EDITOR’S NOTE
Special education compliance ensures that students with disabilities receive appropriate and equal access to education, as mandated by law. This Spotlight will help you examine implementation of universal screening for dyslexia; learn about one district’s steps to improve services for students with disabilities; investigate a Supreme Court ruling that enables students with disabilities to sue districts for failure to provide required services; and more.

Universal Screening for Dyslexia Isn’t Enough ................................................... 2
Feds Flag Districts’ Failures to Serve Students With Disabilities. But That’s Only the Start ......................... 4
Supreme Court Rules Deaf Student Can Sue School District Over Alleged Failures ............................................ 6
Braille and Language Development: What Teachers Should Know ................ 8
Older Students Face Time Crunch In Getting Crucial Special Education Services ........................................ 10

OPINION
Diagnosing ADHD Is Hard. Here’s What Teachers Need to Know .............. 13
Universal Screening for Dyslexia Isn’t Enough

By Elizabeth Heubeck

Dyslexia screening is getting a lot of attention right now. As of last October, 46 states had enacted dyslexia-related legislation, much of it in the past few years, according to dyslegia, a website that tracks state laws related to dyslexia.

Most such laws center around mandatory school-based “universal screening” for all students as early as kindergarten for the disability, which impairs one’s ability to read.

But dyslexia advocates say it’s far too early to emit a collective sigh of relief that these new screening mandates will ensure that the estimated 5 percent to 10 percent of children who suffer from dyslexia (or 20 percent, according to some experts) will be identified early enough to get the interventions they need to become successful readers.

There are lots of reasons why screening isn’t the magic bullet that necessarily leads to “fixing” dyslexic students’ struggles with reading. Literacy experts and advocates for children with dyslexia explain some of the multiple factors that can impede both the screening process and what happens next.

School screening for dyslexia doesn’t necessarily lead to a diagnosis

The dyslexia screening that takes place within a school setting is not intended to actually diagnose dyslexia. Most states’ public schools are screening for risk indicators of dyslexia and other reading problems, explains Mary Wennersten, the accreditation chair of the International Dyslexia Association.

She added that most public school systems do not employ personnel qualified to diagnose dyslexia; typically, an educational psychologist will provide the diagnosis after an extensive evaluation process.

Many schools adopt a ‘wait-and-see’ approach in the earliest grades

Even when a kindergartner’s dyslexia screening results indicate “red flags,” some experts say it’s common for schools to wait for further evidence of problems with reading before acting. Wennersten said schools opt to wait in part because children enter kindergarten with various skill sets and exposure to print. They may have been exposed to trauma, or have had illnesses that affected their development. Even ear infections can result in delays, she said.

“In kindergarten, this is often the biggest growth a child can make. They are just learning this sound system,” Wennersten said. “So teachers monitor them.”

It used to be common for educators to wait until 3rd grade before taking steps beyond monitoring a struggling students’ progress, Wennersten explained.

“Now researchers are telling us that we cannot wait,” she said. “We must look at risk indicators.”

Schools’ approach to reading instruction can seriously skew screening results

How schools teach reading can also complicate the screening process. Heather Knight, the director of literacy for Missouri’s Department of Elementary and Secondary Education, said that among public schools that aren’t using evidence-based reading instruction, dyslexia screenings are likely to find risk indicators of dyslexia in about 50 percent of students—not because that many children have reading problems, but because they aren’t being taught to read using methods proven by science to work.

Knight did not provide data on the number or percentage of Missouri schools that are using science-based reading instruction. She did say, however, that about 9,000 of the state’s public school teachers have completed or are participating in LETRS training, which gives teachers a knowledge base for teaching phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and language.

This training is part of the Missouri Read, Lead, Exceed initiative, a comprehensive statewide plan to support student literacy.

“Our hope is that all of our schools move toward EBRI [evidence-based reading instruction],” Knight said.

School personnel have insufficient training to provide interventions

Despite nationwide momentum, the push to implementing evidence-based reading instruction in general education classrooms has only recently begun in many districts. Many schools are not yet prepared to execute the even more nuanced and time-intensive reading instruction required for students with dyslexia to learn how to read effectively.

Those students need an explicit, systematic method of teaching foundational skills, in-
cluding decoding and spelling skills and other components of literacy, according to the International Dyslexia Association.

Plus, some advocates and families suggest that many schools already have a poor track record when it comes to meeting the needs of students with reading disorders. Laura Schultz, co-founder of Decoding Dyslexia Maryland, a statewide advocacy network of parents, students, and educators, describes her experience with public schools as a parent of a child with dyslexia.

"By the time my daughter was in 7th grade, her teachers were like: 'We like her a lot, but she's not going to amount to much,'” said Schultz, who ended up hiring private tutors to support her daughter’s reading needs. “These are well-meaning people, they just didn’t know what to do.”

Wennersten said this is not an uncommon sentiment. “Unless it’s a small community that has lots of funding and support, in general, there’s not enough support [in the public schools] for students,” she said.

“You need to have your leadership understand the system that has to be in place to make all kids successful,” Wennersten added. This includes teacher preparation that readies elementary school educators to teach evidence-based reading to all students, as well as professional development that teaches effective strategies for early identification of students struggling to gain reading skills, she explained.

Even in states that have made strides toward implementing evidence-based reading instruction, screening mandates, and interventions, the pandemic has presented new setbacks.

“I feel like COVID took the wind out of everyone’s sails,” said Karleen Spitalnik, a representative of the state leadership team for Decoding Dyslexia Maryland and a parent of a child with dyslexia. “With teacher shortages, and the fact that so many kids are behind, it makes it even harder to pay attention to the kids with dyslexia.”

The chasm between screening and diagnosis

Knight, the Missouri state literacy official, noted that school systems, for the most part, do not diagnose dyslexia, although a school psychologist or speech pathologist may have the training and the ability to assess and identify for dyslexia. Oftentimes, families will seek an evaluation from an educational psychologist or a neuropsychologist, most of whom work in private practices.

Such evaluations involve educational assessments; eye, ear, and neurological tests; and input from teachers, parents, and primary care providers. In addition to possessing knowledge and background in psychology, reading, language, education, evaluators must be able to administer assessments, interpret evaluation data, and provide input on appropriate reading interventions, according to the National Center for Learning Disabilities.

Obtaining these evaluations is not simple. They can cost up to several thousand dollars and are rarely covered by health insurance, according to DyslexiaHelp, a resource center within the University of Michigan School of Education. Many areas, especially rural or otherwise remote locales, generally have few if any professionals who can make a definitive diagnosis of dyslexia. Even when parents get a diagnosis from a private evaluator, the child’s public school system can determine whether to accept the assessment, Wennersten said.

If a school team does accept a report by an outside private evaluator and determines that the student qualifies for special education services, Wennersten said, it will then create an individualized education plan, or IEP, which specifies the interventions the school must provide to that student.

And a strong diagnosis is important, Knight said, “to identify what difficulties students are having, to really pinpoint specific skills they’re lacking, and then identify further what interventions will help support them.”

Pocket of promise

“I think there are pockets of promise—some teachers who know what they’re doing, some principals who know what they’re doing. I think some kids are probably getting what they need,” said Spitalnik, who eventually decided to send her son to a private school for children with dyslexia the summer before 3rd grade, after he asked her how to spell "sit."

Schultz, who co-founded Decoding Dyslexia Maryland in 2012, said the organization still gets about the same number of inquiries from frustrated parents as it did when it started 11 years ago. She’s hopeful for change given recent legislation such as Maryland’s Ready to Read Act of 2019 which, among other things, requires local education agencies to screen “all kindergarten students and identified 1st grade, 2nd grade, and 3rd grade students who may be at risk for reading difficulties.”

“It’s actually a big victory,” Schultz said. “Our state had no requirements for anybody for anything to do with reading.”
Unlock the 7 Secrets that Drive Compliance and Student Success

Are there effective ways to meet the needs of a learner while achieving and maintaining compliance? Learn these strategies in our webinar, *7 Secrets of Compliance*. You’ll get best practices for data collection, progress monitoring, case management, and parental engagement. See how you can reduce stress for the whole IEP team!

**Watch our webinar at n2y.com/7-secrets**
Feds Flag Districts’ Failures to Serve Students With Disabilities. But That’s Only the Start

By Evie Blad

V

irginia’s largest school district failed students with disabilities during the COVID-19 pandemic, federal investigators announced this week.

Advocates for students with disabilities called the findings further confirmation that school systems around the country need to do more to address the effects of unprecedented widespread interruptions on the progress of vulnerable students and a sign that federal officials are taking notice.

Fairfax County schools failed to meet the requirements of students’ individualized education programs and disability accommodations plans during school closures, and it failed to remedy those lapses with adequate compensatory services, concluded a federal resolution agreement released Nov. 30.

In the agreement with the U.S. Department of Education’s office for civil rights, the 178,000-student district agreed to convene meetings to review each individual student’s IEP or plan under Section 504 of the Rehabilitation Act of 1973 to identify gaps in services and to make plans to address them moving forward. The district will also conduct outreach to parents and guardians of students with disabilities to make them aware of their rights under federal laws.

“I am relieved that the more than 25,000 students with disabilities in Fairfax County will now receive services federal law promises to them, even during a pandemic, to ensure their equal access to education,” said a statement from Catherine Lhamon, assistant secretary for civil rights at the U.S. Department of Education.

The agreement is the second of its kind since widespread school shutdowns in March 2020 interrupted classroom learning and the delivery of required therapies and services for millions of students with disabilities. Parents complained that students weren’t receiving needed physical and occupational therapy services at home, that speech pathology appointments were far less effective on a computer screen, and that online learning systems sometimes lacked the accommodations necessary to adapt to learning disabilities related to issues like linguistic processing.

In April, the office for civil rights made a similar agreement with the Los Angeles Unified School District, which advocates flagged as a harbinger of a much larger concern nationwide. They echoed those statements after reading the Fairfax County resolution.

“It wasn’t just students in Fairfax County Public Schools who weren’t getting the services they have a right to,” said Lindsay Kubatzky, director of policy and advocacy for the National Center for Learning Disabilities.

“It shouldn’t take legal action for students to get support.”

“We hope that this resolution will push other school districts to acknowledge the impact the pandemic has had on students, particularly those with disabilities, and focus efforts on providing the supports and services for those students,” he continued.

Neglected needs of students with disabilities

Under the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act, schools must reevaluate the needs of students with disabilities and regularly update plans to provide accommodations, like adaptive software to help with reading on a computer screen, and developmental services, such as occupational and speech therapy.

Federal courts have held that schools must provide compensatory services to students if they encounter interruptions, like natural disasters or shortages of specialized staff, that impede delivery of those services and supports. Those compensatory education plans must address how schools will help students return to the level of progress they would have reached had a lapse never occurred by providing extra therapies, tutoring, and other supports.

But many schools have failed to evaluate if students need such recovery services, even after repeated urgings by the U.S. Department of Education to do so, advocates said.

What investigators found in Fairfax County:

• The school system failed to provide a legally required free and appropriate public education to thousands of students with disabilities during the pandemic.

• Administrators supplemented students’ IEPs with “temporary learning plans” providing fewer services without proper evaluations.

• The district did not adequately track what special education services students received.

• An internal district analysis “found that the percentage of students with disabilities in middle and high school who failed two or more classes in the first quarter of the 2020-2021 school year (19 percent) more than doubled from the same time a year before.”

• Internal correspondence shows administrators didn’t believe they owed students compensatory services because it wasn’t their fault that schools had to close.

Under a voluntary resolution agreement, Fairfax schools agreed to designate an administrator to oversee its new compensatory services plan, to convene IEP and 504 teams to review students’ needs, to report back to federal officials on progress, and to train staff about meeting the requirements of federal laws.

“As we emerge from the global pandemic, FCPS remains committed to working diligently to provide the support needed to ensure each and every student recovers from
learning loss,” the district said in a statement. “FCPS has and will continue to leverage resources to ensure students with the greatest need receive prioritized support for enhanced outcomes.”

Parents push school districts to act

Since the pandemic's beginning, school district administrators have said staffing shortages, expenses, and logistical hurdles made it difficult to comply with IEPs and 504 plans. Early on, some pushed then U.S. Secretary of Education Betsy DeVos to waive some requirements of the IDEA, which she opted not to do.

Like Fairfax County, too many districts have waited for parents to request compensatory services after schools reopened, rather than ensuring all special education students are evaluated, advocates have said.

In light of such concerns, New Jersey lawmakers passed a bill in March that extended the timeline for requesting such services and required all schools to review students’ learning plans by the end of the calendar year, whether or not they have a specific request from parents.

The National Center for Parent Leadership, Advocacy, and Community Empowerment, which involves parents in advocacy and policy discussions, has urged parent groups around the country to push their school districts to publicize compensatory education options and to make comprehensive plans to provide them, said Diana Autin, the organization’s executive director.

If they fail to do so, parents should file federal complaints to spark resolutions like those in Fairfax County and Los Angeles, she said.

The agreement is “a welcome sign that the Department is taking seriously the widespread need for compensatory services for students with disabilities who were denied a free, appropriate public education during the pandemic,” Autin said.
Supreme Court Rules Deaf Student Can Sue School District Over Alleged Failures

By Mark Walsh

The U.S. Supreme Court on Tuesday ruled unanimously that a deaf student may pursue his lawsuit for money damages against a Michigan school district that allegedly failed for years to provide him with adequate sign language assistance.

The court held in *Luna Perez v. Sturgis Public Schools* that a procedural requirement under the main federal special education law, the Individuals with Disabilities Education Act, does not bar the student’s claim under the Americans with Disabilities Act of 1990.

The decision will allow the now-27-year-old student, Miguel Luna Perez, to pursue damages under the ADA. And it will make it easier for other students with disabilities and their families to bypass often slow-moving administrative proceedings under the IDEA when their chief claim is for damages under other federal laws such as the ADA or the Rehabilitation Act of 1973.

The key question in the case was whether students and parents must “exhaust” all administrative proceedings under the IDEA before they may sue under a different federal law such as the ADA when the remedy at issue, such as money damages, is not available under the IDEA.

Writing for the court, Justice Neil M. Gorsuch suggested both sides offered a plausible view on the issue, but “we believe Mr. Perez’s better comports with the statute’s terms.”

“The statute’s administrative exhaustion requirement applies only to suits that ‘seek relief ... also available under’ IDEA,” Gorsuch said, referring to a central but confusing provision Congress added to the IDEA. “And that condition simply is not met in situations like ours, where a plaintiff brings a suit under another federal law for compensatory damages—a form of relief everyone agrees IDEA does not provide.”

Gorsuch delivered a short summary of his opinion from the bench, a tradition the court restored only recently after three years of simply posting its decisions online due to the COVID-19 pandemic. The opinion is eight pages and came two months after the case was argued in January.

Gorsuch said the court did not decide two other issues advanced in briefs and arguments. One of those, argued by Luna Perez’s lawyers, was that the IDEA’s administrative exhaustion requirement is susceptible to a “futility exception,” meaning the requirement categorically would not apply when exhaustion would be futile, as in Luna Perez’s case. The other, raised by lawyers for the school district, was that money damages are not even available under the ADA, so Luna Perez will ultimately not get the unspecified money damages he is seeking.

“But today, we have no occasion to address any of those things,” Gorsuch said. “In proceedings below, the courts held that [the IDEA’s exhaustion provision] precluded Mr. Perez’s ADA lawsuit. We clarify that nothing in that provision bars his way.”

Brian Wolfman, a law professor at Georgetown University Law Center, and the director of an appellate clinic that had filed a friend-of-the-court brief in support of Luna Perez, said the decision was “a very good outcome for kids.”

“If someone is seeking monetary relief in statutes other than the IDEA, the decision today says you can go straight to court,” he said. “Parents and students don’t have to get caught up in this IDEA exhaustion process, where they can get deterred.”

Miguel Luna Perez, who is deaf, attended schools in Michigan’s Sturgis Public School District from ages 9 through 20.

**ART EBERT**
Superintendent, Sturgis Public Schools

Through this, too, we will gain knowledge, insight, and understanding that will help us maximize every student’s true potential.

Pursuing ADA suit after a settlement of IDEA claims

Roman Martinez, the Washington lawyer who argued the case for Luna Perez, said in a written statement that “the court’s ruling vindicates the rights of students with disabilities to obtain full relief when they suffer discrimination. Miguel and his family look forward to pursuing their legal claims under the Americans with Disabilities Act.”

Art Ebert, the superintendent of Sturgis

**Miguel Luna Perez, who is deaf, attended schools in Michigan’s Sturgis Public School District from ages 9 through 20.**
Public Schools, said in an interview that because he had joined the district after it had settled with Luna Perez's over the student’s IDEA claims in 2018, he could not comment on the details or outcome of the case.

“Having said that, I can share that I believe that every experience provides us with an opportunity to learn and grow,” Ebert said. “Through this, too, we will gain knowledge, insight, and understanding that will help us maximize every student’s true potential.”

Ebert said it was too early to say whether the district would continue to vigorously defend itself against Luna Perez’s ADA suit.

Gorsuch provided a short but poignant factual backdrop of the case involving Luna Perez, who immigrated from Mexico with his parents and attended Sturgis public schools from age 9 to 20.

“Because Mr. Perez is deaf, Sturgis provided him with aides to translate classroom instruction into sign language,” Gorsuch wrote. “For years, Mr. Perez and his parents allege, Sturgis assigned aides who were either unqualified (including one who attempted to teach herself sign language) or absent from the classroom for hours on end.”

“Along the way,” Gorsuch continued, “Sturgis allegedly misrepresented Mr. Perez’s educational progress too, awarding him inflated grades and advancing him from grade to grade regardless of his progress. Based on Sturgis’s misrepresentations, Mr. Perez and his parents say, they believed he was on track to graduate from high school with his class. But then, months before graduation, Sturgis revealed that it would not award him a diploma.”

Although the school district and Luna Perez reached a settlement of his IDEA claim, the 3,000-student district has not conceded that it had failed to provide him a “free appropriate public education,” or FAPE, under the special education law.

Luna Perez attended the Michigan School for the Deaf for several years at the school district’s expense, finally graduating with a high school diploma in 2020. He attended the oral arguments with the help of teams of Certified Hearing Interpreters using American Sign Language and Certified Deaf Interpreters.

In a statement he released through his lawyers in January, Luna Perez said he had learned construction skills at the Michigan School for the Deaf and was interested in home building as a job. He was pursuing his legal case to ensure that other deaf students are provided adequate assistance in schools.

“I want to win, and hope that others like me get interpreters,” he said.
Braille and Language Development: What Teachers Should Know

By Sarah D. Sparks

Washington, D.C.

The overwhelming majority of vision-impaired children attend regular public schools, rather than specialty schools for the blind, and few have teachers who are trained to understand differences between tactile and visual language, experts say.

That can be problematic because understanding these different language modes can be critical for teachers to boost literacy skills for their visually impaired students, according to researchers at the American Association for the Advancement of Science conference here earlier this month.

About 3 percent of U.S. children are blind or have low vision even with corrective lenses, according to the most recent data from the Centers for Disease Control and Prevention. Many of them read and write using braille, a tactile language that uses small raised groups of raised dots.

Braille has been used to represent more than 50 world languages, as well as math and scientific figures and musical notation. (The tactile writing system was created in France in 1829, building off military codes developed to allow soldiers to communicate in the dark.) While visually impaired readers recognize braille through touch, those with normal vision often learn to recognize braille patterns by sight instead.

There are no national data on how many children with low vision are learning or fluent in braille; often-cited estimates of about 1 in 10 blind students who are fluent in braille in grades K-12 are more than a decade out of date.

“We’re in a constant battle of trying to keep up with the need,” said M. Cay Holbrook, a special education professor at the University of British Columbia.

Holbrook and her colleagues found that only 26 teacher-education programs in North America include training in braille and its connection to print and oral literacy. This leaves many districts, particularly those in rural areas, with little professional development support for educators working with low-vision readers.

“Often paras with no knowledge of braille become the primary teachers of reading to visually impaired children,” Holbrook said. “In my almost 40 years of preparing teachers, fewer than 10 percent are native tactile readers [meaning they grew up reading the language tactilely, usually because they or a family member has low vision]. Ninety percent read braille visually.”

Teachers who only receive training in reading braille visually often mistakenly consider the tactile language just a “code” for print, Holbrook said. That’s a problem, because differences in the two language modes can be invisible to those reading braille visually instead of by touch.

ROBERT ENGLEBROTON
Associate Professor of Linguistics, Rice University

If teachers intentionally conceptualize braille as a writing system that represents spoken language [...] then they may better enable students to achieve reading fluency.”

Differences in print and braille

Braille uses a two-by-three matrix of raised dots (called a “cell”) to represent individual letters as well as 180 contractions representing groups of letters or words. Researchers have found that differences in the way words are broken up in braille and print can lead to misunderstandings for visually impaired students taught by sighted teachers.

For example, braille contracts “ER” into a single cell which represents those two letters. In a word like “runner,” where the ”-er” is a suffix, this contraction doesn’t change how a student with regular or low vision would naturally break up the word.

By contrast, look at the word “redraw.” In braille, it is made of five cells including a contraction: “r-ED-r-a-w.” In this case, the
braille contraction bridges the natural break between the prefix “re-” and stem word “draw” in print. The student reading braille tactically could mistakenly pronounce the word “red-raw.”

“Reading and writing braille is not simply a matter of ‘decoding’ or ‘encoding’ contractions to and from print,” said Robert Englebrotson, an associate professor of linguistics at Rice University.

In two related studies, Englebrotson and his colleagues looked at how visually impaired readers recognized morphemes, the smallest meaningful units of a word. In both a study of adults and a separate one of students in grades 1-4, the researchers found that readers were slower and made significantly more mistakes when writing words that included a morpheme that bridged a contraction in braille—like “ED” did in “redraw.”

Visually impaired children made more than 40 percent more errors in reading the word “mistook”—which in braille includes a contraction “ST” that bridged the prefix “mis-” and stem word “took”—than the mistakes they made when reading “crystal,” which does not include a bridging “ST” contraction.

Similarly, adults were slower and 15 percent more likely to make mistakes when reading words with bridging contractions in braille.

“If teachers who are usually visual readers of braille primarily understand and have experienced braille as a code that represents print, then they may unconsciously or not teach students to use a more print-like reading strategy,” said Englebrotson. “But if teachers intentionally conceptualize braille as a writing system that represents spoken language parallel to, equal to, and not dependent on print, then they may better enable students to achieve reading fluency.”

Emerging technology—from braille translation software and keyboards to portable electronic braille displays—can help support students with low vision in a general education classroom. Audio books and read-along software availability also grew significantly for sighted and blind students during the pandemic, when school library systems like New York City’s moved to provide more virtual access to text.

But Englebrotson and Holbrook also said teacher education programs should incorporate different modes of language—not just to better serve blind students—but also to develop a deeper understanding of the elements of how all readers develop understanding of language.
The Individuals with Disabilities Act (IDEA) of 2004 guides the special education process. Under this law, eligible students with disabilities are ensured access to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). Compliance with IDEA and similar laws ensures that schools provide eligible students with disabilities access to the same educational opportunities as their peers. Students have a right to receive an education that meets their unique needs.

Here are seven concrete steps administrators can take to achieve a culture of compliance.

SECRET 1
SUPPORT AND RETAIN TEACHERS

Teachers who feel appreciated and supported are more likely to stay, so administrators have a huge role to play in retention. School and district administrators can show support in impactful ways by doing things such as breaking compliance into components and giving training and guidance on each element. This process can start before a draft of the IEP is even written. Training can begin with showing teachers how to provide effective IEP input. Another useful step would be to show teachers an example of an input form with data and observations that are helpful throughout the process:

• Progress toward goals and objectives
• Present level of performance
• Recommended goals for the coming year

Finally, administrators can make time for the case manager and the teacher to complete an input form together.

Allowing time for teachers to complete peer observations in each other’s classrooms carries tangible benefits. Teachers can develop new ideas and learn best practices to meet the needs of all learners and support progress toward IEP goals. This time of observation and reflection also serves as professional development.
SECRET 2
MAKE PLANNING TIME PURPOSEFUL

Special education teachers want to advocate for their students, and administrators can help them succeed. For example, administrators can provide common time for case managers and teachers to draft elements of the IEP in advance. They can also encourage case managers to create and share an “IEP at a glance” one-pager to help everyone involved. This should include the most important information about the IEP to help the team understand how to best support each student. Some important areas to highlight include services, settings, time, goals, and accommodations.

Administrators can provide opportunities for the case manager to conduct student observations in different settings to get a clear view of each student’s strengths and needs. This information will help with progress monitoring and will inform future IEP goals.

Teachers only have so many hours in a day, so it is important to help them put their planning time to good use.

SECRET 3
STAY ORGANIZED

Anyone involved in an IEP should keep a calendar of due dates and deliverables. This will help team members collect work samples, consult with other teachers, and invite parental input throughout the year.

Do whatever is necessary to keep a student’s IEP accessible and easy to reference. For example, print out goals that teachers and instructional assistants can use as needed. Use a binder to collect data and observations, and try to collect data continuously from multiple stakeholders and settings.

Invitations to the IEP meeting and requests for parental input should be sent early enough to give parents time to reflect upon their child’s strengths and areas of need, list any concerns, identify short- and long-term goals for their child, and ask questions. Remember that parents are the experts on their children, so seek their input.

SECRET 4
PLACE STUDENT IN LRE

As mandated in IDEA, students should not be removed from general education settings unless they cannot achieve their learning goals there.

The LRE must be determined and individualized for each student. Give students with disabilities opportunities to interact with their general education peers. Consider opportunities such as specials, lunch, assemblies, and field trips.

This is a team effort—both special education and general education teachers should strive for inclusion. Both groups of students benefit from these interactions and the relationships they build. LRE is more than a place, it’s a guiding principle.

Get strategies and best practices to achieve compliance while advancing student success.

WATCH OUR WEBINAR

SECRET 5
WRITE AND IMPLEMENT QUALITY GOALS

Build on careful observation and data documenting the student’s strengths and needs when creating SMART goals. Once drafted, review goals to ensure they are specific, measurable, attainable, relevant, and timely. When putting these goals into action, be sure the lessons delivered are age and grade appropriate.
As students work toward their goals throughout the year, be sure to monitor their progress, as this can inform necessary changes to the IEP. Areas to monitor can include instruction, services, and accommodations to support the student’s success.

SECRET 6
COLLECT DATA

Data collection helps to clarify present levels, drive IEP goals, inform instruction, and monitor student progress. So once the mastery criteria are in place for an IEP goal, it’s time to collect data to measure progress. Remember to continuously record input from multiple stakeholders and settings.

Being flexible allows your team flexibility. Data collection can be achieved through a variety of methods, including observation.

SECRET 7
PREPARE AND PLAN PROACTIVELY

After completing special education paperwork, use a checklist to ensure all components of the IEP are present and correct. Consider adding a reminder to evaluate the factual basis of the IEP to your checklist, which is important but not always called out. Next, have a peer review the work, and consider asking them to use the same checklist. When completing a peer review, give constructive feedback on content whenever possible, to ensure the IEP is not filled with emotion.

Conducting pre-audits can help to identify what is in compliance and find areas in need of revision.

Achieving and maintaining a culture of compliance does more than ensure the individualized education of a learner. It also serves to protect teachers and educational institutions through ongoing documentation. Most importantly, achieving and maintaining compliance results in improved student outcomes.

MEET THE NEEDS of the Whole Child

For 25 years teachers, administrators, students, and families have enjoyed life-changing experiences made possible by award-winning n2y solutions. With our research and evidence-based total solution, educators have the resources and support they need to meet the needs of the whole child. And unique learners from pre-K to transition make meaningful progress on academic, life, and behavioral skills that are essential for success in school and beyond.

Get a free 30-day trial at n2y.com/trial

Copyright © n2y, LLC. All rights reserved.
Older Students Face Time Crunch in Getting Crucial Special Education Services

By Evie Blad

Rebecca Newlon is finishing up her K-12 educational experience where it all began: at her former elementary school in McHenry, Ill.

An internship program there has given the 19-year-old, who has Down syndrome, the space to learn valuable lessons about adulthood. It’s also given her a chance to recover from the isolation of the early days of the COVID-19 pandemic.

“I like seeing my old teachers,” Newlon said. “I am one of the adults in the school and the kids learn from me.”

Like many students with disabilities, who are often at higher risk for severe illness from the virus, Newlon experienced seismic interruptions in her learning when her school closed for in-person instruction in spring 2020.

And, as K-12 schools shift into recovery mode for students with disabilities, the oldest students face a particular challenge: getting the most out of special education services before they seek to live more independent lives as adults.

Newlon walked at her high school graduation last spring, but she won’t receive her diploma from the McHenry school district until she finishes a special transitional program designed to help students with disabilities learn skills needed for life and work.

Some students in transition programs learn how to ride the city bus alone, how to balance a checkbook, or how to create a college-course plan. Newlon, who has long been interested in administrative work, spends three days a week at her former elementary school, learning skills that she can transfer into later office work, like sorting mail and managing paperwork.

In recent years, thousands of students who are a few years older than Newlon missed out on those experiences. Because of the pandemic, routes were restricted on public transportation. Workplaces that would normally provide on-site training for students closed their offices or limited access. And programs that emphasize hands-on experiences struggled with the transition to online learning.

Newlon’s mother, Chris, is both pleased and relieved to see her daughter thriving in the work. And she feels fortunate that the internship wasn’t interrupted by pandemic closures.

“We would like to see her as independent as possible. We’ve said that since she entered preschool,” said Chris Newlon, who said Rebecca comes home from her internship with “a smile on her face that we haven’t seen for a while.”

Meeting the needs of students before they ‘age out’ of special education

Around the country, advocates, parents, and policymakers are pressing schools to make up for lost time, in some cases by allowing students to stay beyond the time they would typically “age out” of special education services so they can have the best shot at successful entry into the workforce or higher education.

The Individuals with Disabilities Education Act, the nation’s primary special education law, requires schools to begin transition planning for students with disabilities at or before age 16, outlining goals for employment or postsecondary education and the social, emotional, academic, and life-skills supports that students will need to reach them.

For example, educators may work with a college-bound student with autism during their senior year to talk through the social cues of living in a dorm or help them identify a college program tailored to their needs, said Peg Kinsell, the policy director at SPAN Parent Advocacy Network, an organization that helps parents of children with disabilities. Other students’ transition plans may include lessons about their rights under federal law and how to advocate for themselves in housing, work, or higher education.

Some students, like Rebecca Newlon, stay beyond their state’s compulsory education age to complete individualized transition programs. Under federal law, schools must allow students to remain enrolled in the K-12 system up to age 21, although some states permit programs to extend until students turn 22.

In a typical year, that extra time can be valuable for students who need more-intensive supports to finish their education. But for...
those who aged out of those services during the pandemic, the last few years can feel like a wasted opportunity, Kinsell said.

“One of the most important components [of transition programs] is that community-based instruction: job sampling, taking classroom skills and generalizing them to the community, learning to ride the city bus,” Kinsell said. “Not being a part of it in person just took all of the steam out of the engine.”

Federal law requires schools to provide compensatory services for students with disabilities to make up for interruptions in services that caused them to fall behind on expected progress. The U.S. Department of Education has said schools may need to meet that requirement by extending the age of eligibility for students who aged out of special education services during school closures, using federal relief funds to cover additional services if necessary.

In states around the country, advocacy groups have pushed for new state laws or orders that allow students who turned 21 or 22 during the pandemic to remain in school an additional year. States that have adopted such policies include Illinois, New Jersey, New York, and Pennsylvania.

During the pandemic, older students with disabilities are facing “real hardships because of the crisis conditions that make it hard for them to participate in the services and activities that will enable them to realize their potential,” said a statement from then-New Jersey state Sen. Steve Sweeney, a Democrat, after a bill he helped write passed in 2021. “These educational programs are key to their quality of life.”

The New Jersey bill requires schools to provide an extra year of services to enrolled students who turned 21 during the pandemic, including during the 2022-23 school year.

Such efforts are critical for families of children with disabilities who need more-intensive supports and who may see their children’s age-out date as an urgent timeline after which they will lose access to the therapies and services they have relied on for years, said Stephanie Smith Lee, a senior policy adviser for the National Down Syndrome Congress.

“There’s so little time left for these families before they hit the cliff,” she said.

Parents learn to navigate compensatory services

It’s unclear exactly how many students these new state laws will affect. About 7.2 million students ages 3-21 received special education services during the 2020-21 school year, representing about 13 percent of total U.S. public school enrollment, federal data show. During the 2019-20 school year, 5,172 students with disabilities exited high school because they reached the maximum age of enrollment, according to the most recent data.

In most states, taking advantage of that extra year requires a determination by the student’s individualized education program, or IEP, team that the time is needed for compensatory purposes after the pandemic. Such determinations are also needed for students on more typical diploma tracks to receive extra services, like physical therapy and tutoring, to help them regain progress that may have been lost during school interruptions.

But parents of students with disabilities—in all ages and grade levels—are often unaware their children may qualify for compensatory services, advocates say.

“I think a lot of students will have aged out or graduated without getting the compensatory education they are entitled to because they didn’t know to ask,” said Robin Lake, the director of the Center for Reinventing Public Education, which has compiled research and data to trace the impact of the pandemic on students.

A major example: The Los Angeles Unified school district agreed in April to publicize compensatory offerings and to assess the recovery needs of students with disabilities after the federal Education Department’s office for civil rights determined its offerings had fallen short.

After failing to adequately track whether students received required services during remote learning, the district erroneously advised educators not to use the term “compensatory education” in IEP meetings, asserting in a training webinar that “compensatory education is not intended for situations such as the COVID-19 pandemic,” the Education Department investigation found.

Some advocates saw the L.A. agreement as the tip of the iceberg, an indicator that much smaller school systems around the country likely had similar faults.

Parents of students with disabilities often become ad hoc experts in applicable federal laws, learning to press for their children’s inclusion in general education classrooms and to navigate the IEP process, advocates say. But even the most well-studied parents might not have known about compensatory services before the pandemic.

Groups like the SPAN Parent Advocacy Network and the Council of Parent Attorneys and Advocates have worked with local networks of parents to make them aware of their children’s legal rights during pandemic recovery.

In New Jersey, advocates successfully pushed the state legislature to enact a new law that temporarily extends the timeline for parents to request a due process hearing. It also requires schools to hold IEP meetings with all students in special education programs before the end of the current calendar year to determine what compensatory services may be appropriate.

The new law took the onus off parents to initiate such conversations, said Kinsell of SPAN.

Conflicting priorities for students with disabilities

The pandemic presented conflicting urgent priorities for families of students with disabilities. On the one hand, many of those disabilities gave children significantly higher chances of severe illness if they contracted COVID-19, making it risky for them to learn in person, even after schools reopened. On the other hand, learning remotely robbed students with disabilities of chances to engage in needed experiences and services.

In response to that tension, some families of children with conditions like Down

PEG KINSELL
Policy Director,
SPAN Parent Advocacy Network

One of the most important components [of transition programs] is that community-based instruction: job sampling, taking classroom skills and generalizing them to the community.”
syndrome sued when states prohibited universal mask requirements in school. They said abandoning such precautions effectively barred their children from safely learning with their classmates, arguing that it was akin to removing a ramp for a child who uses a wheelchair.

Rebecca Newlon, the Illinois student who is now in a transition program, was in her sophomore year of high school in spring 2020, when schools around the country quickly shut down as the virus spread. Because she has a heart condition that put her at higher risk, she remained in remote learning until she could get vaccinated, near the end of her junior year.

She spent her time at home in an extra bedroom the family set up for remote learning. While Newlon was able to participate in many general education classes successfully online, she couldn’t fully receive services like physical therapy for her balance and endurance. Her family tried to supplement with long walks and workouts on an elliptical machine.

She can also feel shy at times, and time away from school was difficult for her social development.

“I missed my friends,” said Rebecca, who spoke with Education Week via email. “I missed some of the fun things like Spirit Week.”

After helping other parents of children with disabilities navigate the IEP process for years, her mother, Chris, believes the process is even more difficult now, as families look back on what their children missed.

“It’s a lot of work on the family because it seems like the school is not going to initiate that at any point—unless you’ve got an amazing school system,” she said.

The internship job at Rebecca’s former elementary school, created with her family’s input, allows her to interact with familiar faces while learning new skills. It’s been so successful that the school’s administrators have looked for ways to involve her in tasks in the library and classroom activities, like student reading groups.

For the two days she’s not at work-study, Rebecca meets with other students to practice skills like initiating conversations and managing money.

Chris Newlon said the experience has helped her daughter bloom after a rough few years. But the future after high school is still a bit intimidating.

“There is such a limited time that you can get this much help for your child as a young adult,” she said. “To have that pulled out from under you, it’s a crime.”
Diagnosing ADHD Is Hard. Here’s What Teachers Need to Know

Certain groups of students are vulnerable to being over- or underdiagnosed with ADHD

By Evelyn Polk Green

The chances are high that at some point in your teaching career, you’ll be asked to fill out an assessment (or many) for students suspected of having attention-deficit/hyperactivity disorder, or ADHD.

Most diagnoses require observational data of a student’s behaviors in different settings, such as at school and at home. But these observations are subjective and vulnerable to biases. An increasing number of studies show that certain groups of students are either over- or underdiagnosed with ADHD due to misconceptions about the disorder and differences by gender and race.

An estimated 6.1 million children in the United States have been diagnosed with ADHD. Millions more children with the disorder are surely left undiagnosed. Early intervention is so crucial for success down the road, at home and at school.

It is important that teachers—who play a key observational role in ADHD assessments in a school setting—understand that many factors can play into a diagnosis and how racial, gender, and age biases can affect those factors. It is equally important that school systems provide educators additional support through more objective testing measures, many of which already exist.

The Diagnostic and Statistical Manual of Mental Disorders (DSM-5) defines ADHD as a neurodevelopmental disorder characterized by persistent patterns of inattention or hyperactivity to the point where they interfere with development and daily functioning. Common symptoms are a lack of impulse control, restlessness, daydreaming, disorganization, forgetfulness, and poor attention to detail. While many of these behaviors can be attributed to typical child development, a key difference in a child with ADHD is they struggle with the same problems repeatedly, regardless of consequence or incentive.

Of course, many of these same symptoms are common with other disabilities, including anxiety disorders, obsessive-compulsive disorder, and autism. External factors like a lack of sleep, an unstable home life, stress, and trauma can also produce these symptoms.

Put all those factors together, and it can be difficult to distinguish ADHD from other issues initially.

When people think of a child with ADHD, they probably envision a child with boundless energy, constantly moving and talking, disruptively jumping from task to task. While these are classic signs, they do not paint a complete picture of ADHD and lead to the underdiagnosis of female students and the overdiagnosis of younger students.

According to the Centers for Disease Control and Prevention, male students are more than twice as likely to receive an ADHD diagnosis than female students. This is because ADHD symptoms often present differently between genders. ADHD is typically defined by three categories of behavior—hyperactivity-impulsivity, inattention, and combined. These behaviors are a common display of hyperactivity-impulsive type and are more often, but not exclusively, seen in male students.

Across genders, all three behavior types show up very differently. For example, hyperactivity-impulsivity in females often deals with difficulties in regulating emotion and can lead to difficulties forming social relationships with their peers. Females are also more likely to display inattentive-type behaviors such as distractibility, forgetfulness, inattention to detail, and disorganization. Because inattentive behaviors are often less overtly disruptive than hyperactive-impulsive behaviors, they are often overlooked.

Where girls are less likely to be diagnosed than boys, younger students are far more likely to be diagnosed than their older classmates. A recent meta-analysis of 19 studies in 13 countries covering more than 15.4 million children concluded that children whose birth date puts them on the younger side of their age-based cohort in school are considerably more likely to be diagnosed with or medicated for ADHD than their older peers. The pace of child development is very rapid, especially in the early years, so students who are months younger than their grade-level peers will display marked differences in behavior, especially when it comes to impulse control and activity levels.

In both instances, children who go undiagnosed develop coping skills that then mask their symptoms. Critics of ADHD use these studies to argue that the diagnosis of ADHD is a sham, but this disparity is actually the result of emotional immaturity in younger children.

Implicit bias can also hinder a diagnosis for students of color. It’s an uncomfortable fact that everyone brings certain biases to their worldview. Our personal experiences,
cultural messaging, and exposure to different people and ideas shape our judgments, for better or worse, and we may not know we have these implicit biases.

While these types of judgments are not maliciously intended, they can have a disproportionate effect on students of color. A 2013 study found that nonwhite students were 46 percent to 69 percent less likely to receive an ADHD diagnosis than their white peers. Follow-up studies as recently as this year have continued to confirm these disparities. In fact, students of color are more likely to be labeled with conduct disorder or oppositional defiant disorder (ODD) for behaviors that are labeled as ADHD in white students. Additional hurdles like higher rates of poverty, less access to health care, and cultural stigmas towards mental health within communities of color compound the problem.

The reality is that diagnosing ADHD is hard. With so many age-related and developmental questions at play in competition with our own biases, nothing is more important to the future of ADHD diagnosis than the widespread adoption of objective testing measures.

To get to an accurate (and unbiased) diagnosis, educators should use computer-based tests. These objective tools are already used by many clinicians who offer ADHD testing and diagnostic services, and the data generated serves as a valuable supplement to observational assessments, aiding behavioral health professionals in determining the best course of action. Tests that are cleared by the Federal Food and Drug Administration and can measure all three core symptoms stand to provide the largest benefit to clinicians and schools.

As our children face yet another year impacted by the pandemic, isolation, and remote learning, they are staring down the barrel of serious developmental challenges uniquely associated with growing up in this uncertain time. This is why now is a critical time for improvements in the assessment and diagnosis of ADHD and other developmental disorders so that we can get students the services they need to navigate this unprecedented era.

Evelyn Polk Green is a past president of both Attention Deficit Disorder Association (ADDA) and Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD). Diagnosed with ADHD, she is the mother of two adult sons with ADHD. She is an administrator with the Chicago public schools, where she plans professional development programs for early-childhood special education professionals and families.
Get the information and perspective you need on the education issues you care about most with Education Week Spotlights

The Achievement Gap • Algebra • Assessment • Autism • Bullying • Charter School Leadership • Classroom Management • Common Standards • Data-Driven Decisionmaking • Differentiated Instruction • Dropout Prevention • E-Learning • ELL Assessment and Teaching • ELLs in the Classroom • Flu and Schools • Getting The Most From Your IT Budget • Gifted Education • Homework • Implementing Common Standards • Inclusion and Assistive Technology • Math Instruction • Middle and High School Literacy • Motivation • No Child Left Behind • Pay for Performance • Principals • Parental Involvement • Race to the Top • Reading Instruction • Reinventing Professional Development • Response to Intervention • School Uniforms and Dress Codes • Special Education • STEM in Schools • Teacher Evaluation • Teacher Tips for the New Year • Technology in the Classroom • Tips for New Teachers

Balanced Screen Time

SEL for School Staff - 7 Mindsets

Engaging Technology Tools

VIEW THE COMPLETE COLLECTION OF EDUCATION WEEK SPOTLIGHTS

www.edweek.org/go/spotlights