerable students should be fortified on all levels. All language should be cohesive, and there should never be a “we vs. them” mentality.

Ideally, schools should have set support systems in place to help any child who is struggling academically, behaviorally or emotionally. Not only should parents know of these supports, it is essential that students know how to access them as well. This is to ensure that not only all students know where to go for help, but when they see a peer in need of assistance, they know who to contact and what the process is.

All schools have a certain “vibe” about them, and you can often feel it when you walk through the front door. Everyday, any person should be able to enter the building and grasp the same message:

**“COME IN.
EVERYONE IS WELCOME AT THIS SCHOOL!”**



What humility does for one is to remind us that there are people before me. I have already been paid for. And what I need to do is prepare myself so that I can pay for someone else who has yet to come, but who may be here and needs me.

Maya Angelou

Remembering Jo Sieman: “The Boss”

As many of you know, very recently, Jo Sieman passed away unexpectedly. A lifelong Hammond resident until retirement, Jo worked for School City of Hammond for many years in the special education office.

Jo was “the boss.” She didn’t have that title officially, but everyone always knew that she was running the show. Her knowledge of funds, laws, and state procedures made her an invaluable resource for staff, parents and the grateful directors that she worked for.

Jo’s seemingly gruff exterior never camouflaged her big heart. Jo was “old school” and she ran the office with a keen focus on what was best for children. She had a contagious laugh, a quick wit and a gracious demeanor. She always accepted people for who they were and wasn’t afraid to fight for the underdog.

The only match for Jo’s intelligence was her passion. She just loved the special needs children. Walking into her office meant you were going to get grilled on the

HAPPY RETIREMENT SUSAN QUINN

Susan Quinn, the newsletter co-editor and school psychologist for over twenty years, is retiring. Christmas break will mark her last day at the School City of Hammond.

Susan is not only a very thorough and conscientious school psychologist, she is a fierce editor whose quest for perfection often drove me crazy. She always pushed me to be a more thoughtful writer, and for that I will be forever grateful.

Susan was the coma constable, the punctuation princess and the grammar guru all wrapped up into one neat package. She has worked hard over the years, and we all hope that she embarks upon the next chapter in her life with the same zest that she put into her job.

I will miss her wisdom and her wicked laugh. For many years she was my “go to gal” when I was “**on the curb**” which was our group code for **H-E-L-P!** But mast of all,,, I will mis her meticulousness in correckting my many errors as the co-editer of these newsletter.. ! Wishing you all the best Susan-BB

EDITOR’S NOTE: Comma comma comma comma comma chameleon. Carry on, Barb!

progress of certain students. She would cringe when given poor reports, but her whole face would light up when the news was positive. She was our best cheerleader and someone you didn’t ever want to disappoint.



We will always remember Jo’s feisty spirit as she “held court” at her desk. During those conversations, she would often glance out her office window at the row of trees whose beauty communicated the gentle change of seasons. That was Jo. She worked hard, but always took a moment to reflect on what truly matters in life.

Like the many students that we worked with over the years, she was special. She will be sorely missed by everyone who had the pleasure of knowing her.

The true sign of intelligence is not knowledge, but imagination.

Albert Einstein

Moving Forward

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