

Disabilities, IEPs and 504s

WHAT DO I NEED TO KNOW?

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Disability categories

Multiple Disabilities - means co-occurring impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. "Multiple disabilities" does not include deaf-blindness.

Deaf-Blindness

means co-occurring hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness

means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

Hearing Impairment

means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this rule.

Visual Impairment

including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance.

(a) The term visual impairment includes both partial sight and blindness;

(b) The term "visual impairment" does not include a disorder in which one or more of the basic psychological processes, such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia is present.

Speech/Language Impairment

means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

Orthopedic Impairment

means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Emotional Disturbance

means a condition where a student is exhibiting **one or more** of the following characteristics over a long period of time (6 months or longer) and to a marked degree (considered significant) 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.

Emotional Disturbance

(d) A general pervasive mood of unhappiness or depression.

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(f) Emotional disturbance includes schizophrenia.

The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Intellectual Disability

means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

(a) "Significantly subaverage general intellectual functioning" refers to an intelligence quotient of seventy or lower as determined through a measure of cognitive functioning administered by a school psychologist or a qualified psychologist using a test designed for individual administration.

(b) "Deficits in adaptive behavior" means deficits in two or more applicable skill areas occurring within the context of the child's environments and typical of the child's chronological age peers.

Specific Learning Disability

means 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 the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Autism

means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance.

Other characteristics often associated with "autism" are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Traumatic Brain Injury

means an acquired injury to the brain caused by an external physical force or by other medical conditions, including but not limited to stroke, anoxia, infectious disease, aneurysm, brain tumors and neurological insults resulting from medical or surgical treatments.

The injury results in total or partial functional disability or psychosocial impairment or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries, as well as to other medical conditions that result in acquired brain injuries.

The injuries result in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Other Health Impairment (minor)

means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

(a) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and tourette syndrome; and

(b) Adversely affects a child's educational performance.

Other Health Impairment (major)

More significant diagnoses than (minor); often requiring nursing care of some type, requiring insertion of a permanent port, and/or requires suctioning or other medical care.

Individual Education Plans

How do we get to the IEP?

1. Referral
2. Evaluation/Identification
3. Eligibility
4. Development/Writing the IEP
5. Implementing the IEP

IEPs

The IEP is a legal document that is an agreement between the school district and the parent. As an employee of the district, it becomes your responsibility to provide the accommodations guaranteed in the IEP document. The IEP guarantees FAPE – free and appropriate public education to the student who has a disability.

IEPs outline the provision of education services. IDEIA is an education law with both federal and state statutes that contribute to its development and its enforcement.

What part of the IEP should I look for?

Section 3: Profile – this holds information that the teacher of record believes is a relevant summary of the student’s strengths, needs and progress.

Section 6: Goals – What the student is working on this year, important enough that the teacher of record will be collecting data and reporting results to the parent on a quarterly basis.

What part of the IEP should I look for?

Section 7: Accommodations – Must be provided to the student in every classroom or work setting in which they are involved.

Section 12: Statewide and District Wide Testing – This page will detail what tests the student is planning on taking during this school year and what accommodations will be allowed for each of the tests. This page will include any vocational testing that is relevant to the student's CTE program.

IEPs

The IEP will be a lengthy document. Often 1 to 2 dozen pages in length. When you review it look for the numbered sections. The numbers will be large and often in circles. Or ask the student's teacher of record for an "IEP at a glance". It will have the goals and accommodations listed on 1-3 pages.

Be sure to know what accommodations a student has access to for your vocational testing.

Education law holds the LEA (school district) accountable for any violation of IEP agreement.

Section 504 plans – Section 504 of the Rehabilitation Act

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

How is disability defined under Section 504? Answer: An individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities.

504s

504s are shorter than IEPs typically.

They will only be 3 to 8 pages in length.

You will want to look at the document entitled “504 PLAN”

Turn past the evaluation information written in paragraphs and find the Section that lists “Accommodations”

Most 504s will also have a Districtwide and State wide testing page.

Section 504 Plans

Section 504 plans are also a legal document. They are derived from a civil rights law. This law is federal and is implemented at the state level. It is not an education law, but it is implemented in schools as all citizens are guaranteed an equal opportunity to access their workplace, which for students is the education facility.

Civil rights law holds the individual personally accountable for any violation of civil rights.

Accommodations

Accommodations should be reasonable.

The education team determines what accommodations make it onto any plan, IEP or 504.

Physicians, psychologists, counselors and other private providers may have input into what accommodations make it onto any plan.

The most frequent accommodation is extended time. The amount of extended time will usually be very specific, such as 1.5 times the usual amount of time

Accommodations

Accommodations may address needed breaks such as stop the clock breaks for testing, 5 minutes of break time per 42 minute class period, etc

leave class early to monitor blood sugar, or for other reasons

access to food or water during class time

guided notes, enlarged print, fewer questions per page, use of text to speech or speech to text

Preferential seating, redirection and/or recueing to task

Questions?

Today has just been a quick summary to give you a basic understanding.

If you have questions, know who to access in your district to assist you:

- School Psychologist
- Special Education Supervisor
- Intervention Specialist/Teacher of Record
- School Nurse or Medical Director

Questions

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