

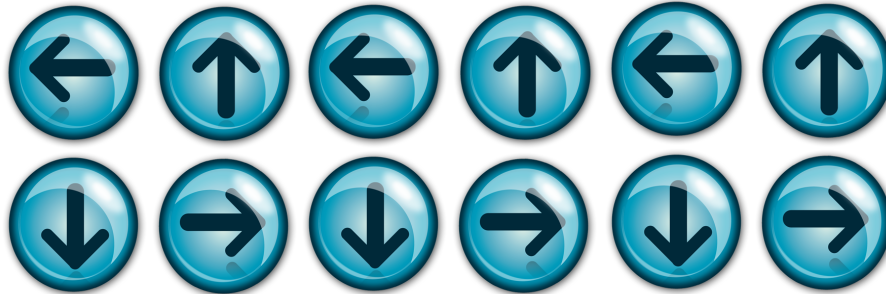
"Whether you think you can or you think you can't, you're right!"
Henry Ford

NJCIE's
INCLUSION WORKS! PARENT MANUAL:
A Guide to Inclusion for Families



A project of the Inclusion Works! Parent Group Mentoring Project, developed, in part,
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Inclusion Works! Parent Manual: A Guide to Inclusion for Families



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I INTRODUCTION

A central goal of the New Jersey Coalition for Inclusive Education (NJCIE) is to mentor parents. This Inclusion Works! Parent Manual (Manual) arose out of NJCIE’s work with parents in connection with its Inclusion Works! Parent Group Mentoring Project supported, in part, by a grant from the New Jersey Council on Developmental Disabilities.¹ One purpose of the Inclusion Works! Project was to create local problem-solving groups of parents focused on including their children in general education settings in their local public schools. The Inclusion Works! Parent Groups are now an integral part of NJCIE’s activities.

This Manual contains tips and information that NJCIE mentors and parent group members have found useful in ensuring more inclusive placements for their children. It clarifies some of the history, processes, and jargon surrounding special education and inclusion. The Manual provides an overview of updated research-based inclusive practices considered essential for the success of all children in our increasingly multi-ability classrooms. Inclusion is no longer a stand-alone concept. Educational experts across the country consider inclusive practices (i.e., those practices which enable children with disabilities and learning differences to make progress in their individual goals while accessing classroom curriculum) part and parcel of school reform. Parents working with their district to include their child can emphasize that, “What you do for my child will help all children!”

Note that this Manual is not meant to be comprehensive guide to special education, to the law and regulations, or to parental due process rights via mediation, complaint process or litigation. This information is amply covered in other sources. It does provide information as to where such resources can be found.

Key terms and points have been highlighted throughout the Manual to enable busy parents to easily scan through the information. A glossary of frequently used terms and acronyms is also provided in an Appendix at the end. Throughout, detailed information alternates with “**Parent Tips**” written in a parent-friendly manner and directly related to the information provided just above.

PARENT TIP

If interested in being part of one of NJCIE’s Inclusion Works! Parent Groups or starting a group in your area, contact NJCIE at njcie@njcie.org or call 732-613-0400.

II BACKGROUND: HISTORY OF THE INCLUSIVE EDUCATION MOVEMENT

“Inclusion” and the “Least Restrictive Environment (LRE)”

The Civil Rights movement of the 1950s and 1960s was a precursor to legislation protecting the rights of children with disabilities to a **free appropriate public education (FAPE)**. In 1954, the Supreme Court observed in *Brown v. Board of Education*, that, “[s]eparate...facilities are inherently unequal.”² The same arguments, originally applied to race, were repeated on behalf of children with disabilities in the late 1960s and early 1970s. *Brown* became the springboard upon which parents of children with disabilities in Washington D.C. and Pennsylvania fought successfully in court to end the exclusion of their children from their local public schools,³ and led directly to the passage of **Public Law 94-142** in 1975, now known as the **Individuals with Disabilities Education Act (IDEA)** and often referred to as “special education.”

Parents are not required by law to place their child in a self-contained classroom. It is just the opposite. Educating children with disabilities in schools and classrooms with non-disabled peers was a principal objective of Congress in passing **IDEA**, the ultimate goal of which is to, “Ensur[e] equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.”⁴ The law entitles every eligible child with a disability to an appropriate education in the “**least restrictive environment**” (**LRE**), i.e., in classrooms with nondisabled peers, as much as possible.⁵ The **LRE** is acknowledged as the environment most conducive to practicing and generalizing those skills which children will need to be successful in the “real” world when they grow up.

To ensure **LRE** Congress added **placement rules** allowing removal of a child with disabilities from general education classrooms to “special classes or separate schooling” **only** when his/her education could not be achieved satisfactorily in general education classrooms despite the use of supplementary supports and services. In order to prevent removal for other than educational reasons, the federal law further prohibited a school from removing a child based upon the category of the disabling condition, the availability of space, staff, or services, administrative convenience, or any perceived attitude of non-disabled peers or teachers.⁶

PARENT TIP

*The law’s **placement rules** mean that the **first essential question** a parent must ask when a self-contained environment or pull-out placement is recommended by the school is, “Have we exhausted all other, ‘less restrictive’ options? My child’s appropriate placement is in the least restrictive environment and this placement does not meet that requirement!” (See page 24)*

*If you say, “My child has a right to **inclusion!**” a school may say that the word **inclusion**, is not in the law. It is true that the word does not appear in the **IDEA** statute or implementing regulations, but because the term **LRE** refers specifically to the law’s requirement that a school will consider the general education classroom with supports first before any other placement, in practice **inclusion** and **LRE** have essentially the same meaning and are often used interchangeably.*

*The word **inclusion** was actually coined in the late 1980s to distinguish placement in the general education classroom **with** appropriate supports from placing a child into general education classrooms **without** any supports, a practice commonly referred to as “mainstreaming.”*

The Benefits of Inclusion

The federal law states that, “30 years of research has shown that special education is most effective when provided in general education classrooms with maximum access to the general education curriculum.”⁷ The research, a summary of which can be found in the Appendix, Section 2 (see the Parent Tip, below) makes clear that students with disabilities make academic, social and communication gains when educated in general education classrooms where the academic standards are high, the environment is rich in language and literacy and unique opportunities for modeling social and communication skills are present. Recognizing this, the most recent versions of **IDEA** (1997 and 2004) strengthened the **LRE** requirement by stating that children with disabilities benefit most when they have “access to” and are “involved and progress in” the general education curriculum in general education classrooms to the maximum extent possible.⁸

Post-school outcomes also correlate to the amount of time a student spends in general education classrooms. For example, New Jersey Department of Education (**NJDOE**) data for 2009-2010 indicate that children with disabilities who spent at least 80% of their school day in general education classrooms were twice as likely to be competitively employed post-graduation as students who attended public or private special education separate schools.⁹

PARENT TIP

A table with the educational, social and economic benefits of including students with disabilities, as well as a summary of the researched benefits of inclusive education as compiled by the Institute on Disability at the University of New Hampshire, may be found in the Appendix, Section 2.

Following are answers to some common questions and comments about inclusive education from research:

“Is there any research on the benefits of inclusive education?”

Social, Communication, and Behavioral Gains:

- Increased social interactions with classmates
- Enhanced communication skills
- Greater incidence of friendships
- Higher self-esteem scores
- Less disruptive and maladaptive behavior

Estell et al. (2008); Lee, Yoo and Bak (2003); Owen- De Schreyver et al (2008); Hunt et al (2003); Fisher & Meyer, (2002); Carter and Maxwell, 1998; Park, 1998; Hundert et al (1998); Rea et al (2002).

“Inclusion is good for social goals, but not for academics!”

Research indicates that students with disabilities educated in inclusive settings:

- Had higher levels of engagement in learning
- Earned higher grades
- Earned higher scores on standardized tests
- Improved math and reading performance
- Better attitudes towards school
- Lower rates of school dropout

Rea et al (2002); Waldon & Mcleskey, (1998)

“What about students with severe disabilities?”

Studies show that in inclusive education, these students:

- Had greater access to general education curricula and to academic activities
- Made significant developmental and academic gains
- Were more actively engaged in activities
- Received higher scores on social competence

Hunt et al. (1994); Bagg-Rizzo (1999); Fisher & Meyer, (2002)

Compiled by Dr. Priya Lalvani, Assistant Professor, Montclair State University for a March 24, 2013 presentation in Westfield, NJ.

Quality inclusive education doesn’t just happen; it takes planning and it often takes conscious parental effort to make it happen. But, as noted in the landmark court case, ***Oberti v. Clementon Board of Education***,

While [inclusion] surely requires readjustment and considerable effort on the part of educators, and on the part of the community in general, it is a small price to pay to increase the opportunity of individuals with disabilities to become fully-functioning, productive, and co-equal members of society, and of individuals without disabilities to learn in a world where individuals with disabilities are so included.¹⁰

PARENT TIP

Other useful quotes from court cases which support inclusion can be found in the Appendix Section 3.

The Movement Toward Class wide Inclusive Practices for All Students

Special education became a course of study in universities following the passage of the **IDEA** in 1975. Since the 1980s, with increasing numbers of children with disabilities moving into general education classrooms, universities and schools across the country focused on developing more effective class wide practices which all teachers (general and special education) could use to teach to multi-ability classroom. The core, widely accepted, class wide practices which resulted include **differentiated instruction**, **universal design for learning (UDL)**, and **positive behavior supports (PBS)**, descriptions of which can be found in the Appendix Section 4. These practices, which take into consideration the individual needs of all students in the classrooms when

planning and delivering instruction, were found to not only support the inclusion of individual students, but to help all children in classrooms succeed. Use of class wide inclusive **best practices**, particularly **differentiation** and **PBS**, took on greater focus with the passage in 2001 of the **No Child Left Behind Act (NCLB)** and of **IDEA in 2004** and districts across the country began training staff in their use.

Although **NCLB** has been modified to focus on individual student growth rather than the original goal of ensuring all children are proficient in reading and math by the year 2014,¹¹ training teachers to implement these core inclusive education practices continues to be a key priority in many universities, states and districts as they work to improve **Tier 1** classroom instruction as part of approaches such as **response to intervention (RTI)**. (See Appendix, Section 5 for a discussion of **RTI**). Teachers who demonstrate consistent use of differentiated instruction and other *best practices* are more likely to do well in the new **teacher evaluation models** that New Jersey **districts** are required to implement beginning in September 2013. This should create an incentive for districts and teachers to focus even more on their use.

Parents of students with disabilities can confidently encourage the use of these **class wide inclusive best practices** in their child's classroom. They can point out that the practices will not only make the inclusion of their child easier, but support the progress of all children in the classroom and support teacher success!

PARENT TIP

*More detailed descriptions of differentiation, UDL and PBS are provided in **Appendix Section 4**.*

When discussing your child's placement, suggest that consideration begin with the general education classroom at your child's grade level where differentiated instruction and other class wide inclusive practices are the strongest. Regardless of a child's disability, it is more likely that your child's inclusion will be effective if these practices are in place.

*Note that the **child study team (CST)** members on your **IEP Team** may not be well-versed in differentiated instruction and other best inclusive practices. This will impact their effectiveness in problem solving with teachers to support the inclusion of your child as the first step to good inclusion is implementation of class wide approaches such as these.*

Become familiar with differentiated instruction, UDL, and PBS through reading, You Tube Videos, NJCIE's Summer Inclusion Conferences and other conferences. Ask encouraging, knowledgeable questions about the use of these practices in your child's school and classroom. Get a sense of the status of their use.

If you don't see these practices happening in classrooms in your school, encourage training for staff (including CST members) in their use and visible implementation. All children will benefit.

Research-Based Practices

In addition to the best practices mentioned above such as differentiated instruction, UDL, and PBS districts have an incentive to implement evidence-based practices. Since the passage of **NCLB** and **IDEA 2004**, one of the primary considerations when schools institute new programs, practices and strategies is whether these are “evidence-based,” i.e., have been shown to be effective through “scientifically based research.” For example, **IDEA 2004** requires that, before a child is even classified for special education with a **specific learning disability (SLD)**, it must be shown that the child “was provided appropriate, high quality, research based instruction in regular education...delivered by qualified personnel,” and that the parents have been provided documentation of “repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction.”¹²

PARENT TIP

Evidence based practices are “instructional approaches supported by trustworthy bodies of research that meet standards regarding quantity, quality, research design, and effect on student outcomes.”¹³ The terms “research-based” and “evidence-based” are often used interchangeably.

When individualized practices are identified by the CST for your child (especially if the practice involves pull-out instruction) feel comfortable asking for the research behind the practice and their basis for suggesting it. Do your own research on the evidence behind programs and practices being used in schools and suggested for your child at the federal “What Works! Clearing House” site (ies.ed.gov/ncee/wwc/).

*Other resources for **evidence/research-based practices** include: National Secondary Transition Technical Assistance Center (NSTTAC) (www.nsttac.org/) and National Autism Center’s (NAC, 2009) National Standards Project (<http://www.nationalautismcenter.org/nsp/>)*

III The Basics: The Individuals with Disabilities Education Act (IDEA) and Inclusion

How the Law is Organized

The **IDEA** statute is broken into parts:

Part A - General Provisions

Part B - Assistance for Education of All Children with Disabilities (ages three to 21)

Part C - infants and Toddlers with Disabilities (ages birth to three)

These sections outline the basic requirements which **states** and school **districts** must meet to receive federal special education funding to support children with disabilities. When people refer to “special education” in schools, they are referring to **Part B (which covers children three**

to 21 years) who have been found eligible for special education because they have a disability which is impacting their education and falls within one of 13 specific categories. When people refer to “Early Intervention,” they are talking about **Part C (which covers children birth to three)**. The law is “reauthorized” every few years, i.e., Congress reviews and updates its contents. The last reauthorization was published in 2004.

There are also federal regulations developed by the **United States Department of Education (USDOE)** which explain to the **states** and **districts** in greater detail exactly what they are expected to do to implement IDEA. The federal regulations are the bottom line, i.e., **states** and **districts** can provide/do more for students found eligible, but, they cannot provide/do less. Each time the law is reauthorized, the regulations are updated to reflect changes in the law.

In addition, states are required to have their own state level statute and regulations in place to implement the federal law. In New Jersey these regulations are developed and monitored by the **New Jersey Department of Education-Office of Special Education Programs (NJDOE-OSEP)** and mirror, but are not exactly like, the federal regulations. For example, child study teams (CST) are part of the **New Jersey Administrative Code Title 6A Chapter 14 (NJ Special Education Code)**, but not in the federal law. **The NJ Special Education Code** is updated each time the federal law is reauthorized and guides districts in determining student eligibility, planning programs and identifying placements. The **NJ Special Education Code** also outlines parental notice and due process rights, i.e., how parents can go about challenging a district decision as to their child’s eligibility, program or placement through mediation, a due process hearing and/or complaint procedure.¹⁴ **The NJ Special Education Code** is the basis for the **Parental Rights in Special Education (PRISE)** booklet, developed by **NJDOE-OSEP** which parents can obtain from their district’s department of special education or online.

PARENT TIP

*If you want to research a special education issue impacting your child such as eligibility, placement, program or other, begin by reading the least complex source, the **PRISE** booklet, for the summary. Then, go to the **NJ Special Education Code** and read the actual New Jersey regulation regarding the issue. If you still have questions, go to the federal regulations and read the original language. This may clarify the original intent of the regulation and broaden your understanding of the district’s responsibility. The language and meaning of the law is sometimes clearer in the federal regulations than in the **NJ Special Education Code**.*

*Below are guides and links to help you navigate legal issues involving special education, including the Education Law Center’s *The Right to Special Education in New Jersey* publication and a parent favorite, the *Wrightslaw Special Education Law and Advocacy* website.*

RESOURCES

Google “special education and NJ and PRISE” to find the **PRISE** booklet at <http://www.nj.gov/education/specialed/form/prise/prise.pdf>.

The NJ Administrative Code Title 6A Chapter 14 may be found at www.state.nj.us/education/code/. (click “Current Rules” then scroll to Chapter 14 (Special Education) and click)

The federal IDEA law may be found at 20 USC Sec. 1400 et seq. (available at <http://www.law.cornell.edu>)

The federal IDEA regulations may be found at 34 CFR Part 300 (available at <http://idea.ed.gov/>).

The Education Law Center’s *Right to Special Education in New Jersey* may be found at <http://www.edlawcenter.org>

The Wrightslaw Special Education Law and Advocacy, www.wrightslaw.com.

Early Intervention, Part C

This Manual focuses primarily on the inclusion of children who fall under **Part B of IDEA**, i.e., children three through 21 years who have been found eligible for special education. But the concept of inclusive programming is also a focus of **Part C** covering children with disabilities birth to three, new federal regulations for which became effective on October 28, 2011.

Part C, requires that each state establish an Early Intervention program to provide support to infants and toddlers under age three, including those who are determined to: (1) have a physical or mental condition resulting in a developmental delay; (2) have an existing delay; or, (3) are at-risk of experiencing developmental delays because of biological or environmental factors.¹⁵ The purpose of **Early Intervention** is to lessen the effects of the disability or delay. Services, as outlined in an **Individualized Family Service Plan (IFSP)**, are designed to support the needs of a child in five developmental areas: *physical development* (reaching, rolling, crawling, and walking); *cognitive development* (thinking, learning, solving problems); *communication development* (talking, listening, understanding); *social or emotional development* (playing, feeling secure and happy); and *adaptive development*, i.e., *self-help* (eating, dressing).

Early intervention programs and services may occur in a variety of settings, but there is a requirement that these occur in “natural environments to the maximum extent appropriate to the needs of the child.”¹⁶ This concept mirrors **IDEA’s Part B LRE** requirement that children with disabilities ages three to 21 receive their educational programming, to the maximum extent appropriate, with nondisabled peers in general education settings. Natural environments for infants and toddlers are settings that are “natural or typical for same-aged infant[s] or toddler[s] without disabilities” such as the home and community settings.¹⁷ For example, if a child spends time in a Child Care Center, the Early Intervention therapist could come to that facility to provide the services specified in the child’s **IFSP**. If the child’s services will not be provided in the natural environment, the **IFSP** must include a justification as to why this is not happening.¹⁸

New Jersey's Early Intervention System (NJEIS), under the Division of Family Health Services in the Department of Health, has the responsibility for administering **Part C** in New Jersey. Updated Early Intervention guidance documents reflecting the October 28, 2011 changes in the federal regulations can be found on the NJEIS website provided below.

PARENT TIP

The mission of NJEIS is to provide quality early support and services to enhance the capacity of families to meet the developmental and health-related needs of children, birth to age three, who have delays or disabilities.

For more information about NJEIS and service coordination through the four, New Jersey Regional Early Intervention Centers (REICs), go to www.state.nj.us/health/fhs/eiphome.htm or call 800-322-8174 or Google "Early Intervention Services-Family Health Services NJ".

The best guide to the federal regulations for Part C (34 C.F.R. Part 303) can be found at www.cec.sped.org, www.dec-sped.org or www.ideainfancettoddler.org. These sites provided a side-by-side table of the old and new regulations with an additional column with a USDOE analysis of the changes.

IV. Preschool Inclusion

Benefits of Preschool Inclusion

Research shows that programs with 50% typically developing preschool children produce better developmental and social outcomes than programs with fewer than 50% typically developing children (Streifel et al., 1987). Programs with 80% typically developing children produce twice as much social interaction as segregated environments (Guralnick, 1990).¹⁹ As explained by Dr. Priya Lalvani from Montclair State University who has done significant research in the area of child development and inclusion:

Today, developmental psychology increasingly focuses on the importance of peer interaction on cognitive development as well as social/emotional development. It is widely acknowledged that development does not merely unfold as a flower, but originates outside of the individual through social interactions and then becomes internalized within. It is the opposite of the old idea of development starting within the individual. So, from this developmental viewpoint, access to typically developing peers provides more learning opportunities for children with disabilities than any specialized and self-contained environment.²⁰

Placement of a preschool child with disabilities in a classroom with 50% preschoolers with disabilities and 50% preschoolers without disabilities is considered more restrictive than a "regular, full-mainstreamed preschool class."²¹

Transition to Preschool

If a child is receiving services through the **Early Intervention System**, in the months leading up to his/her third birthday, the Early Intervention **Service Coordinator** helps in coordinating a time table with the child's local school district to meet and determine the child's eligibility for special education at age three. By the child's third birthday, an IEP should be developed and ready to implement.²² The **New Jersey Special Education Code** requires that districts provide parents of children in **Early Intervention** written information on general education classroom options when the child is ready to transition to preschool.²³

If the child is between the ages of three and five and was not involved in the **Early Intervention System**, the parents can directly contact the Department of Special Services in their local school district if they suspect that their child may be eligible, i.e., have a delay in a developmental area (physical, cognitive, communication, social and emotional and/or adaptive) which is impacting the child's involvement in age-appropriate activities.²⁴

Consideration of LRE for Preschoolers

In the event that a preschool aged child is found eligible for special education, placement in general education classrooms with accommodations and modifications must be considered even if the district does not offer a preschool program to its general population.²⁵

The challenge is that districts often do not have a typical preschool program for any of their students.²⁶ Most districts do have their own "preschool disabled" classrooms set up decades ago. These placements are often automatically offered to parents of preschoolers with disabilities, especially those with **developmental disabilities** such as autism or Down syndrome.

The fact that a district does not have their own typical preschool classrooms does not relieve the school from consideration of **LRE**. Memoranda from the **USDOE** and **NJDOE** and the **NJ Special Education Code** make clear that even if the child's local school district does not have a typical preschool within the district (i.e., many districts begin at kindergarten), the district is still obligated to ensure that placement in a typical preschool with nondisabled peers is considered when discussing placement.²⁷ Private preschools in the community for typically developmentally children (other than those affiliated with religious organizations) can be considered.²⁸ This may require the school identifying and working with a typical preschool in the community to ensure LRE is provided.²⁹

Although districts often shy away from this private preschool solution as coordination and monitoring can be challenging, a plan can be developed between a willing neighborhood preschool and the district to implement a child's program. The district would be responsible for paying for the same level of services the child would receive if he/she was attending an in-district preschool program, which may include tuition, speech therapy, etc.

PARENT TIP

For more information on a district's obligation to consider LRE for preschoolers, even if the district does not have its own preschool program for children three to five years see the following Memoranda available from NJDOE-OSEP.

- (1) February 29, 2012 USDOE Memorandum on Ensuring LRE for Preschoolers;*
- (2) February 4, 1999 NJDOE Memorandum to districts titled, "Inclusion of Pupils with Disabilities in Preschool Programs;" and,*
- (3) May 12, 2000 NJDOE Memorandum to districts titled, "Access to District Administered Early Childhood Programs for Children with Disabilities."*

Some parents have found it useful to research typical preschools in their area which are a good fit for their child to have ready to suggest if their school does not offer options other than the preschool disabled classroom. Referring to the Code section, below and the NJDOE and USDOE preschool memos, referenced above, will help you in supporting such a request.

Inclusive Practices for Preschoolers with Disabilities in the Typical Preschool Classroom

General education curriculum is defined in the law as "appropriate activities" for preschoolers, i.e., activities which you will find in any developmentally appropriate preschool classroom.³⁰ "Additions and modifications" required for the child to access these "appropriate activities" in the typical preschool classroom must be provided.³¹

EXAMPLES OF POSSIBLE ADDITIONS & MODIFICATIONS TO INCLUDE PRESCHOOLERS



The Art Center

Allow the children to stand, to kneel on a chair, or to straddle a chair while working at the art table.

Hold the paper for the child while they are cutting.

Provide crayons and markers in multiple sizes, and build up the handles of paintbrushes.

Secure the paper, that the child is working on, to the table top.

Use brightly colored toys.

Put sand/water in individual tubs to define play space.

Allow the child who is 'anxious' about playing in the water or sand the opportunity to observe first.

Provide different materials, (rocks, packing popcorn, dry macaroni) in order to expose the child to different feels & textures.



The Sand & Water Area

EXAMPLES OF POSSIBLE ADDITIONS & MODIFICATIONS TO INCLUDE PRESCHOOLERS



The Library Corner

Use Bean Bag chairs.

Provide assorted book styles, from cloth to hard board books.

Utilize books on tape or electronic books to peak interest.

Encourage children to bring in their favorite book or story.

Add an area rug to reduce noise.

From a Presentation developed by Patricia Mary Lang, M.A.

There are many things educators can do to adjust a typical preschool or early childhood setting to better accommodate children with disabilities. Below are a few suggestions.³²

Often, it is helpful for a parent to acquire knowledge of the educator's perspective. Many of the practices that work at school can be incorporated at home as well.

Strategies Used in Inclusive Early Childhood Programs

Acknowledge Preferences and Support Choice Making

Young children with disabilities must have numerous opportunities to make choices including selection of materials, how long to spend in an activity, where to work or play, and partners with whom to work or play.

Use Facilitative and Natural Child Positioning Procedures

It is best to make the position as natural as possible and similar to the way other children in the classroom might position their bodies. Approaches to positioning may include support from an adult or peer's body, specially designed furniture and equipment as well as supportive materials such as pillows and wedges.

Use the Setting's Materials and Activities to Meet Individual Needs

While materials and activities in an early childhood classroom have specific aims and purposes, these aims and purposes can be matched and/or expanded to accommodate the individual goals, objectives, and outcomes specifically determined for each child with a disability as part of the IEP.

Provide Opportunities to Use Real Materials Within the context of Meaningful Applications

Children should be afforded the opportunity to recognize, label, and use real materials. They should be able to experience routines that establish functional task sequences and strategies. Natural consequences and responsibility should be emphasized.

Encourage Cooperation and Helpful Interactions Among Peers and Employ the Principle of Partial Participation

Often, children with more severe disabilities are unable to do every component of an activity. Rather than deny the child the opportunity to use a material and be part of an activity, identify the part or parts he or she can do. Be sure to evaluate playground participation including adaptations to equipment and routines.

Have Different Objectives

Sometimes, the same activities and materials need to support different objectives for preschoolers with typical developmental and those with disabilities. For example, a typically-developing child may be working on a classification concept by sorting blocks according to their shapes. A child with a disability could participate in the same activity, but work on the skills of reaching, grasping, and releasing by picking up each block and handing to their friend who is sorting the blocks. This activity would result in each child working on different objectives with the same material and both children being involved in important cooperative social activity.

Adapt the Expected Response

Perhaps the child with a disability can discriminate shapes but is unable to physically manipulate the blocks in order to sort them. In this case, an adapted activity might be for the child to use eye gaze to indicate which block should be sorted into a particular area, and the typical peer can move the block to the correct place. If the typical peer also takes turns with his friend by sorting every other block, both children are working on the same objective and both are engaged in a cooperative activity.

Adapt Materials

Sometimes it is necessary to physically adapt instructional or play materials to facilitate a child's participation. Materials can be physically adapted to increase stability, increase of handling (e.g., adding handles), increase visual clarity or distinctiveness (e.g., adding contrast or specialized lighting, increasing size).

Consider Facility and Schedule Issues

Determine classroom and facility routes that may be present problems and alternative routes and solutions for arrival, departure, facility and playground use, and transitions within the classroom. Consider accommodations for participation in snack, as substitutions for foods, special preparation requirements, adapted eating and drinking utensils, and feeding techniques. Be sure to plan for toileting routines, procedures, and assistance.

RESOURCES ON PRESCHOOL INCLUSION

For more information on early childhood inclusion, see the April 2009 “Joint Position Statement of the Division for Early Childhood (DEC) and the National Association for the Education of Young Children (NAEYC): Early Childhood Inclusion.”

<http://www.naeyc.org/positionstatements>

Book: *Preschool Inclusion by Claire Cavallaro and Michele Haney (1999)*. Baltimore: Paul H. Brookes.

Teaching Strategies

Council for Exceptional Children, Division of Early Childhood: www.dec-sped.org

Frank Porter Graham Child Development Institute, University of North Carolina:
www.fpg.unc.edu (Also available: *An Administrator's guide to Preschool Inclusion*)

New Horizons for Learning: www.newhorizons.org

Dr. Paula Kluth: Toward Inclusive Classrooms and Communities: www.paulakluth.com

V. The Individualized Education Program (IEP): The Heart of IDEA/Special Education

For children ages three to 21, The **IEP** is the heart of the **IDEA** entitlement. The **IEP** is the written record of decisions reached at an **IEP** meeting and specifies the special education and supplementary supports and services that the school district must provide to the child so that he/she can receive a **free appropriate public education (FAPE)** in the **least restrictive environment (LRE)**, in other words:³³

- Benefit meaningfully from his/her education,
- Have access to the general education curriculum,
- Have the opportunity to be educated alongside students without disabilities.

Written well, the **IEP** can be a resource for the general and special education teachers about the child's needs and strengths and the instructional practices that work best for him/her. It also serves as a management and monitoring tool to determine whether the child is actually receiving the services that the **IEP** states are needed to ensure that the child is making meaningful progress, the law's standard for ensuring a child is receiving **FAPE**.³⁴

Keeping the Big Picture in Mind: The IEP Team Makes the Decisions and the Parents are an Integral Part of the IEP Team!

The **IEP** process begins with the referral of a child to determine his/her eligibility for special education services. From referral, the process moves to evaluation and determination of eligibility. If the child is determined eligible, the **IEP Team**, which includes the parent as an integral member, meets to develop the document's contents. The child's goals, supports and placement in the **LRE** are determined. The student's **IEP** is then implemented until the cycle begins again with the annual review of the student's **IEP** and his/her progress during the previous year.³⁵

In New Jersey, each child is assigned to a **child study team (CST)** and a case manager to work directly with the child’s parents. **CSTs** are made up of a school social worker, school psychologist and learning consultant. A **CST** is not a federal law requirement, but a New Jersey mechanism. One or more members of the child’s **CST** will attend the child’s IEP meeting as part of the **IEP Team**, but, under the law the **CST** is not interchangeable with the **IEP Team** which includes additional members, including the child’s parent(s) or guardian.

The **IDEA** section on the **IEP Team** make-up and the additional New Jersey wording designating certain roles for NJ **CST** members is below.

THE IEP TEAM³⁶

Below, is the section of the federal law specifying the required members and expertise of the **IEP Team**. **IN RED** are the roles that the NJ Special Education Code specifies for **CST** member(s) as part of the **IEP Team**:

- (i) The parents of a child with a disability;
- (ii) Not less than 1 regular education teacher of such child (if that child is, or may be, participating in the regular education environment);
- (iii) not less than 1 special education teacher, or where appropriate, not less than 1 special education provider of such child;
- (iv) a representative of the local educational agency -**[the NJ Special Education Code says, this “shall be the CST member or other appropriate school personnel including the special education administrator or principal” (N.J.A.C. 6A:14-2.3(K)(vi))**
 - (I) who is qualified to provide, or supervise the provision of, special designed instruction to meet the unique needs of children with disabilities;
 - (II) is knowledgeable about the general education curriculum; and
 - (III) is knowledgeable about the availability of resources of the local educational agency
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi); **(the NJ Special Education Code says, this will be “At least one CST member who can interpret the instructional implications of evaluation results; NJ Special Education Code at 6A:14-2.3(k)(iv)”)**
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the
- (viii) child with a disability

The Roles People Play in the Inclusive IEP Discussion

The process of developing the **IEP** is the foundation upon which those working with the child build their understanding of him/her. Every **IEP** meeting is also an opportunity to develop a positive problem-solving relationship among the **IEP Team** members. Knowing the expertise that each person brings to the table is helpful in creating an **IEP** that supports inclusion.

The parent is the expert on the child. Parents have in-depth information about their child’s interests, strengths, skills already acquired and challenges. They can provide input into the goals that need prioritizing. They know how their child learns, plays, communicates, and socializes in naturally inclusive settings, e.g., at home, at family gatherings, at church, soccer games, movies, restaurants, cars, etc. As noted by one parent, “[W]ith little or no help, we get the job done every day.”³⁷

Parents who have been successful with inclusion know that it takes time to build a trusting, problem solving relationship with their **CST**. Effective parent-school **collaboration** is not just about having a relationship where everyone is nice to each other and has friendly communication, although, this is a start! Effective **collaboration** around inclusion takes advantage of the power of brainstorming and problem solving which is only possible when you bring together people who have different expertise, perspectives and ideas.

PARENT TIP

*Whenever you are with your **CST**, communicate that you value the power of brainstorming and problem solving and are sure the rest of the IEP Team does too! When your child is not in school, you are in charge of their inclusion all the time in family and outside activities so you have a lot of great ideas to bring to the conversation.*

If another IEP Team member brings up an issue which he/she argues could prevent your child’s inclusion, acknowledge their concern, then suggest collaborative brainstorming by saying something like,

“Yes, that is a challenge with (insert your child’s name)! Let’s put our heads together and do some problem solving around that!”

In addition to the required members of the **IEP Team**, a parent can invite “**other individuals who have knowledge or special expertise regarding the child.**”³⁸ To the extent that the school representatives may be making the argument that a child cannot be included due to their inability to function in inclusive situations and/or groups with nondisabled peers, many parents find it helpful to have someone at the meeting who knows their child and has seen him/her function well in naturally inclusive activities (e.g., going to restaurants, Sunday school class or religious services, Boy or Girl Scouts, family gatherings with cousins, summer camp and other activities) with nondisabled peers. Indeed, the one place where every child with a disability is experiencing full inclusion is within their daily family life and activities; most are doing just fine.

PARENT TIP

A person who knows your child, especially if their child who has been successfully included, can be invaluable support at a meeting speaking about the benefits of inclusion, encouraging problem solving, offering ideas and acting as another set of ears.

*Remember that if you are bringing someone to the **IEP** meeting, alert the **case manager** before the meeting that you are bringing someone who knows your child well to be part of the conversation. This is common courtesy and you have nothing to hide.*

How About the Teachers?

More than with any other kind of placement, it is important to have someone present at the meeting who knows what happens in a classroom at your child's grade level during a typical day. This is especially true if the child in question will require very individualized support due to more complex needs. **The general education teacher** is the expert on this. He/she knows the curriculum and the global activities, the daily class schedule and the routine instructional activities that take place in the classroom. What happens during the first, second, third period, and the rest of the day? What is the routine for arrival? When does group work generally occur and what does that look like? What kinds of activities happen during the literacy, math and science blocks?

Because the supports, accommodations and/or modifications a child needs to be included are directly tied to the curriculum content *and* instructional activities, this information is essential in planning possible supports, particularly for children with more significant challenges. Just knowing, on paper, what the general curriculum content is, is not enough. If the general education teacher from the grade or general education classroom being considered for **LRE** is not present (and, the school must have your written permission for them to be excused) request that an administrator or other school representative who knows the grade level curriculum *and* typical activities (or gets that information from the general education teacher before the meeting) be present at the meeting. (See required makeup of **IEP Team**, above.)

PARENT TIP

Getting the right teacher to the meeting, for example a fourth grade teacher if you are developing an IEP for a child of that age, is often difficult due to legitimate scheduling issues. But, if the teacher cannot be there, you can request that the district representative at the meeting be familiar with the curriculum and typical classroom routines in a general education classroom at your child's grade level. In addition, remember that an IEP is a living document; it can be changed and amended to fine tune supports once your child is a student in the class.

Depending upon the complexity of your child's needs, it will likely be important to touch base regularly with your child's teacher(s) and engage in informal, ongoing problem solving as needed.

The special education teacher is the strategies expert. Their pre-service training focused on how a child's particular disability can prevent him/her from accessing the general education curriculum and participating in classroom activities, thereby creating a gap that must be

addressed by a support if the child is to have access to the curriculum. Their expertise should be in researching possible solutions and problem solving strategies and supports which can address this gap. Special educators often have been trained in differentiation, for example, and can bring that expertise to the general education classroom to develop materials and ideas for reaching a range of learners. Preferably, the person who comes to your child's IEP meeting is someone who has had some experience with inclusion and is now, or will be, supporting your child, either as a **consulting** teacher (i.e., a teacher who has been assigned to follow your child, problem solve with and provide strategies to his/her general education classroom teachers on an ongoing basis) or as an **In-class Resource** teacher (i.e., a teacher who is assigned to remain with and "co-teach" with your child's general education teacher in one classroom). Regardless of their title, a special educator can be an invaluable partner in ongoing problem solving around inclusion.

Possible Special Education Teacher Roles in Inclusive Models:

○ **In-Class Resource Programs (i.e., "co-teaching")**

In-class resource program teacher, an appropriately certified teacher of students with disabilities, may provide support and replacement instruction at the same time. The general education teacher has primary instructional responsibility unless otherwise specified in the student's IEP.

○ **Consultative Services**

A certified teacher of students with disabilities provides services to the general education classroom teacher and aide on behalf of a student with disabilities or a group of students with disabilities. These may include, but are not limited to the development and demonstration of techniques and strategies; data collection; and the development of positive behavior supports. It is specified in each student's IEP, including frequency and duration.

NJ Special Education Code, N.J.A.C. 6A:14-4.6

A Core Problem Solving Approach Whenever Planning the Details of Inclusion/LRE

This next section outlines the suggested steps for the discussion of LRE *during* an IEP meeting. There is an array of supports that the team can consider when discussing a child's placement in general education. Among the most commonly used global supports within general education settings (all listed in the New Jersey Special Education Code) are accommodations, **paraprofessional** (teacher aides), integrated therapies, support from a special education teacher (either through a consulting or co-teaching model) and assistive technology.

There is a core **problem solving approach** which is good to keep in mind and become adept at using whenever thinking or talking about your child's supports in general education settings, whether at the IEP meeting or at other times. Parents who have been successful with inclusion and their teams tend to internalize this approach and use it, or variations of it, in every

situation (including situations that pop up in out-of-school activities in the community) while encouraging others to do the same. At school, this **problem solving approach** can be used at an IEP meeting or at any meeting during the school year to fine-tune supports or address some new challenge.

The **problem solving approach** involves focusing first on the child's needs then taking into consideration what is actually happening in the general education setting (e.g., during classroom instruction, changing classes, lunch, recess, etc.) to plan supports aligned with the activities taking place.

Determining the child's supports without consideration of what is happening around him/her in the classroom/school is like planning in a vacuum; the child may end up with plenty of supports but functioning like an island in the mainstream. For example, sitting with a paraprofessional in a separate part of the room doing different work completely disconnects the student from the rich instruction and interactions that the rest of his/her classmates are experiencing. Also, the more integrated the support is into what is actually happening, the more likely it will make sense to his/her general education teacher and be implemented.

The approach takes independence into consideration as too much support from extra adults in the room can become a barrier to developing skills and independence. If a paraprofessional or special educator is always sitting right next to the child ready to remind them of the next step, the child will be less likely to accomplish a goal of learning to use a checklist and monitor their own steps. This kind of learned dependence is likely something that parents discourage at home.

There are many times during the school day when even a student with more complex needs will be able to accomplish an activity or classroom routine without any extra support. We need to determine when these times are and work on the goal of lengthening those times of independence where possible. Increased independence is the trajectory we are aiming for and the ultimate purpose of special education.

Here are the simple steps to the **problem solving approach**:

- 1. Consider the child's profile (disability; needs/challenges; strengths/interests)**
- 2. Consider the global activities/routines that are happening in the general education setting at the particular time in question (e.g., arrival time, passing in the hallway, large and small group activities during reading, math, music, gym, fire drill, etc?) What does it generally look like?**

- Note: Depending on the classroom level, these activities might include circle time, journaling, mini-lecture, group work, watching a video, doing desk work, answering questions, etc. Much will sound very familiar to parents from their own experience in school. The biggest difference in today's classrooms is that teachers are encouraged to plan engaging activities that are clearly connected to the core curriculum goals and use

flexible grouping to meet multiple needs. Such activities make it easier to include a child than when classroom activities were based on lecture and whole group instruction for the majority of the time.

3. Brainstorm/problem solve the supports (if any) this child would need during that time to be included, beginning with the least intrusive (i.e., most natural support).

- Note: The focus is on beginning with the least intrusive support, to cut down on the stigma of separation, but also to encourage modeling of other students and work on the goal of independence.

Below are examples to illustrate the results of this **problem solving approach** in different situations:

EXAMPLES:

Bus Arrival for a Six Year Old

A six year old child with Down syndrome will be taking a bus to their neighborhood school. The child has been known to wander away from a group, although that has not happened in a while. There is some distance (500 feet) between where the bus pulls up and the door to the school. The team agrees that the student will need some kind of support getting from the bus to the school door and to their classroom.

The team brainstorms support options, beginning with the least intrusive option. This is their list:

1. Student walks from the bus to the front door with the rest of the students from the bus to the classroom. (least intrusive support)
2. Student walks with sibling and other friends assigned as bus buddies for the walk from the bus to their classroom.
3. Student does one of the above while a paraprofessional monitors from the school door then, walks with the student to her classroom.
4. Paraprofessional meets the student at the bus and walks the student to her classroom.
5. Paraprofessional rides the bus with the student then walks the student to her classroom. (most intrusive support)

The team decides to start with step 4, but, as the student becomes familiar with the routine, move toward step 3, then to step 2 by the end of the year.

Lecture and Note Taking for a 10th Grader

A tenth grader has an auditory processing issue which makes it difficult for her to listen to a lecture, take notes and participate in the discussion. Her history teachers does a lot of lecturing, has given the class strategies on taking good notes and expects students to practice note taking during his lectures. The team brainstorms support options, beginning with the least

intrusive option for this student.

1. The student takes her own notes using the strategies suggested by the teacher. (no accommodations)
2. The student is given “slot notes”, i.e., notes with missing words to fill in or a graphic organizer (i.e., a chart) to fill in as the lecture is happening. A completed copy is provided after the lecture to ensure the student has the right information.
3. The student just listens to the lecture, then is given a copy of the teacher’s notes.

The team decides to suggest option 2 to the teacher to give the student some practice in developing note taking skills. This accommodation is noted in the student’s IEP. The student’s case manager encourages the teacher to consider using class wide approaches occasionally, e.g., having everyone in the class use graphic organizer, including this student.

The next section discusses how this **problem solving approach** can fit into the annual IEP meeting during the discussion of LRE. But, again, it can be used at any meeting during the school year to problem solve and fine tune supports.

The LRE Decision Making Process During the Annual IEP Review Process: Implementing the Law’s LRE Placement Rules

Overview of the Placement Rules

As discussed in the *Background* chapter of this Manual (see page 5), the law’s placement rules support inclusion. The assumption at the beginning of the meeting should be that the child will be in a general education classroom with supports; prior to considering removal to any more restrictive options, i.e., a separate classrooms or school for all or part of the day; general education is the starting point.³⁹ This is true regardless of a child’s disability and even if he/she is now in a separate school or special education classroom during the last school year.

The NJ Special Education Code states:

6A:14-4.2 Placement in the least restrictive environment

(a) Students with disabilities shall be educated in the least restrictive environment. Each district board of education shall ensure that:

- To the maximum extent appropriate, a student with a disability is educated with children who are not disabled;
- Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily;
- Placement of a student with a disability is determined at least annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually;

N.J.A.C. 6A:14-4.3

(a) All students shall be considered for placement in the general education class with supplementary aids and services including, but not limited to, the following:

1. Curricular or instructional modifications or specialized instructional strategies;
2. Assistive technology devices and services as defined in N.J.A.C. 6A:14-1.3;
3. Teacher aides;
4. Related services;
5. Integrated therapies;
6. Consultation services; and
7. In-class resource programs.

PARENT TIP

*In addition to the above, there are many regulations in the **NJ Special Education Code** which specifically address and support consideration of placement in the LRE.*

*A summary of these sections of the Code are provided in the Appendix, Section 3. Knowing these sections of the Code can be very helpful in countering misconceptions about **LRE** raised by others on the IEP Team.*

The law's **placement rules** mean that the **first essential question** a parent must ask when a self-contained environment or pull-out placement is recommended by the school is, **"Have we exhausted all other, "less restrictive" options? My child's appropriate placement is in the least restrictive environment and this placement does not meet that requirement!"**

PARENT TIP

*If school representatives come to the IEP meeting and, first thing, tell you that they recommend a separate school or separate classrooms, or make it clear that placement in a separate classroom or school is a foregone conclusion, they have started at the end of the IEP process, not the beginning. You can immediately point out that the process must begin with serious consideration of the general education classroom with supports and keep refocusing the **IEP Team** on this; i.e., **the question is not whether your child should be included, but how it might be done using the array of supports and services.***

You might say, "I hear what you are saying, but, now let's problem solve how supports could be used to help my child stay in the classroom, rather than be pulled out. All supports and services are portable. I want him/her to learn the skills in the place where he will use them." or that, "Like the law says, thirty years of research have proven that special education is most effective when provided in the general education classroom with maximum access to the curriculum. We need to start our discussion there." Then use the tips for preparation, problem solving and interactions at the IEP meeting, stressed above and below, to get the discussion back on track.

*In this way, even if you and the rest of the **IEP Team** members determine that one of your child's*

goals cannot be addressed by full time inclusion within the general education classroom, the amount of pullout will be confined to the amount of time needed for your child to receive the targeted intervention to address that priority goal. Just placing a child in a separate room with a high teacher to student ratio under the assumption that the child cannot be supported in a general education classroom, without any analysis of possible supports in general education, is not a defensible approach.

The IEP as an Action Plan

Don't let the IEP document or process intimidate you. The document was never meant by Congress to be the long, confusing document that it has become and it may take more than one meeting to accomplish what needs to be done, especially for a child with more complex needs.

The original concept for the IEP's organization is really very simple. The IEP functions like an action plan broken into sections which answers **four** simple, basic questions:

1. Where is the student now? (Present Levels of Academic Achievement and Functional Performance (PLAAFP))
2. Where is the student going? (Goals)
3. How will we get the student there? (Supports to be provided)
4. How will we know we have gotten the student there? (Statement of how progress will be monitored)

In reality, it is likely, that your IEP meeting will not follow the linear model of the questions above but all should be addressed in development of the IEP. Keeping in mind that the IEP format is actually a "make sense" action plan, (beginning discussion of your child's present needs then planning his/her goals and supports based on those needs) is very helpful in preparing for meetings. For example, teams often discuss goals last, rather than first because that section falls last in the computerized IEP form; this makes no sense, but it is the reality.

How these questions can be used to drive the development of the child's IEP and ensure serious consideration of **LRE** is explained in more detail below.

Action Planning Question 1: Where is the student now?

Creating the Present Levels of Academic Achievement and Functional Performance Statement (PLAAFP)⁴⁰

The **present levels of academic achievement and functional performance (PLAAFP)** statement is at the beginning of the **IEP**. The **PLAAFP** explains how the child's disability is affecting their involvement and progress in the general education curriculum (i.e., in the same curriculum as for nondisabled children, such as reading or language arts, math, science, history) and nonacademic functional skills at the *present* time. In other words, the **PLAAFP** should give any reader a clear picture of this child as a learner right now. What are the child's needs/challenges

that prevent access to the curriculum and future independence in life? How is he/she doing with reading comprehension, behaviors, math calculation, time management, making transitions, social interactions, and daily life activities? What are the child's strengths and interests?

PARENT TIP

*As a parent focused on inclusion/LRE, your goal is to ensure that the **PLAAFP** is a current, accurate, jargon-free, objective description of your child and his/her supports. You want anyone who reads the document to come away with a clear, accurate picture of who your child is as a learner. Ask questions about anything you find confusing because if you find it confusing, it is likely that **general education teachers** who are unfamiliar with special education jargon will find it confusing, too! For example, if the **IEP** notes that a child has an auditory processing problem, you might ask what that will look like in the classroom during a lecture or a discussion activity. That kind of information is what general education teachers want to know so that they can preplan strategies to support the child.*

The best informants to the **PLAAFP** are those actually working with your child, but, anyone who knows him/her well can provide valuable input. To describe current levels, teachers and **CST** members may use standardized test scores (full test, subscales and subtests), curriculum-based measurement probes, behavioral observation data, work samples (with specific, quantifiable descriptions) and anecdotal information gained from informal observation and other ways. Parents also provide crucial information for the **PLAAFP**, particularly in the area of interests and strengths. The **CST** case manager generally facilitates gathering the information and coordinating the writing of the **PLAAFP**.

PARENT TIP

*The best way to prepare for the **PLAAFP** discussion is to put together your own profile of your child so that you can take an active part in the conversation.*

There are districts which send questionnaires to a parent prior to the IEP meeting to obtain input for the IEP. If your district does not do this, you can be proactive and send your own note with strength-based statements about your child's strengths, needs, interests and any other information that you think important to share.

Formats which a parent can use to provide input to their child's case manager prior to the IEP meeting are provided in the Appendix Section 8. You can also provide a copy to your child's teachers or summarize your thoughts to them via a friendly, introductory letter at the beginning of the school year.

You can provide examples of your child's interests (e.g., baseball, dancing, a TV program, video game, etc.) and strategies that for him/her at home and in the community. Some of the things that work for your child at home are portable to school. Teachers can use a child's interests to individualize instruction and create engaging assignments. For example, a teacher might use

your child's interests to help him/her select a library book for a report or identify a peer with similar interests to work with him/her during group work.

The **IEP Team** is more likely to come up with effective supports for the general education classroom if they consider what the learning challenge looks like and how it might impact your child's participation in specific, typical classroom activities (e.g., group work, listening and taking notes, transitioning from one activity to the next, etc.).

For example, an **IEP** might note in the **PLAAFP** that a child with Down syndrome has difficulty following directions given by the teacher. The **Supports** section of the child's **IEP** would indicate that he/she be given ten seconds of wait time to process and respond to any verbal direction, question or comment. Then, anyone working with this student will have this important information.

In a good **IEP**, every challenge or need expressed in the **PLAAFP** is addressed by a **goal** and/or **support** (i.e., accommodation, modification, or any other supplementary support or service). The "waiting 10 seconds" example in the previous paragraph is one example of a support correlated to a need expressed in the **PLAAFP**.

Examples of PLAAFP Statements and Corresponding Goals or Supports:

1) **PLAAFP** statement about **Mary's** reading challenges:

Testing indicates that Mary's (fourth grader) reading fluency fell at the 1.8 grade equivalency. Mary read 40 words correctly per minute (WPM) on second-grade level CBM passages, and 26 WPM on third-grade-level passages. Mary knows 70% of first-grade level Dolch sight words and 32% of second-grade-level Dolch sight words.

Mary should have corresponding reading goals in the **Goals** section of her **IEP** to bring her reading up to grade level.

2) **PLAAFP** statement about **John's** executive functioning challenges:

John comes to class prepared with homework, textbook, writing utensils, and notebook only 25% of the time.

John should have a corresponding goal in the **Goals** section of his **IEP**, such as learning to use a checklist so that he remembers to bring his materials to class 100% of the time. John might also have accommodations in the **Supports** section to help him with organization, such as keeping a supply of pencils in school in the event he forgets his. As he learns to use the checklist to bring materials, the accommodations can be faded.

3) **PLAAFP** statement about **Sally**, a fifth grader:

Sally enjoys participating in classroom discussions. Her teacher, Ms. Smith finds that it works best to use a think-pair-share strategy (i.e., tell the class to listen to the question and discuss their answer with their neighbor) prior to calling on Sally to answer a question.

In this example, the strategy for the teacher is written right into the **PLAAFP**, but could also be added to the **Supports** section of the IEP.

4) **PLAAFP** statement about the impact of **Manique’s** challenge with auditory processing.

Manique’s auditory processing issues make it difficult for her to listen to a lecture and write notes at the same time in 10th grade history.

In the **Supports** section of **Manique’s** IEP, it recommends the accommodation of using slot notes (notes with blanks to fill in) or a graphic organizer or providing copies of the notes. The **Support** section also notes that giving extra wait time for responses to questions is also important for **Manique**.

PARENT TIP

*After the IEP meeting, go through your child’s IEP and determine if every need/challenge expressed in the **PLAAFP** is addressed by a goal and/or support in the IEP. If concerned that something important is missing, contact the case manager to set up a problem solving meeting to figure out whether a support and/or goal needs to be added to the IEP.*

Action Planning Question 2: Where is the student going? (creating goals)

The **Goals** section of the **IEP** answers the question, “Where is the student going?” In addition to the general education curricular goals (which the whole class is working on and need not be written into the **IEP** of a child in a general education classroom) your child may have individualized goals unique to them in areas such as literacy, mathematics, communication, socialization, behavior, etc. written into this section of the **IEP**.

This section of the **IEP** is very important, but rarely written in a “make sense” way. Focus the **Team** on prioritizing the goals. At least one annual goal should be written for each area of individual educational need noted in the **PLAAFP**. Parents should make sure that major areas of need expressed in the **PLAAFP** are addressed by a goal. For example, if a child is significantly behind in reading, he/she needs specific, clearly written reading goals and objectives so that everyone knows what they are working on with this child. While the **IEP** offers no guarantees that the student will meet the annual goals and objectives in his or her **IEP**, the district is obligated to provide the services and supports specified in the student’s **IEP** and make good faith efforts to assist the student in making meaningful progress toward their goals.

PARENT TIP

Ask questions if the goals do not make sense to you. The CST should be able to clearly explain, in layman's terms, what the goal means, the need it addresses and how progress will be determined and assessed.

If the CST cannot explain the goal to you, encourage them to rewrite the goal clearly even if this means customizing the goal, rather than using a goal from the software's dropdown checklist. All computerized IEP programs used by districts to write IEPs have ways the writer can customize in each section rather than using the drop down menus for goals, accommodations and other supports.

Making Goals Measurable and Observable

Annual goals should be clearly written, observable to any objective observer and measurable so that progress can be assessed on an ongoing basis.

Here are examples of annual goals which are neither measureable nor observable, followed by annual goals which meet these criteria:

1. **(NO)** Rebecca will increase her active listening skills.
(YES) Given simple, 3-step oral directions such as, "Put your pencil down, fold your paper and hand it in," Rebecca will correctly complete the action in 4 out of 5 times.
2. **(NO)** Sarah will make wise choices in her use of leisure time.
(YES) Given a folder each Monday with a choice of three activities for free time in class, Sarah will choose and complete one activity by the date given by the teacher 5 out of 5 times.
3. **(NO)** Given 10 words, Alex will group letters and pronounce letter sounds in words with 80% accuracy.
(YES) Given 10 unfamiliar, regular CVC words Alex will decode 9 of 10 correctly in 20 seconds.

Once the annual goal is written, the **NJ Special Education Code** requires that the team develop **objectives** or **benchmarks** to help the team monitor the child's progress. **Benchmarks** are major milestones that the student will demonstrate in making progress toward the annual goal. Objectives are intermediary steps, knowledge and skills that must be learned to assist the student in reaching the goal.

Some goals lend themselves better to using **benchmarks** to gauge progress; for others it may work better to use **objectives**. Whether the **IEP Team** decides to use **benchmarks** or **objectives** (or a combination of both) the goal is to find the best way to monitor meaningful progress toward the goal.

Examples of Benchmarks:

Benchmarks:

Benchmark 1	Benchmark 2	Annual Goal
Orally reads third grade text at 25 wpm with 5-10 errors.	Orally reads third grade text at 50 WPM with 0-2 errors.	Orally reads third grade text at 90 wpm with 0-2 errors.
Tantrums an average of 50 minutes per week.	Tantrums an average of less than 5 minutes per week.	Tantrums an average of 0 (zero) minutes per week.
Instantly and correctly recognizes 20 of the ABC Sight Words List.	Instantly and correctly recognizes 90 of the ABC Sight Words List.	Instantly and correctly recognizes 120 of the ABC Sight Words List.

Examples of Objectives:

Annual Goal: John will come to school on time and be prepared to participate with all the required materials (e.g., textbooks, notebooks, etc.) for all of his classes when the bell rings.

- John will bring his homework, notebook and writing utensil to school each day.
- John will unpack his own backpack and put away his personal belongings and school materials in his desk each morning.
- John will select the necessary materials required to participate in each lesson and arrange them on his desk as directed by the teacher.

In Summary, the Steps for Developing Goals:

1. Determine the student's major needs, i.e., the things preventing the student's access to academics and functional skills such as reading, math, communication, behavior, social, daily living skills, etc.; these should all be present in the **PLAAFP**.
2. Narrow and prioritize the goal areas.
3. Assess to determine the student's current levels in the target skill.
4. Project the amount of progress you want the student to make in one year (standard is meaningful progress).
5. Identify the goal in the software goal bank (or write a customized goal, if needed).
6. Develop benchmarks or objectives (depending on which makes more sense).
7. Determine how progress will be assessed and track progress quarterly using the benchmarks or objectives.

Action Planning Question 3: How will we get the student there? (determining supports)

This is the part of the IEP which outlines your child's program, i.e., the **Supplementary Supports and Services** that he/she will receive. These sections answer the question, "How will we get my child there?" Special education and related services are to be designed uniquely for each student with a disability; students should not be offered services that are bundled together based on their disability label or functioning level.

This is also where the **problem solving approach** covered on page 21 aligns with the

consideration of **LRE**. The team cannot consider whether placement in the general education classroom is appropriate without looking at what actually happens in that classroom and problem solving appropriate supplementary supports and services.

There are two keys to the successful planning of the child's individualized program in the **LRE**. One is to consider the child's supports within the context of the general education curricular goals and what actually happens in the classroom. The second is to ensure that each support is targeted to a specific need and is no more different or intrusive than necessary.⁴¹ This is to ensure that the child has the level of support needed to learn without frustration and remain engaged in the classroom activities, but, not so much as to create a barrier to interaction or interfere with the growth of their independence.

A. SHARING THE SCHEDULE/ACTIVITIES FOR A TYPICAL DAY IN THE GENERAL EDUCATION CLASSROOM AT THE CHILD'S GRADE LEVEL:

In discussing the child's supports and placement in **LRE**, the first appropriate question to ask is: What happens on a typical day in the 4th grade (or whatever grade the child attends)?

PARENT TIP

*This question may not be asked unless you pose it yourself during an appropriate time in the discussion of supports or placement. It is likely that you will need to be the one to stimulate this **problem solving** discussion.*

When the topic of supports or placement comes up, or at any time that seems appropriate, don't hesitate to say, "If we are talking about placement, we need to consider what is typically happening in the general education classroom so that we can explore the kinds of supports that will work. All supports are portable. What is typically happening in the classroom during first and second period (or at the time in question)?"

*The discussion is supposed to start with **serious consideration** of how supports can be used to keep the child in the general education classroom for the maximum amount of time possible. The discussion moves to combinations of the general education classroom and pull out only when the team cannot find a way to make it work in the general education classroom with appropriate supports.*

*Persistently focus (and refocus) on "how" not "whether" your child will be included in the **LRE** to the maximum extent possible.*

The general education teacher (or the representative at the meeting who is familiar with the curriculum and classroom instruction at that grade level) shares her schedule and global class activities with the group. ("What happens from 8:00 a.m. to 9:00 a.m.; from 9:00 a.m. to 10:00 a.m.," etc. What do the typical schedule/global activities look like in the general education classroom(s)?) The information is charted out. Some teams familiar with brain storming and

problem solving sketch this out on easel paper so that all can see. An example of a completed chart, reflecting all of the steps, is below. For students with very complex needs, the periods of time can be broken down into smaller intervals, such as 15 or 30 minutes.

PARENT TIP

We are laying out the whole process here for a child with more complex needs so that you can get the idea of the train of thought. For children with more complex needs, it may be necessary to chart out the whole day, breaking the day into smaller segments to see what the support options could look like. Even though this does take time, front loading consideration of supports saves time in the long run.

For other children who do not have complex needs, such as a child who has challenges with literacy but none in other areas, you might be focusing in on just the parts of the day where the child’s challenges are the greatest in literacy and what can be done in those classes in terms of supports (such as buddy reading; high interest and books focused on curricular content at their independent reading level; highlighting important topical headings in texts; etc.)

Two examples of completed charts are below:

Example (third grader with language processing problems and fine motor control issues)

Time	Typical Class Activities & Routines	Supplementary Supports, Services and Strategies
8:15 AM – 8:45 AM ARRIVAL	Students arrive and put away their things. They sit at their desks and check the board for the daily “Do Now.” They write an answer in their journal. A short (10 minute) whole-class discussion generally follows. Students remain in the same classroom for Language Arts.	Student can independently take off coat; put things away; write in journal using a computer rather than hand writing. Adult stops by her desk to discuss “Do Now” prompt to make sure she understands. Working on writing; encourage her to write at least one sentence per idea. The adult checks back periodically.
8:45 AM – 10:30 LANGUAGE ARTS LITERACY	Guided reading by one teacher; meanwhile, the other students go through 3 centers, one supervised by a speech therapist; one supervised by a paraprofessional, and the last one an independent center.	Student will travel through adult-led centers; place student in heterogeneous group to travel through centers; encourage students to mutually support each other, i.e., answer questions; help each other with unknown words/directions; prompt students in her group to answer her questions and to provide wait time for her to answer.

10:30 AM – 11:30AM Art	Units are thematic (i.e., color; textures; techniques, etc.). Teacher does a mini-lecture (10-15 minutes) followed by a demonstration and then hands-on project by students individually or in pairs.	Student loves art! Student should have no trouble with sitting through the mini lecture. Student will need reinforcement of directions (have student repeat directions back to the teacher). Chose a strong communicator to pair with this student to model positive, appropriate interactions.
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In the above example, the student’s **IEP Supports** include:

- classroom aide (personnel support)
- a lap top computer (assistive technology)
- having the student repeat directions (strategy)
- ensuring wait time for responses (accommodation)
- integrated speech therapy (related service)

Example: Child with Autism who is starting Kindergarten in the fall
Schedule of activities on a typical day as described by the Kindergarten teacher:

Times (Approximate)	Class Activities	Supplementary Supports, Strategies and Services
Arrival by bus		Classroom Aide meets him at the bus.
8:25 AM	Morning routine: while people unload their backpacks, the teacher takes the lunch orders, etc. Students know (from instruction and practice from the beginning of the year) that they should begin to work on activities laid out for them at their tables.	Teach R.H. the routine and the class rules and reinforce until it is familiar. (Teacher indicates that she does a lot of teaching/reinforcing of rules and routines at the beginning of the year with all of the students.) Adults (teacher and classroom aide) redirect and reinforce the routine until R.H. until he can do it independently. Provide picture schedule to help R.H. move from major activity to major activity.
8: 50 – 9:15	Calendar, weather, songs	Teach R.H. the routine.
9:20 – 10:15	Language Arts Literacy. Whole group instruction. This is divided into parts. Part I: The teacher reads an over-sized “big book” out loud, points out the letters. She uses letter cards, that say things like, “Sammy the Seal.” Cards help in phonemic awareness and word-sound correspondence. The class is working on the letter “J” at present.	Teach R.H. the routine with the rest of the class and reinforce routine as time goes on. Since R.H. likes to hear books read aloud to him and recognizes his letters, minimal redirection/support may be necessary from the adults after he is comfortable with the routine.
	Language Arts Literacy. Whole group instruction, Part II: Penmanship.	Due to his fine motor challenges, after practicing his name, R.H. will need a modified writing activity. This

Times (Approximate)	Class Activities	Supplementary Supports, Strategies and Services
		<p>would be a good time to remind him to monitor himself as to whether he needs to toilet.</p> <p>Get a consult from an OT re: his writing challenges and ideas for how he can participate while working on his fine motor skills. Or, use station activities with different penmanship/fine motor activities for kids to rotate through, including students with difficulty with penmanship activities.</p>
10:15 – 10:30	Snack—kids get their snack from their cubby and socialize. On Wednesday, teacher shows a video.	Teach R.H. the routine with the rest of the class and redirect/reinforce as necessary. Aide should be trained/monitored by the Special Education Consulting Teacher to facilitate appropriate interaction with peers during the “socializing time” and encourage connections with other kids.
10:35 – 11:00	Recess	No extra supports anticipated as needed, other than the aide. Aide should be trained/monitored by the special education consulting teacher to facilitate appropriate interaction with peers during this time and help R.H. connect with other kids. Remind aide to support growth of independence/be cognizant of keeping physical distance from R.H. as possible.
11:00—11:35	<p>Specials (order may change for fall)</p> <p>Monday: Spanish or Writing (i.e., composition)</p> <p>Tues. & Wed: Gym</p> <p>Thurs: Music (they go to the music teacher’s room)</p> <p>Friday: Weekly Reader –Kindergarten teacher reads it; they discuss it; they do an activity.</p>	<p>Spanish: The supports for Spanish would depend upon the activities the Spanish teacher uses, but, supports would be similar to those above. For example: teach rules and routines with the rest of the class, reinforce and redirect as necessary.</p> <p>Gym: R.H. has strong gross motor skills, but, noise/echo may distract. Try and see what supports would work.</p> <p>Music: R.H. loves music. The supports for music would depend</p>

Times (Approximate)	Class Activities	Supplementary Supports, Strategies and Services
		<p>upon the activities the Music teacher uses. (see above about routines)</p> <p>Weekly Reader: Supports should be minimal for the reading out loud of the Weekly Reader. The activity, depending upon what it is, may involve support from the teacher, aide or a peer. To the extent the children work in groups, this would be another opportunity to help R.H. connect with peers and to reinforce social skills.</p>
11:40-12:20	<p>Math concept is introduced to whole group, then they work with partners; lots of work with manipulatives. On Friday, they have a “carnival” ...this is a station activity where they review the activities from the week.</p>	<p>Show R.H. how to work with the manipulatives appropriately. Work on one-to-one correspondence; identifying numbers beyond present point. Adults redirect and reinforce as appropriate. For group work, link R.H. with appropriate students...i.e., someone he has something in common with; kids who personality will meld with his, etc.</p>
12:20 – 12:25	Phonemic Awareness Activity/Song	Adults redirect and reinforce as needed.
12:25—12:30	Wash for lunch	Remind R.H. to self-monitor whether he needs to toilet.
		<p>Other supports:</p> <p>Monitoring and assistance from special education consulting teacher at least 30 minutes three times per week;</p> <p>Training and monitoring of classroom aide by the special education consulting teacher;</p> <p>Regular communication between parent and teachers (classroom teacher and special education consulting teacher;</p> <p>Special education consulting teacher will initiate communication with parent at least once every two weeks)</p>

In the above example, the student’s **IEP Supports** include:

Classroom aide

Special Education Consulting Teacher

Training for classroom aide
Picture schedules
Manipulatives
Clearly teach rules and routines with the rest of the class,
Reinforce and redirect as necessary
Partner with appropriate students

B. PROBLEM SOLVING AND BRAINSTORMING SUPPORTS: Once the schedule and global activities have been charted, the team brainstorms the class-wide adaptations, teaching strategies, accommodations, supports and/or modifications to curriculum which could support the child's inclusion in the general education classroom at that time and are the least intrusive possible.

Does the child require any supports for this activity? Even students with the most complex needs may not need supports every minute of the day. For example, a student who has an assistant assigned to her might be capable of participating in a group, hanging up her coat, writing in her journal, listening to a read-aloud, etc. without any help from an adult, particularly if peers are encouraged to support each other in the classroom.

If the child will require a support, what is the least intrusive support? If a student can be successful with a clearer, redesigned test form, it may not be necessary to lower expectations and modify the test.

Are there any accommodations we can use to help the student access the curriculum and classroom activities without modifying the curriculum? There are hundreds of possibilities, which is why it is important to make sure the accommodations chosen are driven by the specific needs of the student and appropriate to the activities in the classroom.

Examples of accommodations:

- Enlarged print
- Additional time for reading assignments
- Reduction of paper/pencil tasks
- Supplemental aids (vocabulary, multiplication cards, etc.)
- Instructions/directions given in different channels (written, spoken, demonstration),
- Highlighted textbooks
- Etc.

If a modification to the curriculum is needed, what will that be? A student with a low incidence disability (e.g., Down syndrome or other developmental disability) may require modifications to the curriculum. If a student is to receive a modified curriculum, this needs to be written into the IEP so the general education teachers can take that into consideration when doing their planning and grading.

If related services are needed, can they be integrated into the classroom at least some of the time? Note that, the global **IEP** supports listed in the chart above will look different at different times. Planning specific adaptations (i.e., the day-to-day adaptations which will be used day-to-day for a particular unit such as a different leveled book) are identified in the teacher’s weekly lesson plans, not in the **IEP**.

If we tried to write every single adaptation into the **IEP** to cover a whole year, the **IEP** would be hundreds of pages long. Day-to-day success for any child with an **IEP** relies on how general and special educators working with them. The most successful teachers take the individualized global supports and fine-tune them, recombine them, implement classroom adaptations and use other inclusive practices to help the child access the curriculum while working on their individualized IEP goals.

C. FIGURING OUT WHERE TO WORK ON THE STUDENT’S IEP GOALS: The group considers where the student’s individualized IEP goals can be addressed. Goals in the area of organization, getting help appropriately, interacting appropriately with peers, self-managing behaviors, social interaction, etc. lend themselves to being addressed in general education settings (classrooms, recess, hallway, cafeteria) with peer models.

Using an Infused Skills Grid to Build in Communication Goals throughout the School Day

An IEP **infused skills grid** can be used to embed IEP goals throughout a typical school day for your child. The grid uses a matrix format to identify the activities, environments or subject areas in which the child’s IEP goals/objectives will be addressed. Each IEP goal/objective is examined across each classroom activity to identify the potential for addressing it in that activity/routine and to brainstorm creative ways to work on the goal/objective at that time.

Using an infused skills grid encourages teams to try to address **IEP** goals in natural settings. For instance, if a student has a goal to increase his initiation of verbal interactions, his team may use a matrix to identify several times during the school day when this goal can be addressed (i.e., in-class group work, lunch, etc.) versus only working on skills during therapy sessions. The staff in each setting is then alerted to the goals and ideas for supporting his progress. Incorporating goals regarding expressing feelings and opinions appropriately, developing appropriate conversational skills, and inviting a peer to work with him into this type of matrix may assist with generalization of these skills. For instance, during the arrival routine students usually enter class, talk to each other, go to their seat, and take out their materials. This may be an appropriate time to address an **IEP** goal regarding communicating with peers.

It can also be helpful to consider typical daily/classroom routines when mapping out how goals will be addressed. For example, a typical “warm up” activity for students may involve the creation of a data chart for a science lab. In order to address an **IEP** goal regarding matching objects to similar photos/picture symbols, a student with that goal in his **IEP** may be matching picture to actual mineral samples as peers are creating the data chart. The **IEP** Infused Skills Grid would then reflect that the **IEP** goal about matching would be addressed during science

PARENT TIP

As a tool for teachers, a customized matrix (infused skills grid) can be used to determine where a child's individualized IEP goals can be addressed across the school day. The same concept can be used to create a tool for teachers to track accommodations through the day.

GOALS	1 ST LAL	2 ND Math	3 RD Art	4 TH Soc. Studies	5 TH Lunch/Recess	6 TH Science
Initiate conversation in a small group	x	X	x	x	x	x
Reading comprehension	x	X	x	x		x
Using checklist to remember homework/materials	x	X		x		x

To the extent that the **IEP Team**, including the parent, determines that a goal cannot be addressed within the classroom even with supports and requires pull out (e.g., intensive, individualized reading instruction or math instruction, etc.) the Team determines:

- The time and frequency (e.g., 30 minutes, four times per week);
- The intervention strategies that will be used; (e.g., several Web sites provide teacher-friendly intervention resources (e.g., <http://www.interventioncentral.com>; <http://www.free-reading.net>; <http://ies.ed.gov/ncee/wwc/>);
- A time line for collecting data and graphing progress (e.g., twice weekly progress checks and data point for 10 weeks);
- How the parent will be kept informed on the student's progress (e.g., monthly).

Placement within a separate classroom with a high adult to student ratio for an indeterminate time will not automatically result in student progress in a goal. It is the carefully targeted intervention and progress monitoring (based on data collection rather than subjective observation) which makes the difference.

Action Planning Question 4: How will we know we got the student there (i.e., to progress to goal target)?

Discussion about how the student's progress in their goals will be documented is useful. For example, a rubric which a teacher uses to grade group work skills (e.g., listening; contributing to the discussion; assisting other group members, etc.) can be used to monitor the progress of a student's social interaction goals in her IEP.

The section of the IEP which answers this question is the area which indicates how your child will be assessed and how you will be informed of your child's progress. This is often a list which includes quarterly progress reports, teacher observation, tests, etc. Parents of students with IEPs must be updated as to your child's progress at least as often as parents of nondisabled students.⁴²

PARENT TIP

If you find that progress in IEP goals is not addressed in progress reports, (i.e., the general education teacher may report on progress in academic areas but not in your child's individual IEP goals) contact the special education teacher or your Case Manager for an update in your child's progress in their goals and objectives. For example, if your child is being pulled out to work on reading goals, you should obtain periodic reports on the progress that your child is making.

*Ongoing assessment and graphing the progress of individual students who are receiving interventions due to an assessed need is also a key element of a tiered intervention approach such as response to intervention (RTI) which some New Jersey elementary schools are beginning to implement in the area of reading. In an RTI approach, children needing the most intensive interventions in reading receive **Tier 3** interventions and their progress is carefully monitored and charted on graphs. See the Appendix Section 5 for more information about RTI.*

With changes in the teacher evaluation system in New Jersey, annual student growth will be used as one criteria as to whether a teacher is successful. General education teachers are becoming much more attuned to continually assessing the progress of individual students in their classrooms, whether the child has a disability or not.

As to the grade which indicates your child's progress in the grade level curricular goals (rather than the student's individualized IEP goals) note that grading is a subjective process. Studies have shown that students in general education classrooms with IEPs may have lower grades than students in special education pull out classrooms, but that standardized tests indicate that the children in the general education classrooms are learning more of the curriculum and are more successful post-high school.⁴³

PARENT TIP

If your child is a student in a general education classroom, it is important to focus on what your child is learning and congratulate them on their efforts to do the work, meet deadlines, work collaboratively with peers and organize their time, rather than on the grade. Parents who have been most successful with inclusion have focused on the long range vision, i.e., skills that will make their child successful in life.

Students who struggled with attention deficit disorders and learning disabilities as young children and always brought home Cs can become energetic and successful adults. Students with more complex disabilities and modified curriculum, keep learning, develop social and

communication skills needed to hold jobs and achieve a level of independence that prepares them for life in the community in ways that separate, special placements do not.

Keep the long range goal in mind. An adult functioning as independently as possible in the community is important and reassuring. The best thing about the future is that it comes one day at a time.

VI. Additional Considerations Regarding Supports

The Relationship between Goals and Accommodations

Although **accommodations** are useful and often necessary tools, over-accommodating a student can lead to learned dependence. Often a skill deficit can be addressed by an accommodation, but, it is always a good idea to develop a goal to work on that skill deficit so that the **accommodation** can be faded (or at least reduced) over time as the child makes progress in the skill. The long range goal of IDEA and special education is not accommodation, but preparation for independence and post-school success.

For example, if a student never remembers to bring home the books he/she needs to complete homework, an **accommodation** might be to have a paraprofessional or teacher remind him every day not to forget his books. But, this is the kind of skill he will need to be successful as a working adult. So, also having a goal to learn to use a checklist as a memory tool, rather than relying on someone else to remind him/her, is a key skill for this student to develop and could be a goal in his IEP.

PARENT TIP

To ensure over support leading to dependence does not occur, when considering a support, always ask the following three questions:

Option 1: Can this student participate in this particular activity without accommodations/modifications and/or supports?

Option 2: What would be the least intrusive accommodation/modifications and/or supports to provide?

Option 3: If it doesn't work, what will we do? What are other options?

Option 4: Is there a goal that we should be working on to fade the accommodation over time?

Understanding the Difference between Accommodations and Modifications

The words “accommodation” and “modification” are often used interchangeably, but, have very different meanings in today’s educational practice. Generally, students who need only accommodations to help them access the curriculum are held to the same curricular standards as the rest of the class. On the other end of the continuum, students with intellectual disabilities often require a modified curriculum when included in a general education classroom. These students may receive accommodations and other supports in addition to the

modified curriculum. A student with a modified curriculum is not held to the same curricular standards of the rest of the class and can also receive modified grades.

The section below defines the two concepts as generally accepted and used today in schools and classrooms.⁴⁴

Accommodation: a change made to the teaching or testing procedures in order to provide a student with access to information and to create an equal opportunity to demonstrate knowledge and skills. Qualities of accommodations are as follows:

- Change how a student gets information and demonstrates learning
- Provide access to learning and “level the playing field”
- Do NOT fundamentally change instructional level, content, or performance criteria during the instruction or assessment phase

Examples of accommodations: (there are hundreds of possibilities)

- Enlarged print
- Additional time for reading assignments
- Reduction of paper/pencil tasks
- Supplemental aids (vocabulary, multiplication cards, etc.)
- Instructions/directions given in different channels (written, spoken, demonstration),
- Highlighted textbooks

Modifications: a change in what a student is expected to learn or demonstrate. Qualities of modifications include the following:

- Offer different standards within the same curriculum
- Do fundamentally alter the instructional level, content or performance criteria

Examples of modifications:

Same-Only Less: The assignment remains the same except the number of items is reduced. Example: a history test consists of multiple choice questions each with five possible answers. The test is modified for a specific student and the number of possible answers is reduced to two.

Streamlining Curriculum: The assignment is reduced in size breadth or focus to emphasize the key points. Example: The students are required to write a final, eight paragraph essays on the causes of the Revolutionary War which include an introductory paragraph, six causes and a concluding paragraph. A modification would be to have a particular student write an opening sentence, sentences identifying two causes and a closing sentence.

Curriculum Overlapping: The objective that the student is working on is different from, but, clearly connected to those being addressed by the class.⁴⁵ The class is writing papers, in class, which will compare and contrast the Declaration of Independence and the U.S. Constitution.

This student may instead spend class writing a short letter to a friend living in Philadelphia in July, 1776, working on the writing goals in her IEP.

Considering Related Services

Related services such as speech therapy, occupational therapy and physical therapy can address skills that are preventing a child from accessing the curriculum and classroom activities and can be invaluable supports for a child. But, to the extent that significant time in pull out therapy will result in more time away from the classroom missing classroom instruction and activities, it is essential for the parent to balance what the child might be losing with what he/she is gaining. Thirty minutes out of the classroom three times per week in therapy, while the rest of the class is receiving explicit instruction for the first time in long division, doing a culminating activity for a project the class has been working on for days, learning new vocabulary for the next science unit, etc., will leave a gap that may cause the child, the teacher and the parent great frustration and lost ground in academics.

Related service personnel can provide **integrated therapy**, a support which is among the array of services suggested in the NJ Special Education Code.⁴⁶ For example, rather than pulling a child for group speech therapy, the speech therapist could co-plan a group lesson with the classroom teacher. The therapist could go into the classroom, observe and support the student(s) in using strategies to help them become better communicators and valued members of their group. Practicing a skill, such as working with a group, in authentic situations is essential if the child is to really learn the skill and improve communication. As a small business owner said in an NPR interview:

I want to hire someone who knows how to get along with people. I want someone who can work in a group and be part of a team. I can't teach that. I want someone who will provide a good value for the money my clients are paying. Hiring someone who cannot function as part of a group and will not pull their weight would be my greatest nightmare. A person like that could ruin my business.⁴⁷

PARENT TIP

When discussing therapies, find out the exact need to be addressed. Speak to the team about providing at least some of the therapy within the classroom, integrated with classroom activities or provided through consultation with the teacher. If the therapist expresses the opinion that this is not possible (unfortunately, there is not a lot of integrated therapy going on in New Jersey classrooms) balance the need for pull out therapy with gaps it may create in your child's classroom instruction and make an informed decision as to how to proceed.

Addressing Behavior Issues Using Positive Behavior Supports (PBS)

Student behavior is best supported in general education classrooms using a systemic approach known as **Positive Behavior Support (PBS)**. Unlike traditional behavioral management, which views the child as the *problem* and seeks to *fix* him/her by eliminating the challenging behavior, **PBS** views systems, settings, and lack of skill as parts of the *problem* and works to change those.

PBS emphasizes the prevention of challenging behaviors for all students by developing behavior expectations for the classroom (and/or school) and teaching and continually reinforcing these expectations. Research has found that just by defining, teaching and reinforcing behavior expectations (i.e., what behavior should look like in class, during passing time, during group work, etc.) the majority of students will follow the expectations. For individual students who still exhibit challenging behaviors (despite being taught behavior expectations) **PBS** teaches them alternatives to these behaviors.

PBS strategies must be respectful of the individual with behavioral difficulties and not pain-inducing, humiliating, or aversive interventions. These strategies are *never* part of **PBS**. **PBS** does *not* use punishment to cause behavioral changes. Strategies that are developed using **PBS** are focused on helping the individual learn behavior to replace challenging behavior, based on an understanding of the individual experiencing behavioral difficulties, the individual's communication abilities, and the unique situations of this individual.

PARENT TIP:

Resources on PBS/Behavior Strategies

Overview Information for Parents

From Center for Social Emotional Foundations of Early Learning:

<http://www.vanderbilt.edu/csefel/modules/module3b/handout6.pdf>

From Family and Advocates Partnership for Education

<http://www.wrightslaw.com/info/discipl.fba.jordan.pdf>

Designing Interventions Based on Function

Routine Based Support Guide (for young children), in File E at download from

http://www.challengingbehavior.org/do/resources/teaching_tools/ttyc.htm

Intervention central resource guide and sample replacement behaviors

<http://www.interventioncentral.org/htmdocs/interventions/behavior/behrrptcd.php>

Intervention Central's intervention index with links to Behavior Interventions, Motivation, Bully Prevention and Making Rewards Work: <http://www.interventioncentral.org/index.php#ideas>

Problem solving guidance for chronic behavioral challenges

http://www.schoolbehavior.com/Files/nichcy_chronicbehavior.pdf

Self Management information

<http://www.specialconnections.ku.edu/cgi-bin/cgiwrap/speconn/main.php?cat=behavior§ion=main&subsection=classroom/self-management>

Self-management tutorial

<http://www.lehigh.edu/projectreach/teachers/self-managemnt/sm-implement.htm>

Motivational Strategies

Daily report card

http://www.utmem.edu/pediatrics/general/clinical/behavior/aap_nichq_adhd_toolkit/12HowToEstabSchlHomeDailyRepCa.pdf

Daily report card generator Intervention Central:

<http://www.jimwrightonline.com/php/tbrc/tbrc.php>

On-line reinforcement survey generator:

<http://www.jimwrightonline.com/php/jackpot/jackpot.php>

Resources for FBA

NJCIE's website for on-site behavior support team training and student support: www.njcie.net

OSEP technical assistance center on positive behavior supports and effective school-wide interventions:

www.PBIS.org

Website for the association for positive behavior support: www.apbs.org

PBS for More Significant Behavioral Challenges for Individual Children: The Functional Behavior Assessment (FBA) Process

Where class wide expectations are in place and but a child continues to exhibit challenging behaviors, a **Functional Behavioral Assessment (FBA)**, the process of learning about how and why individual children develop significant problem behaviors, may be needed. An **FBA** is a process based on the premise that all behavior occurs for a reason. The purpose of completing an **FBA** is to determine the reasons for the pattern of inappropriate behavior, and to use that information to develop and implement a **behavior intervention plan (BIP)** for the **IEP**. **FBA**s and **BIP**s can be done in a variety of ways with varying intensity, depending on the intensity and/or complexity of the problem behavior.

If we can learn more about the child's problem behaviors, including when and where they are likely to happen, we can develop a plan consisting of positive behavioral supports and interventions. Proactive strategies can be created to prevent things that trigger problem behaviors. Replacement strategies can be developed to teach skills and appropriate alternative responses that replace problem behaviors. Every **FBA** should result in the development of interventions to be included in the child's **BIP**.

To develop positive interventions, the team must understand why a child has problem behaviors and what strategies might be useful. Many different strategies can be used to reduce problem behaviors in school: changing where a child sits in the classroom, adjusting the schoolwork, and rewarding the child for positive behaviors. The child's teacher may speak in a different tone of voice to help the child remain calm and adults may try to keep calm when the child is angry. The strategies will depend upon the information collected and analyzed. The goal is to stop or reduce the problem behaviors from occurring in the first place. The goal is to stop or reduce the problem behaviors from occurring in the first place.

Teachers and parents will also use the information from an **FBA** to help the child learn new skills. Maybe the child needs to learn to use more socially-acceptable ways to get other children's attention during recess. In other situations, the child may need to learn safer, calmer ways to express their feelings, instead of yelling or throwing a tantrum.

Note that teaching behavioral expectations, not an **FBA**, is the first step in addressing problem behaviors. In the rare situations where it is determined that an **FBA** is needed due to a child's extreme behavioral challenges, the **CST** is responsible for seeing that it is completed, a **BIP** is developed based on the **FBA**, and the **BIP** is implemented.

Tasks to Complete in Conducting a Functional Behavior Assessment (FBA)

- Obtain parental permission
- Conduct records review:
 - Suspension/office discipline referrals
 - Other school records (attendance, academic, health, etc.)
- Conduct teacher/staff interviews
- Review data collection methods with staff (**Antecedent-Behavior-Consequences (ABC)**, frequency, etc.)
- Conduct student observations (2-5 days worth of observations is typically necessary to identify patterns)
- Collect **ABC** Data
- Conduct parent interview
- Conduct student interview (if appropriate)
- Develop **FBA** and **BIP**
- Implement and evaluate effectiveness of **BIP**

The Connection between Whole Class Curricular Goals and a Child's IEP Goals

Since **IDEA 1997**, the law has required that every child with an **IEP** have access to grade level **curriculum standards** in social studies, science, reading, language arts, math and other areas. Congress based this requirement on the fact that for many years prior to 1997, districts were not held accountable for teaching curricular content to children with **IEPs**. Districts often used special curricula which were watered down or had little relationship to the general curriculum that students without **IEPs** were taught. Children with disabilities were among the subgroups of students which Congress found to be "left behind," leading to the passage of NCLB.

There is often some confusion (even on the part of CST members) about the relationship between a student's **IEP** goals and the class curricular goals. To clarify, first, there are the **common core curricular goals** that all of the students in the classroom, including children with **IEPs**, are working on. As the content specialist, the general education teacher is responsible for developing instruction to help her students reach these class wide, content goals.

In addition, children with **IEPs** within the general education classroom will have individualized goals in their **IEP** to address needs expressed in the **PLAAFP**. Generally, these are deficits resulting from the child's disability which make it difficult for him/her to access the core curriculum. These might include goals in the areas of reading, math, communication, self-regulation, time management, preparation and organization, note taking, working in groups with others, using reference materials, and others. Special educators are the individuals with the expertise and responsibility to plan strategies and monitor the students' progress in their IEP goals.

You can see why collaboration and communication between the general and special educators working with students included in general education classrooms is so essential.

COMMON CORE STATE STANDARDS

In June 2010, the New Jersey State Board of Education adopted the **Common Core State Standards (CCSS)**. New Jersey is one of 44 states which adopted these standards for Mathematics and Language Arts Literacy developed through the states' CCSS initiative. All New Jersey schools are expected to implement curriculum based on these CCSS beginning in September 2012, replacing New Jersey Core Curricular Standards in the areas of Mathematics and Language Arts Literacy. The New Jersey Core Curricular Standards continue to provide curricular standards for those areas not yet covered by the CCSS, including Preschool Teaching and Learning Standards as well as K-12 Standards for: Visual and Performing Arts; Comprehensive Health and Physical Education; Science; Social Studies; World Languages; Technology; and 21st Century Life and Careers. At some future time these standards, too, may be replaced by the standards generated by the Common Core State Standards initiative.

Today, even students with intellectual or multiple disabilities in general education classrooms

are required to have access to the **Core Curriculum Standards**, i.e., receiving modified curriculum as required by their IEP, in addition to working on their individualized goals (e.g., in the areas of reading, math, functional skills, etc.) discussed above.

If your child has an intellectual disability, his/her **IEP** will note that the curriculum (and therefore their content goals) can be modified, i.e., the teacher will identify the standards' based curriculum goals which are the most important for your child within a unit and will concentrate on those. But, the teacher should be working from the same core curriculum used for all students at your child's grade level.

Example:

While the class is focusing on learning 10 causes of the Civil War and their impact on the society, a student with an intellectual disability and modified curriculum may be focusing on learning the two causes deemed the most important by the general education teacher, the content expert. The general education teacher consults with the special education teacher on strategies to help this student learn this content and how her/his progress in learning the material will be assessed. The student is actively involved in the anticipatory discussion ("Have you ever had an argument with your sister or brother?"); group work, the classroom debate (North vs. South), viewing photos and a film on the Civil War, and other activities. This class wide work also supports individual communication and socialization goals in the student's **IEP**. Written materials are significantly modified.

PARENT TIP

A child's need for modified curriculum does not justify automatic removal from general education settings

New Jersey's Regulations:

The NJ Special Education Code clearly states, "A student with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum." N.J.A.C. 6A: 14-4.2(a)(9).

Federal Court Decisions:

"The relevant focus is whether [the student] can progress on his IEP goals in a regular education classroom with supplementary aides and services, not whether he can progress at a level near to that of his non-disabled peers." Girty v. Sch. Dist. Of Valley Grove, 163 F. Supp. at 536, citing Mavis v. Sobol, 839 F. Supp. 968, 987 (N.D.N.Y. 1993)(3d Cir. 2002) (federal court found that the Appeals Panel's focus on the gap between the abilities of a sixth grader with disabilities and the demands of the sixth grade curriculum was erroneous, aff'd, Girty v. Sch. Dist. Of Valley Grove, No: 01-3934, 60 Fed. Appx. 889; 2002 U.S. App. LEXIS 23388 (3d Cir. 2002)).

It is generally acknowledged that more than 90% of classified students do not have intellectual disabilities. Most can be held responsible for the same curricular goals as their classmates without disabilities as long as appropriate supports and strategies are in place to address learning problems associated with their disability. Providing guidance and assistance to classroom teachers in implementing supports, as well as training in the use of best educational

practices that support multi-ability classrooms (e.g., differentiation, universal design for learning, etc.) are also essential.

“Full Inclusion?”

The term “full inclusion” was once used to distinguish the practice of pushing supports into general education classrooms and supporting children there, full time, from practices such as placing a child with disabilities into classrooms without supports (mainstreaming) or pulling the child out into special classrooms for all or part of the school day.

The USDOE, rather than using this all or nothing dichotomy and to enable it to determine relative rates of LRE across districts and states, has established categories which describe placement according to the percentage of time which children with disabilities are educated within general education settings with appropriate supports. Below are the categories which the federal and state departments of education use to determine how schools are doing in terms of LRE, with 80% or greater time in general education environments being the target for optimum LRE and less than 20% considered the most restrictive.

Category A: The child is in general education settings greater than 80% of the school day.

Category B: The child is in general education settings between 40% to 60% of the school day.

Category C: The child is in general education settings less than 20% of the school day.

PARENT TIP

To determine how your district (or any other New Jersey district) is doing with LRE, go to <http://www.nj.gov/education/data/> and check out the excel spread sheets with status of LRE using the above criteria.

- 1) Click "NJ Special Education Data" (under Major DOE Reports).
- 2) Click a year.
- 3) Scroll down to "Placement Data" (second large heading).
- 4) Under "Districts and Charters" you can search by total number or percent of students in each LRE category, or by Eligibility Category, i.e., how your district is doing in terms of LRE with students of different classifications.

Example: Section of the Excel Table with 2011 data for several districts (expressed in percentages)

County	District	Included in General Education More than 80%	Included in General Education Between 40% and 80%	Included Less than 40%	Public Separate and Private Day School	Public and Private Residential School	Home Instruction	Correctional Facilities	Total
GLOUCESTER	CLAYTON	59.3	24.3	6.5	9.8	0.0	0.0	0.0	100.0
GLOUCESTER	CLEARVIEW REGIONAL	34.1	21.9	30.9	13.1	0.0	0.0	0.0	100.0
CAMDEN	CLEMENTON BOROUGH	62.4	26.9	0.0	10.8	0.0	0.0	0.0	100.0
BERGEN	CLIFFSIDE PARK	31.3	51.9	10.5	6.2	0.0	0.0	0.0	100.0

									0
PASSAIC	CLIFTON	35.1	34.3	25.3	5.3	0.0	0.0	0.0	100.0
HUNTERDON	CLINTON GLEN GARDNER	43.3	56.7	0.0	0.0	0.0	0.0	0.0	100.0
HUNTERDON	CLINTON TOWNSHIP	92.2	4.9	3.0	0.0	0.0	0.0	0.0	100.0

Today, even those who believe strongly in inclusive education acknowledge that there may be brief, targeted times (e.g., 30 minutes, 3-5 times per week) when a child is provided a specific meaningful, intensive intervention to work on an IEP goal that is better delivered in a space outside the regular classroom. This does not mean placement in a special education classroom, rather it can be any room which is quiet and appropriate to provide intervention to an individual student or small group. Progress is monitored by the interventionist (i.e., the selected instructor such as a special educator, reading specialist, math tutor, etc.) through frequent collection of appropriate data. The key is not to pull students out of core instruction in the general education classroom any more than absolutely necessary because research shows they miss higher order comprehension, vocabulary and other valuable instruction when removed.

Example: A child is among a group of three children in a regular classroom (two of whom do not have IEPs) who are having difficulty with blending sounds, a crucial step in learning to read. A targeted, research-based intervention is identified to address the problem. It is delivered to the small group in a separate room for 30 minutes, three times per week. Meanwhile, the rest of their class is involved in reading groups.

The child with an IEP is assessed weekly, as are the other two students, to determine his/her progress toward an established benchmark. The intervention is refined or replaced if progress, when graphed, is determined unsatisfactory.

Strategies Checklist for Preparing for and Participating in Your IEP Meeting

1. Before the Meeting

Do your homework; read the information in this Manual. Create your student profile. Be familiar with all the key players. Be in possession of all the information you need to make knowledgeable decisions concerning your child.

Prepare your thoughts by writing down the important points you want to make. Think about examples from your experience where your child has benefited from being with nondisabled peers, such as modeling others at religious school, at story time at the public library, or other activities. Are there any times when he/she has picked up less appropriate behaviors when in a group with only children with disabilities?

Make a list of your questions before the meeting. These questions can be a part of the IEP meeting agenda or you can use the list to remind yourself of things you want addressed before the meeting is adjourned.

Get to know as many members of the **IEP team** as possible. Don't forget the teachers who may teach specials like music, physical education, foreign languages, etc. Find out their concerns and what they think should be addressed in the upcoming meeting.

Communicate regularly with school staff so that you have an idea of what the teachers and others school representatives may say at the meeting.

2. If possible, take someone with you who is knowledgeable about your child.

It is good to have another person there who can hear the conversation and participate appropriately if they know your child well. That person can simply be a note taker so you can be totally focused on the team conversation. If a spouse or family member can't attend, ask a trusted friend to go with you. If you decide to bring a nonfamily member, you should inform the school so that they are aware you are bringing someone. Be prepared for them to question the person's identity and why you have decided to include them in the meeting. The school should tell you if they have a specific policy on other attendees at the **IEP** meeting.

3. Stop thinking that the professionals are the only experts.

It can be very intimidating to sit at a table with several educators and professionals. They do bring a great deal of knowledge and experience to the table.

Although, you may not have a background or degree in education, you are the experts on your child. You can provide historical information and the big picture from year to year as well as tips on how you include your child in your home and in the community from day to day.

Follow your hunches and common sense. If something does not sound right, check it out, especially if an important decision hangs in the balance. You can always indicate that you need to go home and think about it and get back to the rest of the **IEP team**. After some research, you may discover that your hunch was correct.

4. Try to stay focused and positive during the meeting.

If anyone becomes frustrated, upset or angry, ask to have the meeting continued at another date. It is hard to develop an **IEP** when emotions have taken over the process.

5. Think carefully about the level of related services you request and how you request them.

Many times parents will request **related services** such as speech therapy, occupational therapy, physical therapy, etc., during the **IEP** meeting. Rather than requesting the related service, request the assessment that supports the need for the service.

For example, instead of requesting speech for your child request a speech assessment. Only a certified or licensed professional is qualified to determine whether a child does or does not need a particular related service. List the reasons why you think an assessment is educationally necessary for your child and submit your request to your **case manager** as part of the **IEP** minutes. Note that, if your child's need is not found to rise to the level of needing therapy, the **IEP Team** can still problem solve to figure out ways to address the concern, such as through an **IEP** goal or a strategy which teachers could use on an ongoing basis.

6. Make requests in writing.

Written requests are important because they initiate timelines that the school district must follow in response to your request. This will also create a paper trail. Consider using written requests for assessments, **IEP** meetings, correspondence, etc.

Documenting requests clarifies what you are asking for and allows you to use your own words, rather than relying on the note taker's paraphrasing of your request. Type out exactly what you think your child's needs are and the corresponding support that you suggest. Mention that you would like to discuss the need with the rest of the **IEP team**. This will help you think through why you are requesting the support. Have your **case manager** record written requests as part of the **IEP** minutes. At this point, the school representatives can accept or deny the request. If the request is denied, then the school representatives must follow the procedural safeguards in **IDEA** and provide written notice of why they are denying the request. This method makes it difficult for the rest of the **IEP Team** to tell parents "no" without discussing the options.

Also, when you have a discussion by phone with a school official, write a brief, friendly letter that outlines what you talked about. Documenting your conversations helps prevent miscommunication.

It bears reminding, that making frequent and numerous requests to your **CST** and teachers via e-mail, letters, etc. is likely to backfire. Don't overwhelm the **IEP team** and become the parent who school people hate to hear from. That is not likely to get you the result you are looking for.

7. Encourage the IEP Team not to rush the meeting.

Rushed meetings are particularly common at the end of the school year when **CST** members are frantically trying to schedule and hold **IEP** meetings for all the students on their case loads. **IEP** meetings may be held one right after another. There is no problem with this practice as long as the members of the **IEP Team** (including you) feel that all issues have been adequately discussed. Many times, however, parents do feel rushed. It is important that all issues are adequately addressed before ending the **IEP** meeting. When the educators have not planned

adequate time to address all relevant issues, request that the **IEP team** meet again at a more convenient time to further discuss your child’s progress and program for the coming year.

8. Ask questions and use positive language techniques.

It is very important to ask questions and lots of them. Educators use many terms and acronyms specific to special education. You will find it confusing and, probably any general education teacher present will find them equally confusing. Informed decisions cannot be made when there are people in the room who do not understand what is being discussed.

It is also very important to use positive language to keep the dialogue open and flowing. Listen openly to other team members and let them finish their statements before interjecting. There are phrases that successful collaborators use to move conversations forward in a positive direction. Try the following:

Stay away from “Why” or “But.” Use the word “and” instead. When the word “but” is used, people may hear it as a criticism and stop listening. The word “and” does not result in a similar negative feeling.

For example, rather than,
“I hear you, but...” say,
“I hear you, and...”

Acknowledge the other person’s comment, even if you don’t agree!

For example, say,
“I hear you...”
“Help me understand what you mean when you suggest...”

In general, use a friendly, questioning manner

For example, say,

- “How might it work in this situation...?”
- “What would you think of...?”
- “I don’t know if you have found it true in your experience working with John; I have noticed...”

Practice the above phrases at home with your family prior to going to the meeting. You will find they make a difference all around!

9. Include your child in the process to whatever extent possible.

It’s never too early to start involving your child in the process of making choices about how and where services will be delivered and how supports will be handled. Sometimes, children can have the best “out of the box” thinking when it comes to their own supports. No one knows better what supports would be the most helpful than the person receiving the supports.

10. Share, share, share!

Be prepared to communicate any and all relevant information pertaining to your child with the rest of the **IEP team**. Consider putting together a “get to know me” folder which contains photos of your child engaging in community, group and family activities and lists his/her favorite activities, motivators, books, CDs, etc.

11. List what needs to be done in the coming weeks/months to prepare teachers/classrooms so that your child can be included.

If the CST members cite availability of staff or services or lack of teacher training as reasons for not including your child, remind them that, under the **NJ Special Education Code**, the IEP Team must annually “consider activities necessary to transition a child from a more restrictive placement.”⁴⁸ This is an opening to discuss what needs to happen and a schedule putting things in place. For a student with more complex needs, teams sometimes begin planning the details of a child’s inclusion months in advance, i.e., identifying the student’s needs, discussing needed supports, providing staff training and ensuring other components are in place. In such a case, set a time line with your **IEP Team**.

Example:

“In October 2013, the **IEP team** will identify transition needs so that training and supports can be put into place to support John’s transition from separate school X back to name of John’s neighborhood elementary school by **April 2014**.”

Parental input should be an important piece of this process. Such planning demonstrates serious consideration of LRE by the IEP Team and demonstrates the school is meeting the law’s requirements.

The following are basic steps to preparing for a child’s transition to a more inclusive placement:

- 1.) Develop a student profile (see Appendix Section 8) and goals.
- 2.) Observe the child in her/his present placement.
- 3.) Observe the general education setting into which the team anticipates placing the child. What happens on a typical day in this classroom in terms of curriculum and activities?
- 4.) Problem solve the supplemental supports and adaptations, if any, which will be needed at different points in the schedule for the child to be an active participant while addressing their individual goals.
 - Can the child actively participate and achieve the same outcomes as the rest of the class without any support?
 - If not, will the student be able to achieve the same outcomes as the rest of the class with accommodations, adaptations and supports?
 - If not, what modifications can be made to support the child’s active participation in the class activities and curriculum?

- 5.) What needs to happen (training, funding, etc.) to prepare for the above supports?
- 6.) Is there any time during the day when the child's goals cannot be addressed within the general education classroom? How will that be addressed?
- 7.) How will we prepare the child for the change?
- 8.) Develop an action plan and timeline with the above steps and persons responsible.

12. Remember that there is no such thing as an "inclusion classroom" and your child cannot be denied LRE based on lack of space in an "inclusion classroom."

Some teachers, administrators and parents assume that a general education classroom with two teachers, which they designate the *inclusion classroom*, is the only kind of academic general education classroom where a child with an IEP can be placed. The assumption is that if there is no space left in that classroom at your child's grade level, your child cannot be included. This is incorrect.

One option for delivering special education is called "in-class resource" in the **NJ Special Education Code**. This model allows for up to eight children with IEPs (or more depending upon the grade level) to be placed in a general education classroom with two teachers; a general educator and special educator. Many districts have relied on this model leading to the designation of such classrooms as *the inclusion classroom* and assumption noted in the previous paragraph. But, it is not the only option and not necessarily the best answer for all children, particularly if it results in a classroom with an unnatural proportion of children with IEPs to those without. For example, if you have four children with IEPs and four classrooms on a grade level, it makes more sense to spread the children among the classrooms.

Remember that all supports are portable and there are many options for tailoring supports to include children in general education classrooms other than placing a second, full time teacher in the classroom. **Consultation**,⁴⁹ for example, is a model where the special education teacher travels to different classrooms and is focused on ensuring her assigned students' goals are being addressed and supports provided. This model can be used to assign children with IEPs among classrooms in natural proportions at their grade level. For some children, support from a paraprofessional, working under the oversight of the classroom teacher and special education expert such as a CST member or special education consulting teacher, is appropriate depending upon the child's needs.

13. Except on the attendance line, don't sign the IEP.

You need to sign the initial IEP if you want your child to receive services. If you agree with only parts of the IEP, specify the services with which you disagree so that, at least the services with which you agree, can begin for your child.

After the initial IEP, annual IEPs do not need to be signed because the IEP automatically goes into effect after 15 days regardless of whether you sign. If you do sign the IEP, it becomes effective immediately. Not signing gives you an opportunity to take the IEP home, review it, and

discuss concerns with your school. If after thoughtful consideration you determine you need to challenge the IEP, you need to file for mediation or due process prior to the 15th day. Filing for mediation or due process will **stay put** your child's present placement. (See page 69)

Example: You go to the IEP meeting and the resulting IEP places your child in a general education classroom with supports for a greater part of the school day. You don't sign the IEP at the meeting, but, take it home to review. You find that you are not completely happy with the goals and objectives (they are not measurable) or the supports provided. After thinking about it, you decide to let it go into effect naturally (i.e., after 15 days). You continue to build a positive relationship with the school staff and stay in contact with your child's teachers and case manager to ensure the goals that the IEP Team prioritized are focused on and progress measured.

Example: You go to the IEP meeting and the resulting IEP places your child in a separate education classroom for a greater amount of the school day than your child's previous IEP. You do not sign the IEP. You take it home, review it again, and conclude that you disagree with this more restrictive placement. You immediately write a letter to your case manager, with a copy to the Superintendent and Director of Special Education, specifying the reasons that you are rejecting the IEP and your intention to file for mediation (or due process) and prepare the paperwork to file for mediation or due process with the NJDOE, as required, prior to the end of 15 calendar days. The school must **stay put** the placement, i.e., keep your child in the less restrictive placement specified in the previous IEP, pending an agreement with the district or resolution of the mediation or due process.

PARENT TIP

See Section IX of this Manual for more information.

The Education Law Center's *Right to Special Education in New Jersey*, found at <http://www.edlawcenter.org>, contains a wealth of information on parents' due process rights and sample parent letters for requesting complaint investigations, mediation and due process.

What else can a parent do?

Become active in your school community. Generally, parents who have been most successful with inclusion have become involved and made connections with a wide array of people in their school community. Join the PTA or PTO, become a leader in your school, volunteer for the school fair and other activities. Inclusive education is about supporting all children. In addition, this is a way to get to know your principal, the parents of your child's peers and staff in a natural, informal way.

Establish a local, problem solving group

The parents who have achieved the greatest comfort level with their child's inclusive program have linked with other parents within their communities to support up-to-date thinking and problem solving around inclusion. You value it, but, you must link with others who value it to sustain you for the long term.

This concept is the basis for NJCIE's project to establish Inclusion Works! Parent Groups around New Jersey to support parents focused on more inclusive placements for their children.

PARENT TIP

If you have having difficulty creating such a group, we invite you to contact NJCIE (732-613-0400 or njcie@njcie.net) for help in establishing an Inclusion Works! Parent Group.

*The inspiration for **Inclusion Works!** came from the real-life success of a small group of members of NJCIE and Down Syndrome Congress of Northern New Jersey. The group began in the 1980s as an informal social gathering of Montclair, New Jersey parents who supported each other as they raised their children with disabilities. Through the years, the group coalesced into a powerful knowledge, advocacy, and support network resulting in the successful inclusion of several students with disabilities in general education classrooms from kindergarten through high school in several northern New Jersey school districts. Each gathering began with socializing briefly over a cup of coffee, but quickly turned to a written agenda which enabled them to catch up on each other's challenges.*

Once the most urgent issues were isolated, the group would brainstorm and prioritize the next steps for the parent to take, e.g., the person to contact (administrator, teacher, etc.); the approach to use; the facts to present; if any other information was needed and where to get it. The group was basically self-sufficient, searching out information about inclusion and special education law wherever they could find it. When they encountered an obstacle, the more experienced parents were there to mentor newer parents, share approaches that had worked in their own experience. Group members supported each other on an individual basis as well, going to individual education plan meetings together and talking on the phone whenever needed. Relationships formed as a result of the ongoing parent-to-parent interaction and alleviated the feeling of isolation and helplessness which, in most cases, results in parents giving up on their child's inclusion.

Some Final Thoughts on the IEP Process and Consideration of LRE

This is a learning **process** for everyone, and one which you can impact positively by asking questions, encouraging problem solving and building relationships. This will not happen all at once. If your **IEP Team** has limited expertise with problem solving around inclusive instruction and supports, engaging them in brainstorming around LRE will be a challenge. The best thing you can do is to be well informed about **LRE** and how it can benefit your child, assume good intentions on the part of the **CST**, keep a positive outlook, and be persistent and keep assuring

them you know they can do this. Parents often find themselves prioritizing certain issues and leaving others behind.

Take heart. A well written inclusive IEP does not automatically result in a perfect experience and a less than perfect IEP (i.e., one that calls for your child’s placement in general education classrooms for the bulk of the day, but has sloppily written goals, imperfect accommodations, etc.). Your child may have a stellar year even if the IEP is not written perfectly. A good classroom experience will have more to do with the effectiveness your child’s teacher in working with your child than with the content of the **IEP**. As with every child disabled or not, teacher effectiveness will vary from year to year.

PARENT TIP

Parents do not have control over personnel decisions. However, if your child has had a good experience with a teacher, you could say something like the following to a principal or to your case manager: “John had a really good experience and made a lot of progress with Ms. Jones this year. For next year, could you ask Ms. Jones who she would suggest for John’s teacher in the coming year?” You are not asking for a particular teacher, but one who uses the same types of instructional practices as the teacher with whom your child experienced success.

VII. Transition—Preparing for Post High School Options

“To accomplish great things, we must not only act, but also dream; not only plan but also believe.”

- Anatole France

Transition is about planning for life!

Transitioning from high school to adult life is a journey and a right-of-passage for all students. This journey can be challenging for any student. However for a child with a disability carving out where to go, how to get there, and staying the course of the journey can feel like an epic challenge. Thinking early and often about the necessary steps in developing a plan for the student’s future is essential. The more prepared the student is for change, the more likely the transition will be what the young adult wants and deserves.

Federal and state laws and regulations guide the delivery of transitional educational services to children with disabilities. The Individuals with Disabilities Education Act (IDEA) defines “Transition Services” as a coordinated set of activities for a child that:

1) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living or community participation;

2) is based on the individual child’s needs, taking into account the child’s strengths,

preference and interests; and

3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

The million dollar question is ***“When does transition to adult life really start?”*** When you think about it, it starts the minute your child is born. The VISION parents have for their child in the very earliest years helps shape who the little person will become one day. A child with a disability raises all those parental questions in a very profound way:

What Does Our Best Dream Of Adult Life Look Like For Our Son/Daughter?

- ❖ **Where will he live when as an adult?**
- ❖ **Who will she live and socialize with?**
- ❖ **How will he participate and travel in the community?**
- ❖ **What supports and environmental accommodations will she need?**
- ❖ **Where do we envision he will work as an adult?**
- ❖ **What will his source of income be?**
- ❖ **How will her medical needs be met?**
- ❖ **How will we make sure she has lifelong learning opportunities?**

These questions are the seeds to developing a thoughtful plan that will open up possibilities for a child’s future. State and federal laws require a formal process of long-range cooperative planning of **Transition to Adult Life** for children with disabilities with a timeline that begins in the teenage years (see below).

Federal and State Laws and Regulations
Require the Following Transition Timeline:

“Beginning at Age 14” Transition Statement

Beginning with the IEP in place for the school year when the student will turn age 14, or younger if determined appropriate by the IEP team, and updated annually: i. A statement of the student’s strengths, interests and preferences; ii. Identification of a course of study and **related strategies and/or activities** that: (1) Are consistent with the student’s strengths, interests, and preferences; and (2) **Are intended to assist the student in developing or attaining post-secondary goals** related to training, education, employment and, if appropriate, independent living; iv. As appropriate, a **statement of any needed interagency linkages and responsibilities**; N.J.A.C. 6A:14-3.7(e)1 i, ii, and iv.

“Beginning at Age 16” Statement of Transition Services

Beginning with the IEP in place for the school year when the student will turn age 16, or younger if determined appropriate by the IEP team, the IEP must include a statement of transition services. The statement of transition services includes a multi-year plan of **coordinated strategies/activities** that will assist the student to prepare for post-secondary activities such as post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation. The “beginning at age 16” statement of transition services does not replace the “beginning at age 14” transition statement, but rather builds upon it to form a complete plan for the future). 20 U.S.C. § 1401(34), 34 C.F.R. § 300.43(a)

For each activity/strategy specified in the “beginning at age 16” statement of transition services, IEP teams should specify the expected date of implementation, (i.e. Spring 2011, Fall 2012). The dates of implementation can be from the date of the IEP meeting to any date prior to the student’s expected date of high school graduation. The person or agency responsible for arranging, providing and/or implementing each activity/strategy should also be specified, and responsibilities should be shared among IEP meeting participants (student, parent, school staff, etc.).

As you can see, the federal law outlines very specific responsibilities for districts in the area of preparation for and coordination of post-secondary **transition**. **Transition** law has pinpointed two time periods when transition requirements must be addressed in the IEP, ages 14 and 16. **Transition** is actually a **formal process of long-range cooperative planning** that assists students with disabilities to successfully move from school into adult life. Understanding the legal timeframe as it relates to your child’s specific needs is extremely important. Districts often try to fit all the transition activities and goals into a span as limited as ages 16 to 18. This may be more efficient for their system but it does not allow for adequate time for your child’s needs to be thoroughly considered and a useful plan developed. Study carefully the timeline of requirements, and activities that must be addressed:

The school year when a student will turn age 14 (or younger if determined by the IEP Team)

“Age 14” Requirements Include:

- ❖ Statement of Student’s Strengths, Interests and Preferences
- ❖ Identification of a Course of Study
- ❖ Identification of Related Strategies and/or Activities
- ❖ Identify Liaison to Post Secondary Resources
- ❖ Statement of Needed Interagency Linkages
- ❖ Student and Parent Invitation to the IEP Meeting
- ❖ Parent Consent and Agency Invitation to the IEP Meeting

The school year when a student will turn age 16 (or younger if determined appropriate by the IEP team)

“Age 16” Requirements Include:

- ❖ Age Appropriate Transition Assessments
- ❖ Measurable Post-Secondary Goals
- ❖ Statement of Transition Services

Resources

The **NJDOE** provides resources and clear guidelines for districts on their website. Parents will find these useful in figuring out timelines and steps their district is expected to take. See, for example, the presentation, *Transition from School to Adult Life: Making the Process Meaningful* which can be found at www.nj.gov/education/specialed/transition/meaningful.pdf.

Another excellent timeline was developed by the ARC of Massachusetts. (There are a few particular references to MA state regulations but most are great markers of federal law.)

<http://www.arcmass.org/LinkClick.aspx?fileticket=jvat0pVvj1E=&tabid=36>

PARENT TIP

*It cannot be emphasized enough that this long-range process toward adulthood is most successful if parents take ownership of teaching their child the importance of **SELF-DETERMINATION** from the earliest years of childhood. Pacer Center says, “**Self-determination is believing you can control your own destiny**” by building an attitude and the ability to set goals and take the steps to reach them. A child learns to make his/her choices, to problem solve, and to experience the consequences of those choices one step at a time. The tricky piece for a child with a disability is that self-determination is not necessarily about self-sufficiency or independence.*

On the other hand, well-meaning family members and educators sometimes “protect” children with disabilities by making all the decisions for them. Self-determination skills must be actively learned, developed and practiced. Having ample and repeated opportunities to use self-advocacy, decision-making and socialization skills, to practice self-awareness, assertiveness,

risk taking, creativity, and to experience pride is crucial to prepare youngsters with disabilities for working and living in their community.

*True ownership of a self-determined transition to adult life belongs to the young person as they mature. **New Jersey Division of Developmental Disability (NJDDD)** uses a Person Centered Planning approach for adults utilizing their services.*

Person Centered Planning discovers and acts on what is important to someone now and in the future, and acting on this in alliance with the family and their friends.

(Thompson & Sanderson, 2008)

*The earlier parents and educators respect that the young person with the disability needs freedom, choice and control over decisions the more capable the child will be in adulthood. It is up to family and friends to promote with the student **“NOTHING ABOUT ME WITHOUT ME.”***

Resources

Take time to explore some great sites that give practical tips for parents and educators on promoting self-determination for youth with disabilities including the National Center on Secondary Education and Transition and the Pacer Center.

<http://ncset.org/publications/viewdesc.asp?id=962>

<http://www.pacer.org/tatra/resources/self.asp>

*Also, stay abreast of **NJDDD** services and supports as their self-determination program, called Self-Directed Services, is currently being realigned and restructured as a Medicaid Waiver program. Become familiar with **NJDDD**'s website for the latest information, development and changes in their programming. <http://www.state.nj.us/humanservices/ddd/programs/selfdirected/>*

The focus of transition to adult life is to achieve positive adult outcomes for each individual. Emphasizing strengths and needs, whether they are in the **IEP** or not, are the basic groundwork of helping children learn about themselves. In doing so the child begins to value him/herself and build unique hopes and dreams. He begins to take control over choices, to become a decision maker. She learns to take responsibility for her actions.

A smart pediatrician used the wise old adage **“The apple doesn't fall far from the tree”** as he explained that baby Kathryn, born with Down syndrome, would be interested in what her siblings enjoyed. “If your family likes to read, so will she. If you are all great athletes, it is likely that she will be into sports as well. If your family enjoys theater, so will she.” Using tools like *The Positive Student Profile* (Appendix, Section 8) throughout your child's education can keep everyone focused on her/his positive attributes, strengths, gifts and talents that need to be

fully developed and celebrated. Remember that family interests can be a great starting point until the child can articulate or lead everyone to their own unique interests and preferences.

Resource

Autism advocate Temple Grandin shares her insight on the importance of focusing on strengths in an essay written for website *Take Part*. <http://takepart.com/article/2012/08/15/temple-grandin-reveals-advice-educating-autistic-kids>

Although it surely doesn't seem like it when our kids are young, the period of formal schooling is just one part of life. Growth is endless and our lives change beyond anticipation. Those early transitions of getting a child with a disability comfortable to move from the house to the bus, from his desk to computer lab, from recess back to the classroom, from home plate to first base at little league baseball are the beginning steps in life's journey of constant change. The classroom, family, neighborhood, church, dance class, town league soccer, grocery store are all environments that expand horizons and knock off rough edges. The little transitions build on themselves and before you know it your 15-year-old freshman has made or is managing the baseball team; your 18-year-old has been accepted to a four year college to study information technology; or your 25-year-old has her own apartment and has had a job as a waiter/greeter at the local restaurant for the past six years. Early exposure, skill development and creation of necessary support and accommodations in the life arenas that we all frequent will give a child with a disability the possibility of building a meaningful inclusive life as an adult.

As part of the formal **transition plan** the school district accommodates growth in environments other than the classroom. **Community-Based Instruction (CBI)**, as defined by the **NJDOE-OSEP**, is *"a research based practice that involves the use of sustained and repeated instructional activities that take place in various natural community environments outside the school building in order to facilitate skill development and generalization in employment, community activities (e.g. shopping, baking, post office use) and recreation while addressing the Core Curriculum Content Standards."*

At age 16 **CBI** becomes an important part of instruction for students with disabilities who learn best through:

- ❖ direct authentic experience rather than through simulation or abstract representation;
- ❖ are students who have difficulty transferring knowledge and skills learned in one environment to another; and
- ❖ are students who lack motivation in school.

REAL LIFE EXAMPLE

Parents often weigh the potential trade-off of learning experience in a traditional academic classroom setting and social environment to a "real life" **CBI**. Here's one example of

collaboration between educators and parents to use both settings creatively, successfully and simultaneously.

Six NJ students with significant cognitive disabilities were included in general education for their entire public education. They participated on sports teams and high school clubs along with their peers. When it came time for these students to participate in **CBI** the parents examined what typical peers were doing with their day and decided to follow suit.

Rather than take the 16 year olds from their school classrooms, they began **Structured Learning Experiences (SLE)** in the community during the summers with the support of a special educator and aides. SLEs are *“experiential, supervised, in-depth learning experiences that are designed to offer students the opportunity to more fully explore career interests within one or more Career Cluster” as described in N.J.A.C.6A:8-3.2.*

Senior year the “gang of six” split mornings in high school courses and afternoons in the community. Many typical senior peers were taking fewer courses and doing more community service and job exploration so it was a natural progression. Walking with their graduating class after 4 years of high school the students were still under the auspices of their school district until age 21.

After “graduation” they were educated exclusively in the community, building on skills that they had been utilizing in natural settings. They became independent on public transportation, learned to do their own shopping, cooking and banking. Supports were identified that they would need in a typical day to successfully transition to adult life (schedules, cell phone, emergency contacts, agencies, individual support personnel etc.). By the time the students were 21 they had extensive resumes. One student by age 21 had worked at a local hospital café, Urban Outfitters, CVS, the YMCA, a community garden, Montclair State University Pool, The Gap and Tinga’s Mexican restaurant. She had paying jobs at 2 of her SLE sites well before turning 21. Most of the students moved into paying jobs as they turned 21. One went on directly to a post- secondary experience.

The groundwork and structure was well planned for smooth transition into adult life.

At the completion of public school there is no longer **entitlement** for education and services. Families become responsible for finding out about **eligibility** and **availability** of adult services. The realization that it will be up to the family to coordinate services after the child graduates or when they turn 21 years old is an eye opening reality. A major part of transition planning in the final years is connecting the student and family to adult agencies that might provide or pay for services when the student exits high school. Collaboration and development of partnerships during the IEP/Transition planning process helps assure seamless transition to life after age 21.

Key NJ Agencies that are major players in providing adult services to people with disabilities include the following:

- ❖ Division of Developmental Disabilities
- ❖ Division of Vocational Rehabilitation Services
- ❖ Social Security Administration
- ❖ Medicaid

Staying informed, networking, exercising creativity, collaborating are necessary ingredients to bring all the pieces of transition to adult life together. It takes a lot of listening, learning and “daring greatly” to help a person with a disability or without for that matter, to create a life with a promising career, satisfying personal relationships, comfortable home, enjoyable leisure time activities and life-long learning opportunities.

RESOURCES

Below is a list of additional federal and state resources for further exploration.

Websites and Organizations

- ❖ DO-IT (Disabilities Opportunities Internetworking & Technology) Program:
<http://www.washington.edu/doi/>
- ❖ Job Accommodation Network (JAN) Educational Resources:
<http://www.jan.wvu.edu/soar/index.htm>
- ❖ National Association of Parents with Children in Special Education (NAPCSE):
Transition-Services Information for Parents: <http://www.napcse.org/site/transitionservices.php>
- ❖ National Center for Learning Disabilities (NCLD): <http://nclid.org/>
- ❖ National Center on Secondary Education & Transition (NCSET): <http://ncset.org/>
- ❖ National Collaborative on Workforce and Disability for Youth (NCWD/Youth):
<http://www.ncwd-youth.info/>
- ❖ National Secondary Transition Technical Assistance Center (NSTTAC):
<http://www.nsttac.org/>
- ❖ Technical Assistance on Transition and the Rehabilitation Act (TATRA):
<http://pacer.org/tatra/>
- ❖ Think College: <http://www.thinkcollege.net>
- ❖ Transition Coalition: <http://www.transitioncoalition.org/>
- ❖ U.S. Department of Labor Office of Disability Employment Policy:
<http://www.dol.gov/odep>
- ❖ WNY Collegiate Consortium and Disability Advocates (CCDA):
<http://www.ccdanet.org/>
- ❖ Youthhood.org: <http://www.youthhood.org>

Articles and Publications

IDEA 2004 Close Up: Transition Planning: <http://www.greatschools.net/LD/school-learning/idea-2004-close-up-transition-plan-ning.gs?content=933>

Students with Disabilities Preparing for Postsecondary Education: Know Your Rights

and responsibilities: <http://www.ed.gov/about/offices/list/ocr/transition.html>

Planning for Your Transition from High School to Adult Life – *A workbook to help you decide what you want your life to look like after graduation*

<http://ruralinstitute.umt.edu/transition/articles/planningworkbook.pdf>

VIII. Inclusive IEP Implementation

Staff roles in the inclusive classroom

A student's **IEP** must be in effect at the beginning of the school year. The big picture specifics regarding implementation come directly from the IEP. Day-to-day adjustments to materials and instructional methods are based on the curricular standard, lesson objective and instructional activities in the classroom.

The staff responsible for implementing the **IEP** may include special and general education teachers, related service providers, paraprofessionals and others. The **IDEA** permits paraprofessionals who are appropriately trained and supervised to assist in the provision of special education and related services.

PARENT TIP

Role of the Paraprofessional

Certified personnel are always responsible for the design, implementation and evaluation of instruction. Paraprofessionals can assist teachers in supporting students in the following ways:

- *Prompting, cueing and redirecting student participation*
- *Reinforcing of personal, social, behavioral, and academic learning goals*
- *Organizing and managing materials and activities*
- *Implementing teacher-designed follow-up and practice activities*

NJAC 6A:14-4.5

The special educators are generally the persons responsible for supervising implementation by others and modifying curriculum for use by the student. Those who are responsible for implementing the **IEP**, including all of the student's general education teachers, must have access to and be familiar with the student's **IEP**. The school staff responsible for implementing the **IEP** should be well versed in the student's individual goals and supports (e.g., accommodations, modifications, behavior and strategies, etc.) and understand their responsibilities in implementing the **IEP**.

The impact of these requirements is that the teaching staff, including teachers, specialists and related service providers, reading specialists, etc., should meet and plan on a regular basis. The **IEP** should contain a provision for planning time as a supplementary aid and service.

PARENT TIP

Encourage collaboration among professionals working with your child.

- *N.J.A.C. 6A:14-4.5(d) requires that districts provide time for classroom aides (paraprofessionals) to consult with special and/or general education teachers on a regular basis.*
- *N.J.A.C. 6A:14-4.6(g) requires that districts provide regular planning time for special education teachers (i.e., supplementary instructors and resource teachers, both of whom must be appropriately certified as teachers of students with disabilities) to consult with general education teaching staff.*

Schools and the staff who implement a student's **IEP** must make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the **IEP**.

Summary: Inclusion Checklist

To the extent possible, we want children with **IEPs** who are included in general education classrooms to have the same expectations as their classmates. The checklist below can help you in thinking through what an inclusive program looks like in the classroom with a focus on fostering independence and socialization.⁵⁰

Effective General Education Classrooms

- Is there evidence of differentiation?
- Are assessment procedures evident for all students?
- Are all students actively engaged?
- Is there a wide variety of instructional materials (and content materials on different independent reading levels) available in the classroom?
- Is the teacher using positive behavior support strategies, beginning with stating behavioral expectations in a positive way, posting these and discussing them with the students to ensure expectations are clear?

Effective Inclusion of the Student with an IEP

- Does the student enter the classroom at the same time as his/her classmates?
- Is the student sitting so that he/she can see and participate in what is going on and easily interact with others? Is he/she integrated naturally within the classroom?
- Is the student actively involved in class activities at the same time as classmates? Does he/she have regular opportunities to work in groups that include students with varied abilities?
- Do the classroom teacher's actions demonstrate ownership of ALL of the students in the

class?

- Does the student make transitions within the classroom at the same time as classmates? (i.e. when the activity changes, does the student move onto the next activity with classmates?)
- Does the student exit the classroom at the same time as classmates?
- Does the student with intellectual disabilities have access to the general education curriculum with a comparable challenge?
- Does the student know and is he/she expected to follow the same classroom and social rules as classmates?
- Are classmates, and not just teachers, encouraged to provide assistance to the student?
- Does the classroom teacher provide assistance for the student (rather than leaving this up to an assistant or special education teacher)?
- Does the student with intellectual disabilities use the same or similar types of age-appropriate materials (if he/she is receiving modifications to the general education curriculum) during classroom activities as classmates?
- If the student is nonverbal, does he/she have a way to communicate with others throughout the day and do his/her classmates know how to communicate with the student?
- Does the student have opportunities to socialize with classmates?
- Do teachers and support staff give the same type of feedback (e.g., praise, discipline, attention) to the students with IEPs as to their classmates?
- If the student uses an alternative communication system, does everyone understand it?
- Is the student's independence facilitated by fading adult assistance as soon as possible? For example, if there is a paraprofessional in the classroom, is he/she standing right next to the student with an IEP, or approaching and fading as needed? (The paraprofessional should be in close proximity to the student when the student requires help, but then circulating throughout the class, working with other students, until the student with an IEP needs help again.)
- Does the special education teacher or paraprofessional do things *with* (this is preferred) instead of *for* the student when they need assistance? Taking the role of facilitator rather than helper is one way to build student independence.
- Do the adults in the room include the student in conversations; let them express answer questions and express their own ideas and wants? Note that adults should never talk about a student in front of him/her.

VIII. What Happens When Things Go Wrong?

This Manual is not meant to be comprehensive guide to special education law. But, provided below is an overview of procedures and protections that parents can access if they find

themselves at a dead end in working with their district. A list of user-friendly, detailed legal guides and resources can be found at page 10 of this Manual.

Parents and school districts have a role in ensuring a positive collaboration and an outcome that satisfies all parties. No one wants to end a meeting concluding that litigation is the only alternative. But, that is sometimes what happens.

Parents participate on the **IEP Team** and are active and equal participants in the development and revision of their child's **IEP**. The **IDEA** recognizes their unique role and states that when the district makes a decision about a student's special education program or placement or when the school system recommends a change in the **IEP**, parents are entitled to prior written notice of the action.

Do not delay in taking action if you disagree with a district decision, especially one that will result in your child's removal from general education classrooms. A district's decision, documented in writing (such as in an **IEP**) will go into effect in 15 days unless a parent either files for mediation or due process. Filing for either of these processes results in "**stay put**" of your child's "**current educational placement**" pending an agreement between the parties (i.e., parents and school district) or a final decision from an administrative law judge (**ALJ**) in a **due process** hearing.⁵¹ If there is a dispute as to the "stay put" placement, that issue can go before the **ALJ** for a preliminary determination.

Informal Negotiation

When the **IEP** process breaks down, there is an important step team members can take to repair the process before resorting to litigation (i.e., filing for **due process**). Team members (parents, administrators, CST members, teachers, etc.) can continue to talk to each other via informal conferences or within an **IEP** meeting. A parent or a school can request an **IEP** meeting at any time during the school year.

Regardless of the degree of formality or informality of the meeting, all parties should focus first on the issues on which they agree. Then, unresolved issues take on more clarity. The parties may find that they are not that far apart in their opinions. Discussion that is open and frank regarding the specifics of an issue may bring the parties to an agreeable resolution.

Mediation (N.J.A.C. 6A:14-2.6)

IDEA makes **mediation** available to parents of students with disabilities to resolve a complaint. **Mediation** is a formal meeting of the parties (parents and school district) before an impartial individual who is trained in mediation techniques. It is an intermediate step between informal negotiation and a **due process** hearing. Both parties must agree to participate for the **mediation** to go forward and it must be conducted in a timely manner. The goal is to bring the parties together to develop a written agreement that resolves the disputed issues. This process is voluntary and requires a good faith effort by both parties to resolve their differences.

Mediation must be available whenever a **due process** hearing is requested as an alternative to litigation. Either the parents or the school system may request **mediation** by writing to the Director of NJDOE-OSEP and copying the other party. The state assigns a qualified mediator and bears the cost of the **mediation**. **Mediation** is required to be completed within 30 days of the request to NJDOE-OSEP.

One of the benefits of **mediation** is that it gives the parties the chance to resolve conflicts without adversarial proceedings, thereby fostering a more cooperative long-term relationship. It is important for the parents and school district to come to the **mediation** willing to make some concessions from their initial positions. Discussions at the **mediation** are kept confidential and cannot be used as evidence in subsequent litigation.

If the parties reach agreement during **mediation**, the terms are described in a written agreement. If one party fails to live up to the terms of the agreement, the other party may file a request for a **due process** hearing to seek enforcement. If **mediation** fails, at least all parties will have had the opportunity to hear the facts and opinions upon which the other party is basing its position.

PARENT TIP

*One advantage of filing for **mediation** rather than going directly to filing for due process is that it does not involve cost. However, either party may be accompanied by an attorney to the mediation. Many parents do obtain legal advice at the point of mediation to be on an equal playing field with their district and to ensure that they are prepared for any eventuality, such as transmission of their case to NJDOE for a due process hearing should the **mediation** fail to result in an agreement. See N.J.A.C. 6A:14-2.6(c).*

Due Process Hearings (N.J.A.C. 6A:14-2.7)

Another option for addressing violations of **IDEA** is an impartial **due process** hearing in front of an Administrative Law Judge (ALJ). A due process hearing looks very much like court proceedings in television programs: each party sitting at tables in facing the **ALJ**, swearing in and testimony from witnesses and experts, and a written decision from the **ALJ** within 45 days. The issues that are appropriate for a **due process** hearing are:

- Identification or classification of a student with a suspected disability,
- Evaluation or reevaluation,
- Provision of a free appropriate public education,
- Educational placement,
- Disciplinary action.

A decision rendered after a **due process** hearing is final and must be implemented without undue delay. An appeal from that decision may be filed by the losing party in **federal district court** within the time required in the decision.

Parents have certain rights regarding the conduct of a **due process** hearing. They (or their attorney if they have obtained representation) have the right to compel the attendance and testimony of witnesses and the right to cross-examine witnesses offered by the school system. At the close of the hearing, parents are entitled to a recording or transcript of the hearing provided at the expense of the school system.

Parents may represent themselves and there are parents who have been successful going **pro se**. But school districts always involved their attorney. **Due process** is an adversarial proceeding and parents not represented by informed counsel may be overwhelmed. Schools will often offer professional staff (CST members, teachers) as experts and parents need to meet such testimony head-on with their own experts. While the services and testimony of an expert may be costly, without the testimony of an expert, parents will have a hard time meeting the legal standard by which special education cases are judged.

PARENT TIP

Parents contemplating mediation or due process often seek legal advice from a special education attorney. If you are focused on an inclusive program, it is good to work with an attorney who has developed expertise in obtaining inclusive placements. For example, inclusive education is one of the priority areas of NJ Disability Rights, a statewide, nonprofit law firm in Trenton. www.drnj.org.

Hiring an attorney can be an expensive proposition. Do some research to obtain names of attorneys who focus on inclusion and don't hesitate to interview any attorney with whom you meet to get a sense of what they know about inclusion, the types of cases they have generally handled, and their success rate with such cases.

X. Appendix

Section 1: Frequently used Terms, Definitions and Acronyms:

Accommodations: Techniques and materials that don't change the basic curriculum but do make learning a little easier or help kids communicate what they know.

Achievement Tests: Measures of acquired knowledge in academic skills, such as reading, math, writing, and science.

Assistive Technology (AT): Any item, piece of equipment, or system that helps children with disabilities bypass, work around, or compensate for specific learning deficits.

Attention-Deficit/Hyperactivity Disorder (AD/HD): A neurobehavioral disorder that causes an individual to be inattentive or hyperactive/impulsive, or to display a combination of those symptoms.

Auditory Discrimination: Ability to identify differences between words and sounds that are similar.

Auditory Processing: Among children with normal hearing, the ability to understand spoken language.

Due Process: Procedural safeguards to protect the rights of the parent/guardian and the child under federal and state laws and regulations for special education.

Free Appropriate Public Education (FAPE): Entitles a public school child with a disability to an educational program and related services, outlined in an Individualized Education Program (IEP) to meet his/her unique educational needs and enable him/her to make meaningful progress at no cost to the parents.

Individuals with Disabilities Education Act (IDEA): Federal law that provides for special education and related services to eligible children with disabilities.

Individualized Education Program (IEP): Written plan to meet the unique educational needs of a child with a disability who requires special education services to benefit from the general education program.

Informed Consent: Agreement in writing from parents that they have been informed and understand implications of special education evaluation and program decisions; permission is voluntary and may be withdrawn.

Least Restrictive Environment (LRE): “When determining the restrictiveness of a particular program option, such determinations are based solely on the amount of time a student with disabilities is educated outside the general education setting.” N.J.A.C. 6A:14-4.2(a)(11)

Specific Learning Disability (SLD): A neurobiological disorder which affects the way a person of average to above average intelligence receives, processes, or expresses information. SLD impacts one’s ability to learn the basic skills of reading, writing, and/or math.

Modification: Modifications are changes in the delivery, content, or instructional level of a subject or test. They result in changed expectations and create a different standard for kids with disabilities than for those without disabilities.

Primary Language: Language that the child first learned, or the language that’s spoken in the home.

Procedural Safeguards: Legal requirements that ensure parents and kids will be treated fairly and equally in the decision-making process about special education.

Section 504 of the Rehabilitation Act: Federal civil rights law requiring school programs and buildings to be accessible to children with disabilities; protects from discrimination.

Self-Advocacy: Child's ability to explain specific learning needs and seek necessary assistance or accommodations.

Transition: (1) IDEA required process to prepare children 14 and above to function in post high school environments; (2) process of moving students from one educational program or placement to another, such as from elementary school to middle school, or from out-of-district to in-district school, etc.

Visual Processing: Among children with normal sight, the ability to interpret visual information.

Common Acronyms

ABA:	Applied Behavior Analysis
ADA:	Americans with Disabilities Act
APA:	Alternate Proficiency Assessment
APE:	Adaptive Physical Education
ASD:	Autism Spectrum Disorder
BIP:	Behavior Intervention Plan
CST:	Child Study Team
DOE:	Department of Education
EIP:	Early Intervention Program
ESY:	Extended School Year
FAPE:	Free Appropriate Public Education
FBA:	Functional Behavior Assessment
FERPA:	Family Educational Rights to Privacy Act
IDEA:	Individuals with Disabilities Education Act/IDEA 2004 Individuals with Disabilities Education Improvement Act
IEP:	Individualized Education Plan (children ages 3-21 found eligible for special education)
IFSP:	Individualized Family Service Plan (children birth– 3 found eligible for early intervention)
LEA:	Local Education Agency (i.e., school district)
LEP:	Limited English Proficiency
LRE:	Least Restrictive Environment
SEA:	State Educational Agency (i.e., a state's department of education)
SLD:	Specific Learning Disability

Section 2: Research on the Benefits of Inclusion

In an interview, inclusion expert Dr. Paula Kluth was asked about the benefits of inclusion for children without disabilities in a classroom. Her answer was, "How long do you have? That's my question."

The research on the benefits of inclusive education for children with and without disabilities is voluminous and too extensive to provide here. The federal law has summed it up by stating,

Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible. 20 U.S.C. § 1401(c)(5)

We have provided a summary of research, below, developed by the Institute on Disability, University of New Hampshire.

- Students with intellectual and other developmental disabilities educated in general education classrooms:
 - Demonstrate better performance in reading and math
 - Demonstrate significantly higher gains in adaptive behavior when compared with students with intellectual and other developmental disabilities educated in separate settings. (Cole, Waldron, & Majd, 2004)
 - Had more opportunities for instruction on age-appropriate goals and more goals related to basic skills. (Hunt & Farron-Davis, 1992)
 - Had increased social interactions with classmates. (Lee, Yoo and Bak, 2003)
 - Greater incidence of friendships. (Owen-DeSchreyver et al, 2008)
- The largest, longitudinal study of education outcomes of 11,000 students with disabilities, the National Longitudinal Transition Study, showed that more time spent in a general education classroom was positively correlated with:
 - Higher scores on standardized tests of reading and math
 - Fewer absences from school
 - Fewer referrals for disruptive behavior
 - Better outcomes after high school in the areas of employment and independent living (Wagner, Newman, Cameto, Levine, & Garza, 2006).

This positive correlation was found for all students with disabilities, regardless of their disability label, the severity of their disability, their gender, or their family's socio-economic status.

- No studies conducted since the late 1970s have shown an academic advantage for students with intellectual and other developmental disabilities educated in separate settings (Falvey, 2004).
- Leaders in the field (e.g., Wehmeyer & Agran, 2006) identify the general education classroom as the optimal place where access to the general education curriculum occurs.
- A meta-analysis of research in inclusive education conducted by McGregor and Vogelsberg (1998) found:
 - Students with intellectual and other developmental disabilities in inclusive had a higher likelihood to be identified as a member of a social network by peers without disabilities.
 - There is a small-to-moderate beneficial effect of inclusive education on the academic and social outcomes of students with disabilities.
 - Students with disabilities demonstrate high levels of social interaction in settings with typical peers.
 - Social competence and communication skills improve when students with disabilities are educated in inclusive settings.
 - Students with disabilities have demonstrated gains in other areas of development when they are educated in inclusive settings, such as level of engagement, involvement in integrated activities, affective demeanor, and social interaction.
 - The performance of students without disabilities is not compromised by the presence of students with disabilities in their classrooms.
 - Typical students derive benefits from their involvement and relationships with students with disabilities.
 - The presence of students with disabilities provides a catalyst for learning opportunities and experiences that might not otherwise be part of the curriculum, especially relating to social justice, prejudice, equity, and so forth.
 - Parent support for inclusion is positively impacted by actual experience with inclusion, although experience alone does not shape attitudes.
 - Parents of students with disabilities are looking for positive attitudes, good educational experiences, and acceptance of their child among educators.
 - Although many teachers are initially reluctant about inclusion, they become confident in their abilities with support and experience.
 - Support from other teachers is a powerful and necessary resource to empower teachers to problem-solve new instructional challenges.

- The IEPs of students with disabilities who are included in general education classes are of higher quality; that is, they include goals and objectives that are more closely related to desired adult outcomes and roles than the IEPs of students with disabilities who are in segregated classes.
 - There is evidence to suggest that while start-up costs may initially increase the cost of inclusive services, the costs over time decrease, and are likely to be less than segregated forms of service delivery.
 - There is an overall “added value” to the general education classroom of students with disabilities and their support resources.
- There are negative effects of educating students with disabilities in self-contained settings, including:
 - Poorer quality IEPs (Hunt & Farron-Davis, 1992)
 - Lack of generalization to regular environments (Stokes & Baer, 1977)
 - Disruption of opportunities for sustained interactions and social relationships with typical students (Strully & Strully, 1992)
 - Decrease in the confidence that general class teachers have for teaching diverse learners (Giangreco et al., 1993)
 - Absence of appropriate role and behavior models (Lovett, 1996)
 - Negative impact on classroom climate and student attitudes about difference (Fisher, Sax, & Rodifer, 1999)
 - More 1:1 instruction and higher rate of instruction found in inclusive general education classrooms than in separate, special education classrooms (Boyd et al, 2005)

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Section 3: Sections of the New Jersey Special Education Code which Support LRE

A major focus of the New Jersey Department of Education as outlined in the December 2005 State Performance Plan (SPP) was to move thousands of students from out-of-district schools and self-contained classrooms into neighborhood schools and general education classrooms.⁵²

Sections of the Special Education Code which support the serious consideration of LRE:

- **Defining LRE:** N.J.A.C. 6A:14-4.2(a)(11) notes that, “when determining the restrictiveness of a particular program option, such determinations are based solely on the amount of time a student with disabilities is educated outside the general education setting” meaning that a statement like “a self-contained classroom is the LRE for your child” is, by definition, an invalid statement .
- **Annual Consideration:** N.J.A.C. 6A:14-4.2(a)(4) requires that IEP teams must *annually* “consider activities necessary to transition a student to a less restrictive placement.”

- **Teachers Reviewing the IEP:** N.J.A.C. 6A:14-3.7(a)(3) requires that districts maintain documentation that teachers have been informed on their responsibilities related to implement the child’s IEP.
- **Zero Reject when Considering LRE:** N.J.A.C. 6A:14-4.3 requires that “all students” must be considered for placement in the general education classroom with supplementary aids and services and provides a list of supports to be considered, pointing out that the list is not exhaustive.
- **Supplementary Aids and Services:** N.J.A.C. 6A:14-4.5(a) reiterates that supplementary aids and services are provided to enable students with disabilities to be educated with peers who do not have disabilities.
- **Integrated Therapies:** N.J.A.C. 3.7 (e)(5) notes that therapy may be integrated into a child’s classroom.
- **Child is not required to reach the curricular standards of the rest of the class:** N.J.A.C. 6A:14-4.2(a)(9) requires that a student will not be removed from an age-appropriate, general education classroom solely because he/she requires a modified curriculum.⁵³
- **Flexibility as to Support Models:** N.J.A.C. 6A:14-4.5 (e) increases the flexibility of program options by providing for a consultation model.
- **Role of Teacher Aide:** N.J.A.C. 6A:14-4.5(b) provides guidance as to the role of the teacher aide (paraprofessionals) and a list of ways they can support students in social and behavioral areas as well as academics.
- **Planning Time (Teacher and Teacher Aide):** N.J.A.C. 6A:14-4.5(d) requires that districts provide time for teacher aides (paraprofessionals) to consult with special and/or general education teachers on a regular basis.
- **Planning Time for Collaborating Teachers:** N.J.A.C. 6A:14-4.6(g) which requires that districts provide regular planning time for special education teachers (i.e., supplementary instruction and resource teachers, both of whom must be appropriately certified as teachers of students with disabilities) to consult with general education teaching staff.
- **Transition from Early Intervention:** N.J.A.C. 6A:14-3.3(e)(1)(ii) requires that districts provide parents of children in Early Intervention written information on general education classroom options for preschoolers.
- **Expanded Role of CST:** N.J.A.C. 6A:14-3.1 develops a role beyond evaluation for child study team members, providing that they may consult and train staff in techniques to address academic and behavioral difficulties.

Section 4: Great Quotes from Court Cases Which Support Inclusion

Oberti v. Bd. of Educ. of Borough of Clementon Sch. Dist., was the court case which set the standard which New Jersey districts must follow for determining LRE. Many of the following quotes are from the District Court and Third Circuit Court of Appeals decisions in this case, both of which used strong, inspiring language to convey the importance of educating students with disabilities in general education settings alongside nondisabled peers.

- “[A Child} should not have to earn his way into an integrated school setting by first functioning successfully in a segregated setting. Inclusion is a right, not a privilege for a select few. Success in special schools and special classes does not lead to successful functioning in an integrated society, which is clearly one of the goals for IDEA.”
 - Oberti v. Bd. of Educ. of Borough of Clementon Sch. Dist., 801 F. Supp. 1392, 1403 (D.N.J. 1992) aff'd 995 F.2d 1204 (3d Cir. 1993).
- “The relevant focus is whether [the student] can progress on his IEP goals in a regular education classroom with supplementary aides and services, not whether he can progress at a level near to that of his non-disabled peers.”
 - Girty v. Sch. Dist. Of Valley Grove, 163 F. Supp. at 536, citing Mavis v. Sobol, 839 F. Supp. 968, 987 (N.D.N.Y. 1993)(3d Cir. 2002). (Appeals Panel's focus on the gap between the abilities of a sixth grader with disabilities and the demands of the sixth grade curriculum was erroneous), aff'd, Girty v. Sch. Dist. Of Valley Grove, No: 01-3934, 60 Fed. Appx. 889; 2002 U.S. App. LEXIS 23388 (3d Cir. 2002)
- “[T]he fact that a child with disabilities will learn differently from his or her education within a regular classroom does not justify exclusion from that environment.”
 - Oberti v. Bd. Of Educ, 995 F.2d 1204, 1217 (3rd Cir. 1993)
- “[IDEA’s] strong presumption in favor of mainstreaming ... would be turned on its head if parents had to prove that their child is worthy of being included ... ”
 - Oberti, 995 F.2d at 1219. See also Mavis v. Sobol, 839 F. Supp. 968 (N.D.N.Y. 1994).
- “A district is expected to consider not only all options it has traditionally offered or currently offers, but to supplement and realign their resources to move beyond those systems, structures and practices which tend to result in unnecessary segregation of children with disabilities.”
 - Oberti, 801 F. Supp. 1392, 1407 (D.N.J. 1992) aff'd, Oberti, 995 F.2d 1204.

Section 5: Inclusive Classroom Educational Practices

Differentiation, Universal Design for Learning (UDL) and Positive Behavior Supports (PBS)

Differentiated Instruction: Refers to an approach to teaching to meet the needs of a diverse group of students in a classroom by giving students “multiple options for taking in information,

making sense of ideas, and expressing what they learn.” (Tomlinson, 2005). For example, teachers who show pictures at the same time as giving oral explanations; explain something in different ways; have resources at different independent reading levels available; do things other than paper/pencil tasks to assess understanding; uses different colors to make a concept clearer, etc. is differentiating the process and products.

Another aspect of differentiation is as a continuing process which provides an approach for working successfully with advanced and struggling learners at the same time in the same classroom. (Tomlinson, 2005). Differentiated instruction is rooted in assessment and flexible grouping, i.e., not static grouping where children with IEPs are clustered in one group and students without IEPs in other groups. Here, the teacher uses assessment to determine what works for each learner or group of learners. This becomes a catalyst for crafting instruction in ways that help reach each student make the most of his potential and talents. Assessment is no longer something that happens at the end of a unit to determine “who got it; it is happening continually and becomes the basis for adjusting instruction. (Tomlinson, 2005).

For example, in a differentiated classroom, you may see whole group instruction when the teacher is first introducing a concept, but, then differentiation takes place as the teacher assesses students’ readiness levels and interests. Some students “get” a concept right away, while others may struggle. The teacher uses flexible grouping (i.e., group students according to their need/what they don’t get at that moment) to reinforce skills/concepts for students struggling, while others, who got the concept right away, may delve into an area in more depth or work on different skills which need reinforcing.

Universal Design for Learning (UDL): UDL is about designing curriculum that provides the opportunity for all students to access it versus making adaptations to a curriculum that was primarily designed for a homogeneous group. By building options in the *initial* design of the curriculum to provide diverse types of learners with ways to engage with curriculum, the need for retrofitting individual adaptations decreases and leads to a flexible curriculum that all learners can access more effectively (Hitchcock, Meyer, Rose & Jackson, 2002; Spooner, Baker, Harris, Ahlgrim-Dezzel & Browder, 2007).

For example, providing information and materials using multi-media can immediately increase accessibility for students, e.g., text can be increased to improve readability for those with poor vision; color can be used to highlight important information, built-in dictionaries can be quickly accessed to define unknown words and links to encyclopedias can add additional information to a subject. *Assessment* is flexible to provide accurate, ongoing information that helps teachers adjust their instruction and maximize learning.

PARENT TIP

The Center for Applied Special Technology (CAST), www.cast.org and the “Do-It” Project at the University of Washington, www.washington.edu/doi/ are great sources for exploring what UDL is all about.

Positive Behavior Supports (PBS):

Positive behavior supports are the federal law's preferred strategy for supporting students with disabilities who exhibit challenging behaviors. IDEA requires that PBS be considered in *all* cases of students whose behavior impedes their learning or the learning of others, reflecting IDEA's preference for use of research-based interventions.

PBS is different from traditional behavior interventions in several ways. PBS strategies must be respectful of the individual with behavioral difficulties; pain-inducing, humiliating, or aversive interventions are *never* part of PBS. Also, PBS does *not* use punishment to cause behavioral changes. Strategies that are developed using PBS are focused on far more than simply punishing/eliminating challenging behaviors. PBS helps the individual gain access to new environments, have positive social interactions, develop friendships, and learn new communication skills. These interventions are individualized, based on an understanding of the individual experiencing behavioral difficulties, the individual's communication abilities, and the unique situations of this individual.

Section 6: Struggling Readers, Inclusion and Response to Intervention (RTI)

A major national focus in the last 10 years in research and best practice has been on literacy; how to address the problems of struggling readers. All classrooms are literacy based. Lessons commonly involve reading, speaking, listening, and/or writing. Learning to read is a core skill and many children are classified for special education because they exhibit reading problems.

Thirty-eight percent of the students in New Jersey are classified for special education, due to a reading disability, i.e., classified with **specific learning disabilities (SLD)**.⁵⁴ Twenty-two percent more are classified based upon other, communication-based challenges. Black, Hispanic/Latino and economically disadvantaged students are being classified at a disproportionate rate as they are the most impacted by the **achievement gap** in reading; performing at half the proficiency rate in reading of white students.⁵⁵ These large numbers have raised concerns that many children are being classified with a communication-based disability when the real problem may have been less than adequate reading instruction in grades Kindergarten to third.

PARENT TIP

If your child is a struggling reader in K-3 and receiving instruction within a general education classroom, try the following:

1) Become familiar with the five essential components of reading so that you can speak intelligently with your team on the area in which your child is struggling. These are: (1) phonemic awareness; (2) phonics; (3) reading fluency; (4) vocabulary development; and (5) reading comprehension strategies. "Reading Tips for Parents" (U.S. Department of Education,

Office of Intergovernmental and Interagency Affairs.

2) Ask questions to find out exactly which area, above, is posing a challenge for your child and where they are vis-à-vis the expectation for their age/grade. Ask about the targeted intervention the classroom teacher is using and how he/she will be assessing, tracking and documenting your child's progress week to week. Ask what you can do at home to reinforce what is happening at school and follow through.

3) If the school plan is not working, it may indicate that your child needs a more intensive intervention for a specific amount of time, multiple times per week (such as 30 minutes, twice per week) depending on your child's needs. If this is the case, again ask about the targeted intervention which will be used and how your child progress will be assessed, tracked and documented week to week. After a number of weeks, if the intervention is not working, it may indicate that the intervention needs to be assessed and replaced with another.

Be a part of this problem solving conversation. The longer the reading gap exists, the harder it is to close the gap, i.e., it is much easier to close a 6 month gap in reading than a two year gap in reading.

If you have a student with significant disabilities, literacy should still be a focus. A great resource is the book, "Teaching Literacy to Students with Significant Disabilities: Strategies for the K-12 Inclusive Classroom" by June E. Downing. This book can help parents think through their goals for literacy for their child in connection with their becoming as independent as possible as adults.

Read to your child daily! Research shows that children who hear fluent reading are more likely to love reading, learn to read, and be successful in school. Obtain, "[The Read-Aloud Handbook](#)" by Jim Trelease. This book, by a parent who discovered the power of reading aloud through his own experience with his children, includes a list of great read-aloud books by grade levels.

Poor reading instruction prior to grade three has implications for the **inclusion** of students with disabilities. Following classification due to a reading problem, the common approach has been to remove the student from general education classrooms to a separate special education classroom and provide them with instruction via a reading curriculum (Wilson, Edmark, etc.). The provided curriculum may work well for many children, but not all and, for those children for whom it is not appropriate there is slow if any progress.

The research has shown that such special education placements tend to stabilize reading growth of students with reading disabilities rather than accelerate it; that students who enter special education with reading levels that are two or more years below those of their age mates (often the trigger required for consideration for special education) have maintained that disparity, or fallen further behind.⁵⁶ The result is a student whose struggles in the general education classroom increases as the reading becomes more challenging and teachers who do not know how to differentiate asking, 'Why is this child here?'

To address this problem, many schools, nationally (and some in New Jersey) are moving toward an approach called, **response to intervention (RTI)** in the early elementary grades to reverse the old “wait-to-fail” (before intervention through classification for special education) model. Schools can spend up to 15% of the IDEA funding received for special education to support such pre-referral (i.e., prior to evaluation and classification for special education) approaches.⁵⁷

RTI involves doing grade-wide assessments, or **universal screenings**, three times per year to tease out those students who are struggling, identify each child’s specific literacy need and get a targeted research-based intervention to him/her immediately which is supplemental to classrooms instruction, i.e., does not result in missing classroom instruction in the curriculum. This first level of intervention is known as **Tier 2** and continues only long enough to catch the child up. Children who do not respond to the **Tier 2** intervention within a set amount of time are then moved to more intensive, targeted interventions at **Tier 3** which may take place in a setting other than the general education classroom, but, for a specific amount of time (i.e., 30 minutes, three times per week) with the child’s progress continually, e.g., weekly, assessed. Children who do not respond to **Tier 2** or **Tier 3** interventions within a specific amount of time may be considered for special education services as his/her failure to respond to the intervention may indicate, not only the need for the more intensive interventions at **Tier 3**, but the presence of a disability.

Although there are no federal or New Jersey regulations governing timelines with RTI, it is important that districts using an RTI approach actively involve parents in reviewing a child’s progress data and making decisions about interventions and timelines to ensure that there is no “child find” violation, i.e., no delay in evaluating a child for eligibility for IDEA services and due process protections. Districts using **RTI** must develop procedures to ensure that the process for considering children for special education services is aligned with the **RTI** process. But, the use of **RTI** and similar tiered approaches is promising as it replaces a wait-to-fail approach with one which targets reading problems early and can deliver targeted, individualized interventions immediately.

Information on the **RTI** approach is abundant on the internet and in the educational literature. RTI is a school-based model and is not something which a parent can implement. But, parent involvement is a key ingredient in successful **RTI** models. A great cite for information on **RTI**, supported by the US Department of Education, is <http://www.rti4success.org>.

PARENT TIP:

Several sites on RTI contain guidance for districts on steps to take to ensure parental involvement and transparency in decisions. A summary of steps provided by Perry Zirkel, Esq., are below:

1. Provide detailed information on the range of regular education interventions available (pamphlets, research support, rates of success, etc...)
2. Meet with parents to discuss intervention options, agreed timelines and available course of

action

3. Inform parents their right to request an IDEA evaluation and provide written notice of IDEA procedural safeguards
4. Reach a consensus on a course of action in a collaborative manner (i.e., parents and RTI intervention team)
5. If the consensus decision is to pursue general education interventions, share progress data frequently with parents
6. Initiate follow-up communication regarding the child's progress or lack thereof
7. Convene follow-up meetings to review progress and renew consensus on current course of action
8. Document the steps above.

Parents who are partners in the intervention decision-making process will be less likely to raise legal challenges, and evidence of consensual action will be important should the matter lead to litigation

Zirkel, P. (2012). *The Legal Dimension of RTI: Part II. State Laws and Guidelines*. RTI Action Network, [Http://rtinetwork.org](http://rtinetwork.org)

Section 7: SOLUTION CIRCLES: A Brainstorming and Problem Solving Tool for When you Get Stuck at a Meeting, Admiring a Problem

(Developed by Marsha Forest and Jack Pearpoint (<http://inclusion.com>),

Solution Circles: Brainstorming and Problem-Solving Tool for Your Group

Solution Circles is a great tool for brainstorming and problem solving. Practice the technique with other parents and bring it to the attention of your CST if appropriate. It works best with a group of 6-10. The results can be powerful. It takes no more than a half hour and is effective in getting "unstuck" from a problem. Roles: problem presenter, facilitator/ time keeper, note taker, brainstormers (rest of the group).

Step One: (5 minutes) The problem presenter is given 5 uninterrupted minutes to outline the problem. The job of the facilitator is to keep time and make sure no one interrupts. The recorder takes notes (on easel paper, if possible). Everyone else listens. If the problem presenter stops talking before the 5 minutes elapse, everyone stays silent until the full time passes. This is the key! The problem presenter gets 5 uninterrupted minutes.

Step Two: (5 minutes) The problem solvers ask clarifying questions. What else do we, as the problem solvers, need to know? Ask questions to understand the problem, not, "have you tried" questions.

Step Three: (5 minutes) This is a brainstorm. Everyone chimes in with ideas about creative solutions to what they just heard. It is not a time to clarify the problem or to ask questions. It is not a time to give speeches, lectures or advice. The facilitator must make sure this is a

brainstorm. Everyone gets a chance to give their brilliant ideas. No one must be allowed to dominate. The problem presenter listens - without interrupting. He/she must not talk or respond.

Step Four: (5 minutes) Now the group can have a dialogue led by the problem presenter. This is time to explore and clarify the ideas. Focus on the positive points only and not what cannot be done.

Step Five: (5 minutes) The First Step. The problem presenter and group decide on first steps that are doable within the next 3 days. This is critical. Research shows that unless a first step is taken almost immediately, people do not get out of their ruts. Someone from the group volunteers to phone or see the person within 3 days and check if they took their first step.

Section 8: Tools for Facilitating Social Connections and Communication

Incorporating Visual Strategies in Social and Behavioral Skill Instruction

Low tech communication supports, such as clarification boards, can be developed to help students with significant communication difficulties clarify spoken utterances at the time of communication breakdown with peers.

Comic strip conversations (from Carol Gray) can also be adapted for use in helping students with communication and social difficulties and visually “map out” the best way to respond in a given a social situation. Using comic strip conversations involves cartooning to illustrate the rules of challenging social situations (Myles & Simpson, 2001). This technique is based on the idea that visualization and use of visual supports may improve some students’ understanding and comprehension of social exchanges (Grandin, 1992; Gray, 1993; Quill 1992).

Individualized social scripts or stories can also provide the student with accurate information about a situation or help them learn a replacement strategy. In social scripts or stories the social skill/situation is described in detail and focus is given to a few key points: the important social cues, the events and reactions the student might expect to occur in the situation, the actions and reactions that might be expected of him, and why. By learning these types of base social scripts, students with social difficulties can gain a fundamental understanding of appropriate responses in given social situations.

Role-playing the scripts for various social situations and video-taping both appropriate and inappropriate social behaviors can also be useful tools in teaching students to identify appropriate social responses. Showing the student a visual cue that corresponds to information from a script/story is helpful for reminding him of the skill targeted when he is in the situation.

Expanding a student's social network?

Gaps between students with and without disabilities widen as the students advance through the grades. Although there is every opportunity for students in inclusive settings to develop a wider and more robust social network, this may need some additional focus. Also, if the student is exhibiting inappropriate behaviors to gain social interactions, he will only develop more effective and age appropriate behaviors through instruction and peer referenced support. Providing information regarding approaches to facilitate social interactions with typical peers to the aides who work with students who have social interaction difficulties can help increase appropriate social interactions with typical peers and also assist the student in expanding his social network.

Having students work in cooperative peer groups during academic classes (when appropriate for the task at hand) can also help them practice social interaction skills in a more structured setting. Assigning roles to group members can add the structure that will enable a student with social skill deficits to be a productive group member. This student can practice these roles during individual or group counseling, so that he is better prepared to encounter them during his classes. Also, using topic interest groups can foster the development of mutual interest-based friendships to increase social competence, which is one reason why it is so important that teachers be aware of a child's special interests.

School-wide disability awareness efforts are often implemented by schools to facilitate effective inclusive programming for all students. However, developing the disability awareness of students is most effective when it is an ongoing activity. Transitions (i.e., staff leave/new personnel are hired; students leave/new ones arrive) can also impact a school's disability awareness efforts. Therefore, it is important to encourage schools to provide disability awareness training and activities on a continual basis and provide opportunities for students to participate in clubs, athletic related activities, music and other activities with peers without disabilities.

It may also be helpful to consider some additional activities that would include deliberate actions to assist a student with socialization difficulties in the development of a social network. One strategy to consider is the development and implementation of a circle of friends/support representing students that are the same age or slightly older than the target student. Circle of Friends is an activity completed with students without disabilities to discuss the importance of friendships and relationships in their lives and to generate ideas for ways in which they can be friends with peers who have disabilities. This could provide a context in which the student could develop a variety of relationships and gain support from individuals other than adults.

Developing a Circle of Friends/Circle of Support?⁵⁸

A Circle of Friends is a person centered planning strategy that many people across the country have used to facilitate relationships with peers, while creating a long term tool for keeping alive the vision of adult integration into the community.

A Circle of Friends or Support results in the creation of a group of people who agree to meet on a regular basis to help a person with a disability accomplish certain personal visions or goals. The focus person is unable to reach these goals working alone. So, he or she asks a number of people to work with him/her to overcome obstacles and to open doors to new opportunities. The circle members provide support to the focus person and they take action on her/his behalf.

The members of a circle of friends or support are usually friends, family members, co-workers, neighbors, church members and sometimes service providers or school staff members. The majority of people in a circle are not paid to be there. They are involved because they care about the focus person and they have made a commitment to work together on behalf of the person. Circles in no way exclude paid service providers. Paid providers can be an essential resource to a circle. However, the majority of circle members are non-paid, typical community members. A Circle of Friends works best when it includes people of different ages/generations and both disabled and abled persons.

When the majority of people in a circle are paid human service workers or school staff members, then we prefer to call this group a "person-centered team." We find that these teams often work for a positive future for the focus person as well, but the characteristics of a human service team are strikingly different from our experience with circles of support.

Four steps for building a Friendship Circle

1) FOCUS on an individual -- GENERATE a vision.

A Vision of what the individual desires will help set guidelines and plan strategies. Do not take on too much. Starting small and insuring positive results will allow movement towards more difficult steps with confidence, especially if there seem to be more barriers to tackle. Knowing the vision will help everyone stay centered when barriers get in the way. Prepare a road map: "know where you are starting, where you are going, how you can get there, when and with whom."

Some hints for creating vision:

- Instead of knowing ideas, listen to the desires and wants of the individual. Build on the things they say. Listen to their feelings. Feelings are neither right nor wrong. They just are.
- Assist the individual to be "capacity seeking."
- Look at the person's gifts and contributions to make the vision come alive for them.
- How can the community become part of removing those barriers and making the vision real?
- Don't expect things to happen overnight.
- Let each person share/his/her gifts. Each person has his/her own unique contribution to make. The gifts are as various and as numerous as those who possess them.

2) EMPOWER the focus individual or family, concerning what they see as a vision and work with them to achieve it.

- Don't tell them what is right for their child or themselves.
- Help them see THEIR CAPACITIES and work toward the goal with them.
- Get them as close to the dream as possible.
- SELF EMPOWERMENT STARTS FROM THE INSIDE OUT! It does not work from outside in. People short-circuit the process for others by trying to do the task of self - empowerment for them. We tend automatically to think of doing something for them. We do not reflect that they can do something with and for us.
- Don't give the impression that professionals have all the answers.

3) WORK WITH interested friends, family and individuals who care.

- Have the focus person or focus family invite family members, friends and neighbors to become part of the circle.
- Identify particular networks of people within your group.
- Look for the "gifts" of the people within the circle.
- View different ideas as ways to discover more and see new solutions to a problem.
- Develop strategies to overcome the obstacles and BRING THE VISION TO LIFE for the individual.
- Find ways that certain people in the circle can be a "bridge" for the person with a disability, into particular associations and activities in the community.

4) FIND CONNECTIONS within existing family, friend, neighborhood and community resources for getting more involved in community.

- Where do relatives, friends work? What clubs do they belong to? What churches do they go to? How might they get you in the door to begin there?
- Who are they? Who are their families? What are their particular needs and interests?

Look through local community newspapers and newsletters to find resources to meet the challenges of each person's vision.

Section 9: Positive Student Profiles

Positive Student Profile: Question & Answer Format

The following *Positive Student Profile* can be used to provide information about your child's preferences, strengths, challenges and successes. This document can be used to introduce your child to new teachers at the beginning of the school year and to provide anyone working with your child with a "snapshot" of who your child is (including support staff such as a paraprofessional, related service personnel, etc.).

Parents can use this form to provide valuable insight for teachers into this student from the perspective of a parent. The profile can be updated each year as the child grows and changes. When completing this form, the following categories may be changed to include the information that you feel is most important to share with people working with your child. The idea is to help people to see the strengths and positive attributes that your child brings to school.

It also becomes a great resource to the many teachers who may work with your child throughout the school day. They can refer to the student profile sheet as a quick tool to let them know the types of support that may be needed during their instruction time.

POSITIVE STUDENT PROFILE: Question and Answer Format

Child's Name: _____

Date of Birth: _____ **Child's Age:** _____

1. List your child's strengths, talents, and gifts. Highlight all areas in which your child does well, including educational and social environments

2. What are some of your child's successes?

3. What motivates your child?

4. List your child's three favorite activities (please note how often, where, and with whom your child engages in these activities):

5. List three activities that your child likes the least (please note how often, where, and why the individual is expected to perform these):

6. Identify several goals or dreams for your child's future. These can be long term (i.e., by the time he/she exists high school, etc) or more immediate (i.e., within the next year).

7. How does your child generally make himself/herself understood (i.e., speech, augmentative systems, gestures, picture system, object cues, vocalizing)?

8. How does your child ask questions for directions, information, personal needs, or assistance?

9. How does your child communicate preferences and/or make choices?

10. What types of supports does your child need for successful academic, social and/or behavioral participation and what strategies have been found to work well?

11. Please provide any additional input:

Student Profile: Chart Format

Name:

Age:

Grade/Subject:

Interests:

Strengths:

Challenges/needs:

Strategies/supports that work at home (or that previous teachers have told you work at school):

Goals areas that are most important to you:

XI. Endnotes

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- ¹ NJCDD Project Grant Number, Inclusion Works! Project 10ML3C.
- ² *Brown v. Board of Education*, 347 U.S. 483, 495 (1954).
- ³ *Pennsylvania Assn. for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania*, 343 F. Supp. 1257 (E.D. Pa 1971); 343 F. Supp. 279 (1972) and *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D.DC 1972).
- ⁴ 20 U.S.C. § 1400(c)(1).
- ⁵ 34 C.F.R. § 300.550(b)(1); N.J.A.C. 6A:14-4.2.
- ⁶ US Office of Special Education (US-OSEP). *Guidance on the IDEA's LRE Requirement*. Policy Memorandum 95-9 to Chief State School Officers from Asst. Secretary Judith Heumann, Nov. 23, 1994.
- ⁷ At 20 U.S.C. § 1401(c)(5).
- ⁸ See 20 U.S.C. § 1400(c)(5)(A); 34 C.F.R. §§ 300.532(b), 552(e). These requirements were originally added to IDEA as part of its 1990 reauthorization.
- ⁹ New Jersey Department of Education-Office of Special Education Programs, IDEA Part B SPP/APR Indicator #14, *Post-School Outcomes for 2009-2010 Exiters*.
- ¹⁰ *Oberti v. Bd. of Educ. of Borough of Clementon School Dist.*, 801 F. Supp. 1392, 1407 (D.N.J. 1992) aff'd 995 F.2d 1204 (3d Cir. 1993).
- ¹¹ In 2012, states submitted NCLB waiver requests to the United States Department of Education (USDOE) outlining alternate systems of support to NCLB. *New Jersey's ESEA Waiver Application* was approved by the federal government in April 2012. Available at www.state.nj/education/grants/nclb/waiver/.
- ¹² 34 CFR §300.309(b)(3).
- ¹³ B.G. Cook et al (2008). Evidence-based practices in special education: Some practical considerations. *Intervention in School and Clinic*, 44, 69-75.
- ¹⁴ The mediation process is outlined at N.J.A.C. 6A:14-2.6, the due process requirements are outlined at N.J.A.C. 6A:14-2.7 and the procedures for filing a complaint are found at 6A:14-9.2.
- ¹⁵ 20 U.S.C. § 1400(d)(2); 34 C.F.R §§ 303.5, 303.6.
- ¹⁶ 20 U.S.C. 1432; 34 C.F.R. § 303.13(a)(8).
- ¹⁷ 20 U.S.C. § 1432; 34 C.F.R. § 303.26.
- ¹⁸ 20 U.S.C. § 1435; 34 C.F.R. § 303.344(d).
- ¹⁹ Sebastian Striefel, et al., "The Social Integration Program: An Analysis of the Effects of Mainstreaming Handicapped Children into Day Care Centers," *Education & Treatment of Children*, 10(8), May 1987: 175-192.
- Michael J. Guralnick, "Major Accomplishments and Future Directions in Early Childhood Mainstreaming," *Topics in Early Childhood Special Education*, 10(2), 1990: 1-17.

²⁰ Presentation for American Academy of Pediatrics, NJ Chapter meeting by NJCIE, St. Joseph's Children's Hospital, December 15, 2006.

²¹ US-OSEP Letter to State Directors of Special Education from Melody Musgrove, Director. *Ensuring LRE for Preschoolers*, February 29, 2012. Available at www2.ed.gov/.../2012-1/dearcolleague022912preschoollre1q2012.pdf.

T.R. o/b/o N.R. v. Kingwood Twp. Bd. Of Educ., 205 F.3d 572 (3d. Cir. 2000). Here, the Court of Appeals rejected a District Court decision that a preschool disabled classroom comprised of 50% disabled and 50% nondisabled children provided an appropriate program in the LRE finding the District Court had failed to determine whether the district had considered less restrictive, private preschools close to N.R.'s home." The Court of Appeals found that under IDEA, the 50-50 placement proposed by the school district would be "more restrictive" than a "regular" preschool class. *T.R.*, 205 F.3d at 579-80.

²² N.J.A.C. 6A:14-1.2(b)(10).

²³ N.J.A.C. 6A:14-3.3(e)(1)(ii) & (iii).

²⁴ N.J.A.C. 6A:14-3.5 (c)(10).

²⁵ US-OSEP Letter from Musgrove, *Ensuring LRE for Preschoolers*, 3.

²⁶ The "Abbott" districts are approximately 30 of New Jersey's most economically and academically challenged districts. The name "Abbott" came from the series of court cases, *Abbott v. Burke*, litigated by the Education Law Center in Newark, New Jersey which resulted in court decisions finding that poor districts needed to be funded at a level competitive with districts in more affluent communities to ensure opportunity for student success.

²⁷ NJ Department of Education-Office of Special Education Programs (NJDOE-OSEP) Memorandum to districts, *Inclusion of Pupils with Disabilities in Preschool Programs*, February 4, 1999; NJDOE-OSEP Memorandum to districts, *Access to District Administered Early Childhood Programs for Children with Disabilities*, May 12, 2000; US-OSEP Letter from Musgrove, *Ensuring LRE for Preschoolers*.

²⁸ N.J.A.C. 6A:14-4.3(d).

²⁹ US-OSEP Letter from Musgrove, *Ensuring LRE for Preschoolers*.

³⁰ 34 C.F.R. § 300.320(a)(1)(ii); 6A:14-2.5(a)(1)(ii).

³¹ 34 C.F.R. § 300.320(a)(4)(ii); N.J.A.C. 6A:14-3.7(c)(11).

³² Originally retrieved from www.circleofinclusion.org in 2005. This link is broken. After significant investigation it appears that this formerly very popular resource has been taken down.

³³ In *Board of Education v. Rowley*, 458 U.S. 176, 188-89 (1982), the U.S. Supreme Court used a two prong test to review whether a district has provided a free appropriate public education (FAPE) in compliance with IDEA: "First, has the State complied with the procedures set forth in the Act, and second, is the individualized education program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits?" *Rowley*, 458 U.S. 206.

What constitutes an educational benefit or meaningful benefit has been the discussion of multiple court decisions. The *Rowley* Court made it clear that the IDEA does not entitle a child to an IEP designed to enable him to reach his

maximum potential. However, courts interpreting *Rowley* have said that the educational benefit must be “meaningful” and not “de minimis.” See *Polk v. Central Susquehanna Intermediate Unit*, 853 F.2d 171 (3rd Cir. 1988) cert. denied, 488 U.S. 1030 (1989); *Hall v. Vance County Board of Education*, 774 F.2d 629 (4th Cir. 1985). The child’s past progress or lack of progress may be the strongest indicator. Courts have found that FAPE must produce progress, not regression or de minimis benefit. *Hall*, 774 F.2d at 629.

³⁴ Students with disabilities must receive individualized services to provide a beneficial education. 34 C.F.R. §§ 300.320-300.324). Courts interpreting the *Rowley* decision have said that the educational benefit must be “meaningful” and not “de minimis.” See *Polk v. Central Susquehanna Intermediate Unit*, 853 F.2d 171 (3rd Cir. 1988) cert. denied, 488 U.S. 1030 (1989); *Hall v. Vance County Board of Education*, 774 F.2d 629 (4th Cir. 1985). The child’s past progress or lack of progress may be the strongest indicator. Courts have found that FAPE must produce progress, not regression or de minimis benefit. *Hall*, 774 F.2d at 629.

³⁵ N.J.A.C. 6A:14-3.3 (referral); N.J.A.C. 6A:14-3.5 (evaluation and determination eligibility); N.J.A.C. 6A:14-3.7 (IEP development); N.J.A.C. 6A:14:3.7(i) (annual meeting requirement).

³⁶ 20 U.S.C. § 1414(d)(1)(B)-d(1)(D); 34 C.F.R. 300.321; N.J.A.C. 6A:14-3.7(a)(1)(b).

³⁷ Paula Kluth, *You’re Going to Love this Kid: Teaching Children with Autism in the Inclusive Classroom*. (Baltimore: Paul H. Brookes Publishing, 2003), 72.

³⁸ 34 C.F.R. § 300.321a(6); N.J.A.C. 6A: 14-(2.3)(K)(2)(vii).

³⁹ *Oberti v. Board of Education of the Borough of Clementon School District*, 801 F. Supp. 1392 (D.N.J. 1992), *aff’d*, 995 F.2d 1204, 1215-1218 (3d Cir. 1993). Under *Oberti*’s two step test, the school district must first determine “whether education in the regular classroom with the use of supplementary aids and services, can be achieved satisfactorily.” Second, a district is only justified in removing a child to a segregated setting if it has exhausted the range of possible supported general/special education setting combinations within the neighborhood school building.

⁴⁰ 34 C.F.R. § 300.320(a)(1); N.J.A.C. 6A:14-1.3, 3.7(e)(1).

⁴¹ Rachel Janney and Martha Snell, *Modifying Schoolwork* (Baltimore: Paul H. Brookes Publishing, 2000), 6-7 (supports should be “only as special as necessary”).

⁴² 34 C.F.R. § 300.320 (a)(3); N.J.A.C. 6A:14-3.7(e)(16).

⁴³ M. Wagner et al., (2006). An Overview of findings from Wave 2 of the National Longitudinal Transition Study-2(NLTS2). Menlo Park, CA:SRI International. Available at www.nlts2.org/reports/2006_08/nlts2_report-2006-08_complete.pdf.

⁴⁴ Elizabeth Castagnera et al., *Deciding What to Teach and How to Teach It* (Colorado Springs, CO: Peak Parent Center, Inc., 2003), 24-26.

⁴⁵ Castagnera, *Deciding What to Teach*, 25.

⁴⁶ N.J.A.C. 6A:14-4.3(a).

⁴⁷ Linda Tilson, *The Teacher’s Toolbox for Differentiating Instruction* (Shorewood, MN: Covington Cove Publications, 2007), 231.

⁴⁸ N.J.A.C. 6A:4-4.2(a)(4).

⁴⁹ N.J.A.C. 6A:14-4.5 (e).

⁵⁰ Chriss Walther-Thomas et al., *Collaboration for Inclusive Education: Developing Successful Programs* (Boston: Allyn & Bacon, 2000).

⁵¹ Procedural safeguards are outlined in Subchapter 2 of the NJ Special Education Code: NJAC 6A:14-2.3 (parental consent, notice, participation and meetings); 6A:14-2.5 (protection in evaluation procedures); 6A:14-2.6 (mediation); 6A: 14-2.7 (due process hearings) and Monitoring, Corrective Action and Complaint Investigations for systemic concerns at Subchapter 9, 6A: 14-9.2 (complaint investigation).

⁵² The State Performance Plan may be found on the NJDOE website at <http://www.nj.gov/education/specialed/info/spp/>.

⁵³ This generally applies to students with intellectual disabilities. Whether a student can meet the curricular goals of the rest of the class is irrelevant to the decision whether the child can remain in the general education classroom. *Girty v. Sch. Dist. of Valley Grove*, 163 F. Supp. 2d 527 (W.D. Penn 2001), reprinted at 35 IDELR 181 (W.D. Penn 2001)

⁵⁴ Statewide, 81,018 students out of the 214,005 students were classified with specific learning disabilities as of October 15, 2009, the latest available figures on the NJDOE data site. <http://www.nj.gov/education/data/>

⁵⁵ US Bureau of Labor Statistics, Table A-2, *Employment Status for the Civilian Population by Race, Sex, and Age (Feb 2011)* (unemployment rate for Black males age 20 and over nearly twice that of white males (17.5 percent versus 9.1 percent).

⁵⁶ Richard L. Allington. *What Really Matters for Struggling Readers: Designing Research-Based Programs, 3rd Edition* (Boston: Allyn & Bacon, 2011).

S, & J. Fletcher, J, (2003), "Bringing research-based practice in reading intervention to scale," *Learning Disabilities Research & Practice*, 18(3), 2003: 203.

⁵⁷ 20 U.S.C. § 1413(a)(4)(A)(i) & (ii); 20 U.S.C. § 1413(f)(1).

⁵⁸ Adapted from "One Candle Power: Building Bridges into Community Life for People with Disabilities", Pat Beeman, George Ducharme, and Beth Mount, 1989.