



Educational Rights & Strategies for Children and Youth with Special Health & Developmental Needs

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Overview

- School Outcomes of Children With Special Health Care Needs
- Section 504 & IDEA
- Building Blocks of Learning & Effective Instruction
- Working with Schools & Parent Advocacy

Children with Special Health Care Needs & School

- School attendance and achievement are often used as measures of general adjustment to illness
- Because school is a place to learn and socialize with peers, children with special health care needs benefit from
 - regular school attendance
 - returning to school after being hospitalized or receiving homebound instruction as soon as possible

- A 2011 study examined associations b/t having a special health care need and school outcomes measured as:
 - attendance
 - student engagement
 - behavioral threats to achievement
 - achievement (GPA, standardized achievement test, parent-assessed achievement scale)

- Findings suggest that children with functional limitations attributed to chronic disease and behavioral health problems comprise the key Special Health Care Needs (SHCN) subgroups that are at risk for poor school outcomes

- Conclusions:
 - Effective health care and educational practice require that **children at risk for poor school outcomes be identified early** to enable prevention and treatment
 - Identification of CSHCNs, particularly those that manifest themselves as functional limitations or behavioral health problems, **should be an essential component of the early intervention**

- Conclusions...
 - The identification of children at risk for academic failure requires the **coordination of services provided by educators and health**
 - Once identified, **schools must provide appropriate educational accommodations and support** to ensure that children with SHCNs meet their full potential in learning and scholastic achievement

- Conclusions....
 - These services may be provided in a special education context if children qualify for such services
 - In addition to specific academic interventions, schools should provide opportunities for children with an SHCN to:
 - develop confidence in their ability to learn and succeed in school
 - choose educational experiences that they value
 - develop positive interpersonal relationships

School Outcomes of CSHCN- *Pediatrics* 2011;128:303–312

- Conclusions:
 - Logical roles for the primary medical home or specialty care provider are:
 - identification of at-risk children
 - ensuring that chronic conditions are managed effectively
 - monitoring of long-term outcomes including both health status and school outcomes
 - Health and school professionals will need to collaborate to identify these children early, intervene with appropriate medical and educational services, and monitor long-term outcomes

Health and School collaboration in Oregon

- Categorical Eligibility for Early Intervention or Early Childhood Special Education Services
 - Children with Diagnosed Physical or Mental Conditions that have a high probability of resulting in Developmental Delay
 - Metabolic disorders associated with dev delay
- Use of EI/ECSE Referral Form for Providers & Medical Condition Statement which can be signed by MD, PA or NP

Disability Laws & Resources

- Disability laws relating to the education of children and youth with disabilities:
 - Section 504 of the Rehabilitation Act of 1973
 - Individuals with Disabilities Education Improvement Act or IDEA 2004
 - Americans with Disabilities Act of 1990

Section 504 of the Rehabilitation Act of 1973

- Section 504 is a Civil Rights law which **prohibits discrimination based on disability** by programs receiving federal funds
- School districts must comply with Section 504 by providing the **same access and opportunity** to children with disabilities as those without disabilities (Free Appropriate Public Education)
- Parent can ask the school for a Section 504 evaluation; if found eligible student can receive reasonable accommodations & related aids and services

Section 504 of the Rehabilitation Act of 1973

- Students that Section 504 protects:
 - Students with a physical or mental disability that substantially limits one or more major life activities – self-care, walking, seeing, speaking, hearing, breathing, learning, working
 - Students with a record of having a disability
 - Students that are thought to have a disability though they may not

Section 504- Procedural Safeguards (U.S. Dept. of Ed., 2007)

- Parent notification
- Opportunity for parents to review relevant records
- An impartial hearing with opportunity for participation by parents or guardian
- Representation by counsel
- A review procedure

Laws & Where to Find Them- Section 504

- Section 504 of the Rehabilitation Act of 1973
- U.S. Department of Education website:
<http://www.ed.gov>
- Complaints under Section 504 may be made to the school district or the U.S. Depart. of Ed., Office of Civil Rights, Region X in Seattle:

U.S. Office of Civil Rights, Region X, King County Courthouse
Room E-224, 516 Third Avenue, Seattle, WA 98104

Tel: (206) 296-7592 1 (800) 362-1710

Individuals with Disabilities Education Improvement Act (IDEA 2004)

- Ensures **Free Appropriate Public Education** to children with disabilities and defines their rights to special education
- Students are entitled to receive special education under IDEA if they have certain disabilities **AND** are having problems learning or functioning successfully in school because of their disabilities
- A Parent can request that their child be evaluated for special education; A written request to a school administrator (principal or director of special education) is advised

IDEA 2004- PROCESS

- If the school agrees that an evaluation is needed, it must evaluate the child at no cost to parents (usually within 60 days)
- The school system may also request an evaluation of a child. In this case, parents must first give their informed written permission before an evaluation may be conducted

IDEA 2004- DOCUMENTS

- If the child is determined to need special education and related services
 - an **IFSP** (Individual Family Service Plan)
 - or **IEP** (Individual Education Plan)will be implemented based on the specific needs of the child as decided by the team, including the parents

IDEA 2004- DOCUMENTS

- These services may include special classes in subjects in which the child has fallen behind and increased time for tests or completion of assignments
- Once covered under an IEP, students with disabilities are re-evaluated at least every three years and their IEP is reviewed annually or whenever a change in placement occurs

Adolescent Transition under IDEA 2004

- “The purposes of IDEA include ensuring that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living” Building the Legacy: IDEA 2004

Adolescent Transition under IDEA 2004

- The term “transition services” means a coordinated set of activities that:
 - is focused on improving the academic and functional achievement of the child to facilitated the child’s movement from school to post-school activities
 - Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests

Adolescent Transition under IDEA 2004

- The term “transition services” means a coordinated set of activities that.....
 - includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation
- Eligible students are entitled to special education services until the end of the year during which they turn 21 years of age

Adolescent Transition under IDEA 2004

- Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:
 - Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills
 - The transition services (including courses of study) needed to assist the child in reaching those goals
 - Beginning not later than one year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under IDEA that will transfer to the child on reaching the age of majority under

Adolescent Transition under IDEA 2004

- The school must invite the student to attend their own IEP Team meeting if the purpose of the meeting is to consider postsecondary goals and the transition services needed to assist the child in reaching those goals
- The school, to the extent appropriate, and with parent/youth consent, must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services to attend the IEP Team meeting

IDEA 2004 - Key Provisions

- Free Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Special Education (specially designed instruction) and Related Services
- Individualized Family Service Plan (IFSP) or Individualized Educational Program (IEP) depending on child's age
- Procedural Safeguards

IDEA 2004 Parent Rights

- Notice of procedural safeguards with required content
- Parental participation in the process
- Parent right to review all educational records
- Parent right to an independent evaluation
- Prior written notice
- Right to mediation, impartial due process hearing or to submit a complaint to the State Education Agency

IDEA 2004- Resolving Disagreements

Tools for Resolving Disagreements (Disability Rights Oregon, 2004)

- **Mediation-** parents and school district agree to meet with neutral person trained in mediation and knowledgeable about IDEA 2004
- **State Department of Education complaint-** parent writes a letter of complaint and mails to state department of education
- **Due process hearing-** formal administrative proceeding that resembles a trial; parent sends a request to the State Superintendent of Public Instruction

Laws & Where to Find Them- IDEA 2004

- U.S. Government Printing Office (disseminates official information):
<http://www.gpoaccess.gov/index.html>
- Building the Legacy: IDEA 2004 website:
<http://idea.ed.gov/>
- U.S. Department of Education website:
<http://www.ed.gov>

Section 504 or IDEA?

- If a child's disability adversely affects educational performance, that child is eligible for special education services under IDEA
- Eligibility means the child is disabled **and** needs special education
- If a child has a disability that **does not adversely affect educational performance**, that child is not eligible for special education services but is usually entitled to protections under Section 504

504 vs. IDEA?

- All children eligible for special education under IDEA are protected under Section 504, but the converse is not true

Wrightslaw.com

Comparison of IDEA and Section 504

	IDEA 2004	Section 504
Type of Law	Education Entitlement	Civil Rights
Responsibility	Special Education	Each school has designated section 504 coordinator
Tools used to implement law	Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP)	Section 504 Plan for accommodations
Types of disabilities	13 categories including Other Health Impairment for children with chronic health conditions	All eligible disabilities which substantially limit one or more major life activities such as learning
Procedural safeguards	Parental participation in the process Parent right to review all educ records Parent right to an independent evaluation Prior written notice Right to mediation, impartial due process hearing or to submit a complaint to the State Education Agency	Parent notification; Review relevant records,; An impartial hearing with opportunity for participation by parents or guardian; Representation by counsel A review procedure
Evaluation of eligibility	An evaluation is needed	An evaluation is needed
Due Process	Impartial hearings for parents who disagree with the identification, evaluation or placement of their child	Impartial hearings for parents who disagree with the identification, evaluation or placement of their child

Hospital/Homebound Instruction

States vary but eligibility can depend on inability to attend (medical determination) or 504 or Special Education eligibility and need

Student must be able to participate in instruction and expected to be absent from school anywhere from 10 consecutive school days to one month (varies by state)

Individualized Health Plan

- A number of states now mandate that schools have an individualized health plan (IHP) on file which provides specific instructions for meeting the child's health care needs
- An IHP can suffice to help meet the student's medical needs; however, once an educational accommodation is required to meet educational needs, a 504 plan or IEP is called for
- The IHP can serve as the health plan component of a 504 plan, or IEP

Americans with Disabilities Act

- The Americans with Disabilities Act of 1990 **prohibits discrimination based on disability in a broad range of programs, activities and services**, whether or not federal funds are involved (Disability Rights Oregon, 2008)
- The ADA's Title II **applies to local and state government, including public schools**. The U.S. Department of Education's Office of Civil Rights is designated by the U.S. Department of Justice to enforce the regulation with respect to public educational entities and public libraries (Disability Rights Oregon, 2008)
- The ADA may be especially useful to individuals seeking employment or going to public colleges or universities

Laws & Where to Find Them- ADA

- **US Department of Justice ADA website:**
<http://www.ada.gov>
- Complaint forms under title II of the ADA/Section 504 can be found on the ADA Home Page. For more information about filing complaints and general information about the ADA, contact:

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW Disability Rights – NYAV
Washington, D.C. 20530
Tel: (800) 514-0301 TTY: 1 (800) 514-0383

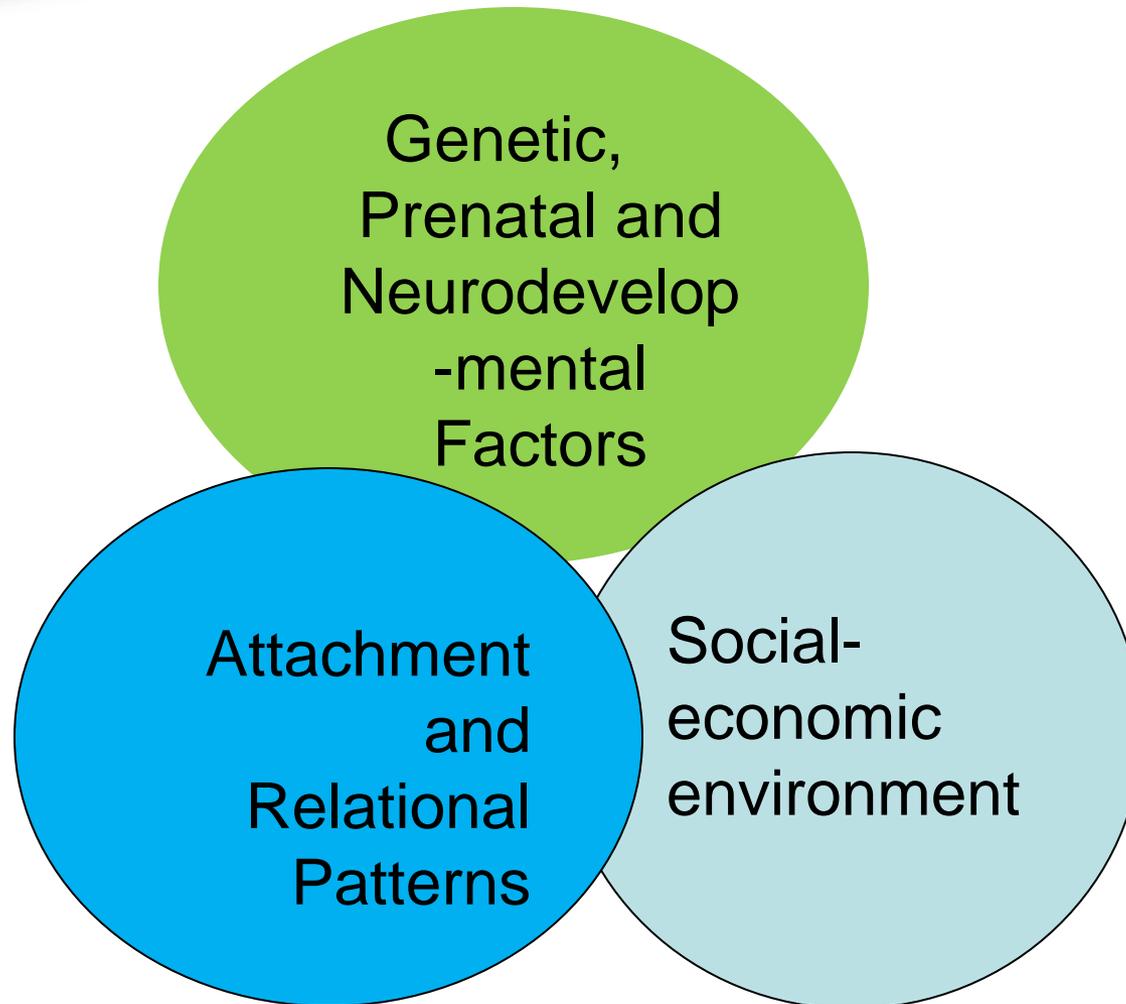
Postsecondary Education Rights

- Section 504 and ADA requires community colleges and universities to ensure students with disabilities have equal access by providing appropriate accommodations

Learning 101 Key Principles of Early Development

- Critical periods imply timing is important
- Relationships program social-emotional functioning
- Adversity impacts brain development
- Resiliency comes with strong attachments/relationships

“Three-legged stool” for “predicting” developmental and health trajectories- Dr. David Willis



Learning 101 Early Learning

- Optimal development in early childhood depends upon sturdy relations
- Kindergarten readiness dependent on healthy social-emotional status; and language and early literacy and numeracy experiences
- Emerging best practice in primary care includes screening for early developmental delay (including social/emotional), maternal depression, and family risk



Learning 101

- Building Blocks of Learning (Mather & Goldstein, 2001)
- Foundational, Symbolic & Conceptual
- Foundational
 - Attention and Impulse Control
 - Emotions and Behavior
 - Self Esteem
 - Learning and Environment

Building Blocks of Learning (Mather & Goldstein, 2001)

- Symbolic

- Visual Processing

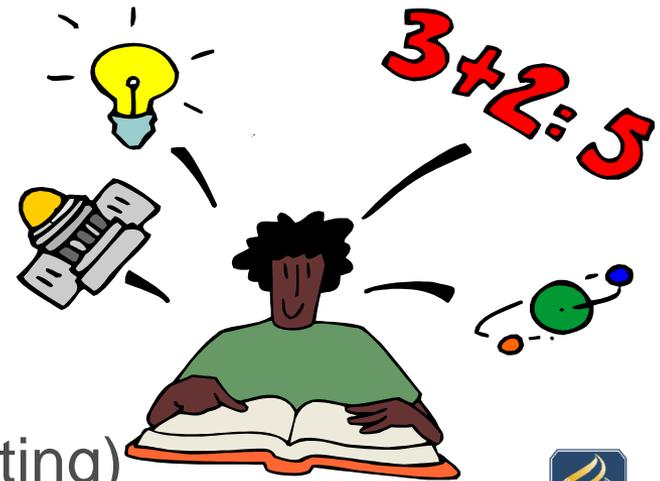
- Perception & recall of letter strings and word forms
 - Automatic retrieval of letters and words

- Auditory Processing

- Phonological awareness
 - Verbal short term memory

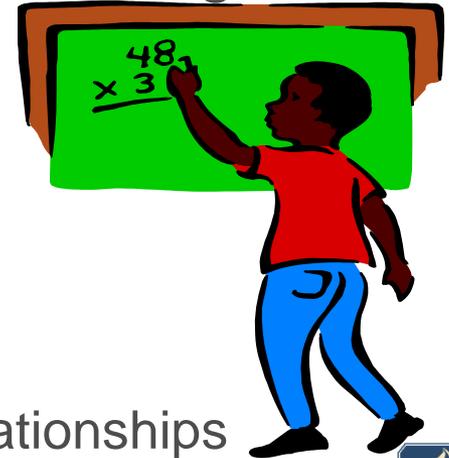
- Motor Processing

- Gross and fine motor skills (writing)



Building Blocks of Learning (Mather & Goldstein, 2001)

- Conceptual
 - Thinking with language
 - Comprehending written text
 - Expressing ideas through speaking & writing
 - Learning & using new vocabulary
 - Thinking with Images
 - Working with designs
 - Recognizing patterns
 - Performing spatial tasks, judging spatial relationships



Building Blocks of Learning (Mather & Goldstein, 2001)

- **Conceptual -Thinking with Strategies**
 - Thinking about thinking (metacognition)
 - Executive functions (plan, organize, monitor, evaluate)
- Skill and ability weaknesses in the areas of symbolic and conceptual learning provide an explanation for the achievement problems experienced by the majority of children who struggle in the classroom

Learning- Effective School-wide Interventions

- The Good News: Increasing use of school-wide strategies for preventing learning and behavior problems
 - Positive Behavioral Interventions & Supports (PBIS)
 - Evidence based academic and behavioral practices for improving academic and behavior outcomes for all students (Primary, Secondary and Tertiary Prevention)
 - Response to Intervention (RTI)
 - Evidence based reading instruction in K-3; monitoring & extra instruction for children who don't meet benchmarks

Principles of Successful Instruction

- **Repetition with contrast** (Dr. Kurt Freeman)
 - High contrast → Low repetition
 - Low contrast → High repetition
- Provide instruction slightly above the present performance level
- Adapt and modify instruction, as needed
 - Seatwork/homework should be at the independent level (can do without assistance)

Making Instruction More Powerful

- More instructional time
- Smaller instructional groups
- More precisely target at the right level
- Clearer and more detailed explanations
- More systematic instructional sequences
- More extensive opportunities for guided practice
- More opportunities for error correction and feedback

Accommodations and Modifications

- Accommodations: adjust demands to allow a student to perform the task
 - e.g., listen to a book on CD, rather than reading it; provide more time
- Modifications: alter the task so that student can perform some aspect of the task
 - e.g., make it easier

Inclusion

- Students with disabilities belong in general education classrooms if they can do the work (grade level or modified work) and/or if there is a social benefit
- Strategies for inclusion that promote learning include peer tutoring, cross-age tutoring, cooperative learning and collaborative discussion teams

Working With Your Child's School

- **Engaging School Faculty and Staff**
 - Communicating with your child's school is important to ensure that their needs and your child's needs are met
 - Knowing how to contact the right person can make you a more effective advocate
 - Take the time to learn who does what and how to best communicate with that person or department

Engaging School Faculty and Staff

- Many schools use Web sites & e-mail to provide parents with information
- When you want to address a concern, contact the person closest to that concern
 - If HW issue go directly to teacher
- If concern is highly emotional:
 - allow time to “cool off”
 - It may also be helpful to write out your concern beforehand
 - Keep resolving the issues with child’s best interest in mind

Communicating With Your Child's School

- At the start of each school year gather **Key Contact Information** and keep it on hand so that when issues arise you can go straight to the right person
 - School telephone number and Secretary's name
 - Teacher, School RN & Principal e-mail addresses and telephone numbers
 - School Web site URL (Web page address) for additional contact information

Communicating With Your Child's School

- Visit your child's classes
- Let your child's teacher know if you have any specific concerns about your child's education progress
- Encourage teacher communication about the child's progress or problems

- Start thinking about questions you would like to ask before a meeting and make a list
- Continue to work with your child's teacher even if you disagree with the way services are provided

Parent Advocacy

- As a parent you are in the best position to advocate for your child
 - Stay Informed
 - Know your rights
 - Understand your child's IHP, Section 504 plan or IEP & play an active role in preparing these documents; maintaining communication with your child's IEP team will better ensure your child's needs are being met
 - Encourage and support your child's learning

Parent Advocacy

- Learn as much about your child's abilities and disabilities as possible
- Seek out other parents and organizations for information and support
- Attend all meetings concerning your child and bring a friend or advocate to take notes if needed
- Keep copies of your child's records including IFSPs and IEPs
- Explain the basics of your child's medical issues and provide relevant information on medical treatment or emergencies and diet guidelines

Developmental & Early Learning Resources

- Zero To Three
 - **www.zerotothree.org**
- Center on the Social and Emotional Foundation for Early Learning-
<http://csefel.vanderbilt.edu/>
- Get Ready to Read Screening Tool-
www.getreadytoread.org

Learning Resources

- Big Ideas in Beginning Reading-
<http://reading.uoregon.edu>
- Florida Center for Reading Research, Student Center Activities- Google FCRR and student center activities
- The Kahn Academy (video tutorials on math, etc.)- **www.khanacademy.org**

Effective School-wide Interventions

- Positive Behavioral Interventions & Supports (PBIS)

www.pbis.org

- Response to Intervention (RTI)

www.pbis.org/school/rti.aspx

Education Law Resources

- Wrightslaw provides information on special education law and advocacy

www.wrightslaw.com

- Disability Rights Oregon (DRO) helps with disability-related legal issues

www.droregon.org

- DRO publications include:
 - Special Education: A Guide for Parents & Advocates (English, Spanish)
 - A Roadmap to Support Services 3rd Edition (Developmental Disabilities)

Parent Training and Information Centers

- Parent Training and Information Centers
 - provide training and information to parents to enable them to more fully and effectively participate with professionals in meeting the educational needs of their children with disabilities

Google “State Parent Training and Information Center (Disabilities)” for state directory

Medical Home & Adolescent Health Transition

- Medical Home

www.medicalhomeinfo.org

- Oregon Center for Children and Youth with Special Health Needs (see Medical Home)

www.occyshn.org

- Got Transition? national resource focusing on young adult transition from pediatric to adult health care (6 Core Elements of HCT)

www.gottransition.org

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