



Special Education Services UPDATES

MEGA CONFERENCE 2016
Mobile, AL
July 12, 2016

Alabama State Department of
Education
speced@alsde.edu
334-242-8114



- CEC Awards



Donna Ploessl |



- Alabama Administrative Code
- Specialized Treatment Centers
- Children w/ Disabilities in Nursing Homes
- Dyslexia

Crystal Richardson |

<http://idea.ed.gov/>

ETF and Child Count/IDEA, Part B, appropriations, currently provided to the LEAs of STC location, will now be distributed to and administered by DYS to the eligible STCs.

2. It is imperative that LEAs and STCs remain aware of applicable federal and state laws and regulations regarding their respective FAPE responsibilities, including the development, implementation, and enforcement measures to ensure that receipt of Child Count and ETF funding is appropriately and efficiently utilized.
3. Every STC shall implement effective measures to ascertain and monitor the type of educational placement at its facility in order to provide FAPE to students, oversee appropriate expenditures, and support the continuation of future educational funding requests.
For example: Appropriate and necessary fiscal monitoring, responsibility, and accounting by the STC include whether a child was educationally placed via an LEA IEP Team Decision, other state or local agency referral and placement, or an unilateral parental placement.

Fiscal compliance and responsibility in conjunction with comprehensive monitoring and accounting measures will ensure that a child's referral and placement at the STC provides the appropriate and necessary expenditures by the responsible entity to ensure that a FAPE and related educational services are delivered as well as future funding to STCs with Child Count and ETF allocations.

This policy is effective immediately with an implementation date of FY 2017.

All non-special education issues should be directed to Ms. Sabrina May at (334) 353-0732, and special education matters should be directed to Ms. Billie Thompson and Ms. Erika Richburg at (334) 242-8114.

TRB:MEM:TMT

cc: City and County Coordinators of Special Education
Special Education Coordinators of Specialized Treatment Centers
Selected ALSDE Employees

FY16-1007



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 25 2016

Dear Colleague:

I write today regarding the responsibilities of States, school districts, and other public agencies in addressing the special educational needs of children with disabilities who reside in nursing homes. Although their numbers are small,¹ their medically complex conditions present unique challenges. In addition, because these children live away from their families, and may enter nursing homes from a hospital or through a child welfare or health agency, they may not always be known to responsible educational authorities or be receiving appropriate educational services. States are required under Part B of the Individuals with Disabilities Education Act (IDEA or Part B) to make available to all children with disabilities a free appropriate public education² (FAPE), which emphasizes special education and related services that, among other things, are designed to meet the unique needs of each child, including those children residing in nursing homes. In 2014, the U.S. Government Accountability Office (GAO) highlighted some of the unique educational challenges that may arise in serving this unique population in its report, *Special Education: Additional Federal Actions Could Help Address Unique Challenges of Educating Children in Nursing Homes* (GAO 14-585).³ Based on the observations and findings made by GAO in this report, the Office of Special Education and Rehabilitative Services (OSERS) recognizes that there is a need for further guidance to ensure that children with disabilities who reside in nursing homes are evaluated in a timely manner and receive appropriate special education and related services. Accordingly, OSERS is issuing this letter to clarify that children with disabilities residing in nursing homes and their parents have the same rights under IDEA that apply to all other IDEA-eligible children, and to highlight some of the IDEA requirements that are especially relevant to the needs of this unique population. This letter will also identify best practices to assist States and their public agencies in meeting the unique educational needs of these children.

¹ According to the Department of Health and Human Services (HHS), children represented less than a half a percent (0.2 percent) of the more than 1.4 million nursing home residents in the United States as of December 31, 2011. See: HHS's Centers for Medicare & Medicaid Services' *Nursing Home Data Compendium*, 2013 available at: https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Downloads/nursinghomedatacompendium_508.pdf.

² Under Part B of IDEA, a child's entitlement to FAPE begins at the child's third birthday and could last to the 22nd birthday, depending on State law or practice. 34 CFR §300.102.

³ This report is available at: <http://www.gao.gov/products/GAO-14-585>. Among other things, GAO found that the child find requirement under IDEA and the responsibility for providing special education services was divided generally evenly among the States between the school district where the child's family resides and the school district where the nursing home is located. Additionally, GAO found that a child's medical fragility affected the amount of instructional time they received.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Child Find and Evaluations

Under IDEA and its implementing regulations, each State and its local educational agencies (LEAs) must have in effect policies and procedures to ensure that all children with disabilities residing in the State who need special education and related services, regardless of the severity of their disability, are identified, located, and evaluated. 34 CFR §§300.111 and 300.201. This requirement, known as child find, applies to all children suspected of having disabilities under IDEA, including those who have complex medical needs and who reside in nursing homes because of serious health problems. The IDEA child find requirements permit referrals from any source, including nursing home staff, who suspects a child may be eligible for special education and related services. In general, if a public agency suspects that a child in a nursing home has a disability and needs special education and related services, an initial evaluation that meets the requirements in 34 CFR §§300.304-300.311 must be conducted within 60 days of receiving parental⁴ consent for the evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. 34 CFR §300.301(c)(1).⁵ Among other requirements, the evaluation must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent. This information may assist in determining whether the child is a child with a disability, as defined in 34 CFR §300.8, and the content of the child's individualized education program (IEP). 34 CFR §300.304(b)(1); see also 34 CFR §300.304(c)(4) (assessing the child in all areas related to the suspected disability, as appropriate).

Additionally, in interpreting evaluation data for the purpose of determining if a child is a child with a disability and the child's educational needs, the public agency must draw upon information from a variety of sources, including parent input, as well as information about the child's physical condition. 34 CFR §300.306(c)(1). Therefore, a parent may choose to share with the public agency an evaluation conducted by nursing home staff or other medical professionals about the child's health and physical condition.

⁴ As defined in 34 CFR §300.30, parent means a biological or adoptive parent of a child; a foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance with 34 CFR §300.519 or section 639(a)(5) of IDEA.

⁵ The evaluation timeframe does not apply if a child is moved to a nursing home in a new school district after the relevant timeframe has begun and prior to a determination by the child's previous public agency or school district whether the child is a child with a disability under Part B. 34 CFR §300.301(d). In this situation, the new public agency or school district may extend the 60-day or State-established timeframe only if: (1) it is making sufficient progress to ensure prompt completion of the evaluation; and (2) the parent and the new public agency agree to a specific time when the evaluation will be completed. 34 CFR §300.301(e).

State Responsible for Child Find

Under Part B of IDEA, the State where the child’s parents reside is responsible for conducting child find, including individual evaluations, and ensuring that FAPE is provided to an eligible child. Generally, States assign this responsibility to the school district where the child’s parents reside.⁶ If the nursing home is located in the State where the child’s parents reside, but is within another school district within the same State, the State would need to determine whether it would be appropriate for the school district of the parents’ residence to conduct child find; or the State could assign that responsibility to the school district where the nursing home is located, if the school district where the child’s parents reside has not yet conducted or completed the evaluation. There also could be situations where the nursing home in which the child resides is located in a State that is different from the State of the parent’s residence. In these circumstances, the Department’s long-standing position is that it is residence that creates the duty under the statute and regulations to make FAPE available, not the location of the child or school. Accordingly, if a child is placed or referred outside the State by an educational or non-educational State or local agency, such as a child welfare, social service, or other similar State agency, whether for educational or treatment reasons, the State initiating the placement or referral (i.e., the “placing State”) is responsible for ensuring that the child receives FAPE.⁷ This responsibility would include conducting child find. Therefore, the State where the nursing home is located would need to coordinate with the placing State once the child is identified to determine how the evaluation will be conducted. The placing State could either contract with the school district where the nursing home is located to conduct the evaluation, or ensure that the evaluation is conducted through some other arrangement.

When considering best practices related to child find, it is important to note that nothing in IDEA requires that an evaluation of a child suspected of having a disability take place in a school setting. If the child’s suspected disability involves a medical condition which would make it difficult for the child to take certain tests or complete parts of the evaluation in a school setting, the evaluator may work with the child’s parents and doctors to determine what would be an appropriate setting to conduct the evaluation. In general, the public agency may not refuse to conduct the evaluation because the child is unable to come to a school setting for the evaluation.⁸

Provision of Special Education and Related Services

After a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child within 30 days of the eligibility determination.

⁶ Office of Special Education Programs (OSEP) Letter to Biondi, Oct. 7, 1997.

⁷ See OSEP letter to McAllister, June 9, 1994. OSEP explained in response to a subsequent inquiry that this letter does not apply if the child’s parents move to another State. See OSEP letter to Moody, Oct. 24, 1995; see also 34 CFR §300.323(f).

⁸ IDEA also includes requirements for periodic reevaluations in accordance with 34 CFR §§300.304-300.311. See 34 CFR §300.303.

34 CFR §300.323(c)(1).⁹ As stated above, under Part B of IDEA, the school district in the placing State where the parent resides is responsible for ensuring that FAPE is provided to the child if the nursing home is located in a school district in a different State; however, the placing State could arrange for the school district where the nursing home is located to be responsible for the provision of special education and related services to the child. Even if this were to occur, we emphasize that the placing State retains ultimate responsibility for ensuring the provision of FAPE to its resident children with disabilities whom the State places or refers to nursing homes located in another State. 34 CFR §300.149.

Under IDEA, in order to make FAPE available to each eligible child with a disability, the responsible public agency must ensure that an appropriate IEP is developed and implemented for the child. The child's IEP must be designed to enable the child to be involved in and make progress in the general education curriculum. 34 CFR §300.320(a)(1), (2) and (4). As is true for other children with disabilities, the IEP is developed at a meeting of the IEP Team which includes the child's parents and relevant school officials, and whenever appropriate, the child. 34 CFR §300.321(a). Also, the IEP Team could include, at the discretion of the parent or the public agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. 34 CFR §300.321(a)(6). Thus, there are situations where nursing home personnel involved in the care of the child could be members of the child's IEP Team, provided the party (public agency or parents) who invited the individual to be a member of the IEP Team can demonstrate that the individual possesses the requisite knowledge or special expertise regarding the child. 34 CFR §300.321(c)

Once a proper IEP Team is constituted, we emphasize the importance of ensuring that individualized determinations are made as to the types and amounts of special education and related services to be provided to each child with a disability. In that regard, a State may not have a rule or policy that would restrict or limit the amount of services to be provided to children with disabilities who, because of serious health problems, must receive required special education services in a nursing home. Rather, under IDEA, the amount and types of special education and related services provided to a child must be based on the child's individual needs as set forth in the child's IEP. IDEA's definition of related services includes an array of support services that are provided if they are required to assist a child with a disability to benefit from special education. Among these are school health services and school nurse services. 34 CFR §300.34(c)(13). For example, these services could include the provision of a nurse to assist a ventilator dependent child in a school setting.¹⁰

The following best practices could assist in the implementation of these important IDEA requirements. If a child is unavailable for medical reasons during a portion of the school day, the IEP Team should discuss the time or times when services should be provided to the child. Or, for

⁹ IEP requirements are at 34 CFR §§300.320-300.324.

¹⁰ See *Cedar Rapids Community School District v. Garret F.*, 526 U.S. 66 (1999).

example, if a child is only able to participate in instruction for short periods of time, the IEP Team should discuss the best methods to provide the required special education and related services to the child.

Provision of Special Education and Related Services in the Least Restrictive Environment (LRE)

The requirements for determining the educational placement of a child with a disability, which are included in the Part B regulations at 34 CFR §§300.114 through 300.118, are fully applicable to the education of children with disabilities residing in nursing homes. These regulations provide that to the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The child's placement must be determined at least annually and be made by a group of persons that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. Placement decisions must be made by this group of knowledgeable persons on an individual basis in light of the child's unique needs, and, unless the IEP requires a different arrangement, the child must be educated in the school he or she would attend if not disabled. We understand that children residing in nursing homes may not be able to attend the school they would attend if not placed in the nursing home. However, in these situations, the public agency still must ensure that children with disabilities residing in nursing homes are educated in the least restrictive environment appropriate to the child's needs, based on his or her IEP.¹¹

As a best practice, we note that because school-age children living in nursing homes are often medically fragile,¹² it may be appropriate for the child's physician or other knowledgeable nursing home staff familiar with the child to be included as a member of the placement team. This team member can assist in making the determination as to whether the child is too fragile to attend a local school, and could also provide input regarding other factors that may impact placement decisions, such as the child's tolerance for being on a bus and sitting for extended periods of time.

In instances where the placement team determines the child's LRE is instruction in the nursing home, the public agency must ensure that the child receives all of the special education and related services included in his or her IEP in the nursing home. If a child is able to move

¹¹ See OSEP Letter to Anderson (November 30, 2012) OSEP Letter to Hungate (January 5, 2011), and OSEP Memorandum 05-08 (addressing placement requirements for children with disabilities in various residential facilities).

¹² Nearly 71 percent of children residing in nursing homes have at least two active disease diagnoses, according to analysis of CMS data. See United States Government Accountability Office's *Special Education – Additional Federal Actions Could Help Address Unique Challenges of Educating Children in Nursing Homes*, July 2014 available at: <http://www.gao.gov/products/GAO-14-585>.

throughout the nursing home, it may be possible for instruction to take place in a classroom in the nursing home. However, when a child is too fragile to be moved or if the child is prone to infections and must be isolated, the public agency may choose to provide one-on-one services in the child's room.

The IEP Team must review each child's IEP periodically, but not less than annually to determine whether the annual goals are being achieved, and revise the child's IEP, as appropriate, to address, among other matters, any lack of expected progress toward the child's annual goals, and in the general education curriculum, if appropriate. 34 CFR §300.324(b)(1)(i)-(ii). Similarly, the child's placement must be determined at least annually and must be based on the child's IEP. 34 CFR §300.116(b)(1)-(2). If a child's condition changes after the annual IEP Team meeting, it would be appropriate for the IEP Team to consider whether revisions to the child's IEP are necessary. Because the child's placement is based on the child's IEP, if the IEP is changed, the placement team may need to determine whether the child's LRE has changed, and if so, may need to make conforming changes to the child's placement. 34 CFR §300.116(a)(2). For example, if a child's condition stabilizes or improves and the child's doctor believes the child can tolerate additional instruction or be transported to a local school for instruction, the child's IEP Team may need to revise the child's IEP to determine if additional services are warranted and the placement team may need to consider whether the nursing home continues to be the least restrictive setting where the child should receive FAPE.

Dispute Resolution Options

It is important to note that parents of children residing in nursing homes are afforded the same procedural safeguards and due process rights as all other parents of children with disabilities. 34 CFR §§300.500 through 300.536. Therefore, if a parent of a child residing in a nursing home disagrees with the public agency responsible for providing FAPE on any matter regarding the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child, the parent may request mediation under 34 CFR §300.506, file a due process complaint under 34 CFR §300.507 to request a due process hearing, or file a State complaint under 34 CFR §300.153.

Qualifications of Personnel Providing Special Education and Related Services to Children Residing in Nursing Homes

Ensuring that personnel serving children with disabilities residing in nursing homes have the requisite qualifications is paramount. To this end, IDEA and its implementing regulations require a State to establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of Part B of IDEA are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. 34 CFR §300.156(a) and 300.201; see also 34 CFR §300.207. Therefore, States must ensure that they establish and maintain qualifications to ensure that personnel serving children with disabilities

residing in nursing homes are appropriately and adequately prepared and trained, and possess the content knowledge and skills necessary to serve this unique population of children with disabilities.

Possible Funding Sources

We recognize that serving children with disabilities residing in nursing homes may present unique challenges and may require some school districts to be responsible for a particularly large share of high-cost services because of the large concentrations of children with high needs in those districts. There are several ways that States can assist these school districts. Each fiscal year States may reserve a portion of their IDEA Part B funds for authorized State-level activities, other than administration. 34 CFR §300.704(b)(4). These State-level funds may be used for activities such as support and direct services, including technical assistance, personnel preparation and professional development and training, and to assist LEAs in meeting personnel shortages. 34 CFR §300.704(b)(4)(i) and (vii).

To assist school districts in serving high need children with disabilities, each State has the option of establishing an LEA high cost fund and to reserve for each fiscal year 10 percent of the amount the State reserves for other State-level activities to finance and make disbursements from that fund to its LEAs. The definition of a high need child with a disability is included in the State plan for the high cost fund and must at a minimum address the financial impact a high need child with a disability has on the budget of the child's LEA and ensures that the cost of the high need child with a disability is greater than three times the average per pupil expenditure in that State. The costs associated with educating a high need child with a disability are only those costs associated with providing direct special education and related services to the child that are identified in the child's IEP. Therefore, in order for a public agency to be eligible for a disbursement from the State's high cost fund, (if the State has a high cost fund), the child must meet the State definition of high need child with a disability, and the LEA must meet the requirements included in the State's high cost plan.

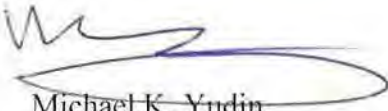
Additional Resources

The Office of Special Education Programs (OSEP) funds a large network of technical assistance centers that develop materials and resources to support States, school districts, schools, and teachers to improve the provision of services to children with disabilities. The U.S. Department of Education does not mandate the use of, or endorse the content of, these products, services, materials, and/or resources; however, States and LEAs may wish to seek assistance from some of the OSEP-funded technical assistance centers available at: <http://ccrs.osepideasthatwork.org> and <http://www.tadnet.org/pages/526-find-a-center>.


We encourage States and LEAs to review their policies and procedures to ensure that children with disabilities residing in nursing homes are timely identified and evaluated, and provided with

the special education and related services necessary for them to receive FAPE. We ask you to share this information with your local school districts and other public agencies to help ensure all children with disabilities, including children residing in nursing homes, receive a high-quality education. I hope this guidance is helpful to both public agencies and parents. If you have additional questions, please contact Jessica Spataro at Jessica.Spataro@ed.gov. Thank you for your continued interest in improving results for children with disabilities.

Sincerely,



Michael K. Yudin
Assistant Secretary



Ruth E. Ryder
Acting Director
Office of Special Education Programs



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Thomas R. Bice
State Superintendent of Education

October 16, 2015

MEMORANDUM

TO: City and County Superintendents

FROM: Thomas R. Bice *TRB*
State Superintendent of Education

RE: Dyslexia Awareness

During the October 8, 2015, Board Meeting, the Alabama State Board of Education voted unanimously to adopt Amended Rule 290-3-1-.02 of the *Alabama Administrative Code* pertaining to regulations governing public schools' support of students with dyslexia and students exhibiting characteristics of dyslexia. This code defines dyslexia, Response to Instruction (RtI), and the Problem Solving Team (PST) process and outlines the procedure for identifying and supporting students in need of dyslexia-specific services.

The Alabama State Department of Education (ALSDE) is currently developing resources that can be used to provide training on dyslexia-specific awareness, screening, interventions, classroom strategies, academic accommodations, and use of assistive technology. You should receive detailed information regarding these resources later this month.

Additionally, during the October 8, 2015, meeting, the Alabama State Board of Education voted unanimously to recognize the month of October as Dyslexia Awareness Month. Dyslexia impacts between 10% and 20% of children in Alabama schools. Through effective screening, students with dyslexia can be identified as early as kindergarten, long before their learning challenges have resulted in learning disabilities. Please join us in promoting awareness of dyslexia during the month of October and pledging to support the academic achievement of Alabama students.

For additional information regarding training and resources related to dyslexia-specific instruction and interventions, please contact Ms. Judith Stone at jstone@alsde.edu or (334) 353-1389. If you have questions regarding the PST process or RtI, please contact Mrs. Christine Spear at cspear@alsde.edu or (334) 353-5320.

TRB/CRS/LM

cc: Mrs. Sherrill W. Parris; Mrs. Shanthia Washington; Mrs. Robin A. Nelson;
Ms. Judith Stone; Mrs. Christine Spear

FY16-2006

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The underlined portion indicates the revisions to the Administrative Code which were approved by the State Board of Education on October 8, 2015.

ADMINISTRATIVE CODE

SUPP. NO. 98-4

CH. 290-3-1

RULES

OF THE

STATE BOARD OF EDUCATION

STATE DEPARTMENT OF EDUCATION

CHAPTER 290-3-1

PUBLIC SCHOOL GOVERNANCE

SUPP. NO. (15)-3

INSTRUCTIONAL SERVICES

(19) Problem Solving Teams (PST). By August 15, 2011, all public schools in Alabama will be required to implement the PST model.

(a) Definitions.

(1.) The Problem Solving Teams (PST) is a model to guide general education intervention services for all students who have academic and /or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Instruction (RtI) framework.

(2.) Response to Instruction (RtI) refers to an instructional framework that promotes a well-integrated system connecting general, gifted, supplemental, and special education services in providing high-quality, standards-based instruction and intervention that is matched to students' academic, social-emotional, and behavioral needs. RtI combines core instruction, assessment, and intervention within a multi-tiered system to increase student achievement and reduce behavior problems.

(b) Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students' progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided.

(c) The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia.

(d) The documentation requirements for a referral to special education found in the Alabama Administrative Code, Chapter 290-8-9.01(2) and (4) (Child Identification) and Chapter 290-8-9.03(10)(b)1, (10)(c)2.(ii), (10)(d)2.(I)(II)(ii) and (10)(d)4 (Disability Definitions, Criteria, and Minimum Required Evaluative Components) must be collected and provided by the PST to rule out the lack of appropriate instruction in reading or math including the essential components of reading instruction or Limited English Proficiency (LEP), as the determining factor in the eligibility decision.

(e) Any student who is reevaluated and determined not eligible for special education services must be referred to the PST to determine the appropriate supplemental services to facilitate successful transition in the general education program.

(20) Dyslexia. Dyslexia is a specific learning challenge that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(a) The Alabama State Department of Education will make available a dyslexia-specific training accredited by the International Dyslexia Association (IDA) to prepare individuals to implement multisensory structured language teaching techniques and strategies.

(b) Professional development regarding dyslexia and implications for the classroom teachers, will be provided. This professional development should target dyslexia awareness training, dyslexia screening, dyslexia-specific classroom strategies, academic accommodations, and use of assistive technology.

(c) Students will be screened for characteristics of dyslexia using screening instruments currently in place for use in public schools.

(d) Based on the screening results, the problem solving teams will analyze screening and progress monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia. Guidance may include suggestions of appropriate tiered interventions, dyslexia specific interventions, academic accommodations as appropriate, and access to assistive technology. The dyslexia-specific intervention, as defined in AAC Rule 290-3-1-.02(20)(f) and described in the Alabama Dyslexia Resource Guide, shall be provided by an individual who has expertise in providing dyslexia-specific interventions

(e) The PST will notify the parents of the results of the dyslexia-specific screening, will provide parents with a copy of the goals of the dyslexia-specific intervention plan, and with data-based documentation regarding the student's progress on a regular basis. Independent dyslexia evaluations provided by a parent or guardian to the PST must be considered by the members of the PST.

(f) Dyslexia-specific intervention shall mean evidenced-based, specialized reading, writing, and spelling instruction that is multisensory in nature equipping students to simultaneously use multiple senses (vision, hearing, touch, and movement). Dyslexia-specific intervention employs direct instruction of systematic and cumulative content. The sequence must begin with the easiest and most basic elements and progress methodically to more difficult material. Each step must also be based on those already learned. Concepts must be systematically reviewed to strengthen memory. Components of dyslexic-specific intervention include instruction targeting phonological awareness, sound symbol association, syllable structure, morphology, syntax, and semantics.

(g) Dyslexia interventionist refers to the teacher or individual who provides dyslexia-specific intervention. The dyslexia interventionist shall have successfully completed a certification training

course or shall have completed training in the appropriate implementation of the evidence-based, dyslexia-specific intervention being provided.

(h) The Alabama State Department of Education working with the Dyslexia Advisory Council appointed by the State Board of Education shall develop and maintain a dyslexia resource guide for the use of LEAs, public schools, teachers, and parents.



• Gifted Updates

Shirley Farrell
Erinn Floyd



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REMINDERS & UPDATES

All Local Education Agencies (LEAs) must serve gifted students in grades Kindergarten (6 years old) through 12th grade (graduation). Gifted Education is authorized under the Exceptional Child Act (106) of the Alabama State Legislature but is not a part of the Individuals with Disabilities Education Act (IDEA).

1. Gifted Reports

Two reports are due to Gifted Education during the school year.

- **Gifted Referral Tracking Log (GRTL)**

DEADLINE to submit: October 14, 2016. This report contains all referrals from October 2 of the previous school year to October 1 of the current school year. This report is submitted through SETS, Report Desktop, State Reports. Dates for the report are maintained in SETS. However, start date is October 2, 2015 and end date is October 1, 2016. Forms within the student folders must be completed (closed) in order for the student referral to show up on the GRTL. **Please review the GRTL and correct errors before submitting.**

- **LEA Summary Report from Second Grade Child Find**

DEADLINE to submit: April 14, 2017. This report contains the number of students referred by race/ethnicity and total for each school during Second Grade Child Find. You do not have to complete the referral process in order to submit the report. Although the deadline is the middle of April, you may submit this report any time after December 15, 2016.

2. Monthly Updates

Updates are provided in the monthly e-newsletter, FoG, or Friends of Gifted.

3. Child Count

This is a reminder that gifted students identified by state standards must be accurately counted as part of annual Child Count. Please make sure all gifted students who are no longer in the school system are inactive/archived in SETS and not included in Child Count.

4. SETS

A new tool to help you analyze your data has been added to the summary page of the GRTL. Click the link to the right of the total number of referrals to see how well your tests, organized by race/ethnicity and gender, identified students for your program. We will provide details at the Gifted Regional Trainings

5. Gifted PD:

- Eight regional trainings will be conducted around the state. Check the memo for dates and times.
- The AAGC annual conference will be held on September 21-23, 2016, at McWane Science Center in Birmingham, AL. Wednesday will have an administrative strand. For more information, please go to the Web site, <http://alabamagifted.org>.

6. Gifted PLU

We have submitted a PLU, Coordination of Gifted Programs, for approval. This eleven-month study covers the nuts and bolts to understanding what is required to coordinate a gifted program. It's not too late to register for it in Chalkable PD. Please email one of us for details.

7. Education Directory (ED DIR)

The ALSDE has established a new contact list to facilitate communication between the state Gifted-Education Specialists and Coordinators of Gifted Programs. The new listing in ED DIR is Gifted Coordinator. Please make sure your LEA enters your contact information into this section, even if you are already listed in other lists. This list will be used to provide Gifted Programs with current information and deadlines.



- **Fiscal Updates**
- **High Cost Fund**
- **Phase II – System Profile: Fiscal Review**

Erika Richburg |



- Dispute Resolution Updates
- Parent Partners in Education

Clark Waggoner
Bernice Rush-Harrison

Conflict & Dispute Resolution

of Special Education Issues



What can I do if the services my child is receiving are not satisfactory?

The *Individuals with Disabilities Education Act* (IDEA) establishes that children with disabilities are entitled to a free appropriate public education (FAPE). Sometimes families are not satisfied with the identification, evaluation, educational placement, related services, or provision of specially designed instruction for their child. If you are concerned about your child's special education services, there are some proactive actions that you can take. This parent tip sheet is designed to give you an overview of these actions. One set of actions for consideration are informal methods to resolve a conflict through active communication. In this parent tip sheet these **informal methods** are referred to as "conflict resolution." A second set of actions to consider are formal methods to resolve a dispute. These formal methods for resolving a dispute are indicated in the IDEA. In this parent tip sheet these **formal methods** are referred to as "dispute resolution." There are advantages and disadvantages to each of the different methods. Special Education Services (SES) hopes that this information will be useful in helping you determine which method is best suited to your child's individual situation.

What is conflict resolution and how might it help to satisfactorily resolve my concerns?

In this parent tip sheet conflict resolution describes a series of actions that you can take to actively communicate with individuals and agencies to help resolve disagreements about your child's FAPE. These actions are voluntary. You do not have to participate in any of these informal methods prior to pursuing one of the formal dispute resolution options. Here are some suggestions for your consideration:

- ◆ It is helpful to make a list of specifics about the disagreement and have a description of what you consider to be appropriate solutions to the disagreement;
- ◆ Contact the case manager, principal or administrator at your child's school and request an IEP Team meeting to discuss your disagreement. If a parent has reason to suspect that the IEP needs revision, an IEP Team meeting may be requested at any time. In Alabama, the local education agency (LEA) must conduct the IEP Team meeting within 30 calendar days upon the receipt of the request;
- ◆ Contact the Special Education Coordinator for your child's school district and notify the coordinator of your disagreement. The Special Education Coordinator's contact information can usually be found on the school system's website. You are also welcome to call SES at the Alabama State Department of Education (ALSDE). A receptionist will be glad to give you the name and telephone number for the Special Education Coordinator for your child's school district. The telephone number for SES is **(334) 242-8114**;
- ◆ Contact the SES Regional Specialist at ALSDE. The SES Regional Specialist is the ALSDE contact person who is assigned to work with the schools and the school district personnel in your area. When you call, ask the receptionist to connect you to the SES Regional Specialist for your child's school district. The Regional Specialist will gather information about your disagreement and relay this information to the appropriate individual in your child's school district so they may address your concern;
- ◆ Contact a member of the SES dispute resolution team at ALSDE. In addition to relaying information about your disagreement to appropriate individuals, members of the dispute resolution team can provide you additional information about formal options for dispute resolution;
- ◆ Contact an independent advocacy agency. Sometimes parents feel more comfortable discussing their disagreement about their child's FAPE with someone who is not part of the local or state educational agencies. Contact information for advocacy agencies located in Alabama are listed on the following page;
- ◆ While not required it is often helpful to keep a record of who you have contacted about the disagreement, when you contacted them, and any action that resulted from your contact.

What is dispute resolution and how might it help to satisfactorily resolve my concerns?

The IDEA provides three options for formal dispute resolution. The options are **mediation**, a **written state complaint**, and a **due process hearing**. Each option has advantages and disadvantages. Each option has specific requirements that are necessary prior to initiation. Below is a brief description of each of these formal dispute resolution options. You may also telephone one of the dispute resolution contacts at SES/ALSDE and he or she will be glad to mail you additional information or help you find answers to your questions. The telephone number is (334) 242-8114. You may also fax SES/ALSDE at (334) 242-9192. For individuals who are deaf or hearing impaired, our TDD telephone number is (334) 353-1031. Information about formal dispute resolution is also available on the ALSDE website. Select the *Dispute Resolutions* tab on the right. Sample forms and additional information are found under the *Parent Resources* tab.

MEDIATION

Mediation is available as a method to resolve problems or disagreements about a child's special education program. It is a separate procedure from either filing a written state complaint or requesting an impartial due process hearing. When an impartial due process hearing has been requested, mediation may also provide opportunities to reach agreement. An agreement reached through mediation may end the need for a hearing. Either a parent or school official may request mediation. For mediation to take place, both local school officials and the parent have to agree to participate in mediation.

WRITTEN STATE COMPLAINTS

A signed, written complaint may be sent to the State Superintendent of Education, Attention: Special Education Services. When a formal complaint is filed, the Alabama State Department of Education investigates the violations of the IDEA requirements that have been alleged. A specialist will be assigned as complaint contact for each complaint filed.

DUE PROCESS HEARING

An impartial due process hearing is a legal procedure available when a parent or the school system disagrees with any matter relating to the proposal or refusal to initiate or change the identification, evaluation, educational placement of a child, or the provision of FAPE to a child. An independent hearing officer, assigned by the State Superintendent of Education, will conduct the hearing. Both parties in the hearing are usually represented by legal counsel to present their cases, though this is not required by the regulations. A written decision is given by the hearing officer after the impartial due process hearing. If dissatisfied, either party may appeal the decision in civil court.

Are there free or low-cost legal and other relevant services available?

Yes. In this area there are two advocacy programs that you can contact to discuss the options that are available to resolve your disagreement about your child's special education services. These agencies are not affiliated with the local school district or with the ALSDE. Contact information is listed below.

ALABAMA DISABILITIES ADVOCACY PROGRAM (ADAP)

**P. O. Box 870395
Tuscaloosa, Alabama 35487-0395
(800) 826-1675
www.adap.net**

ALABAMA PARENT EDUCATION CENTER (APEC)

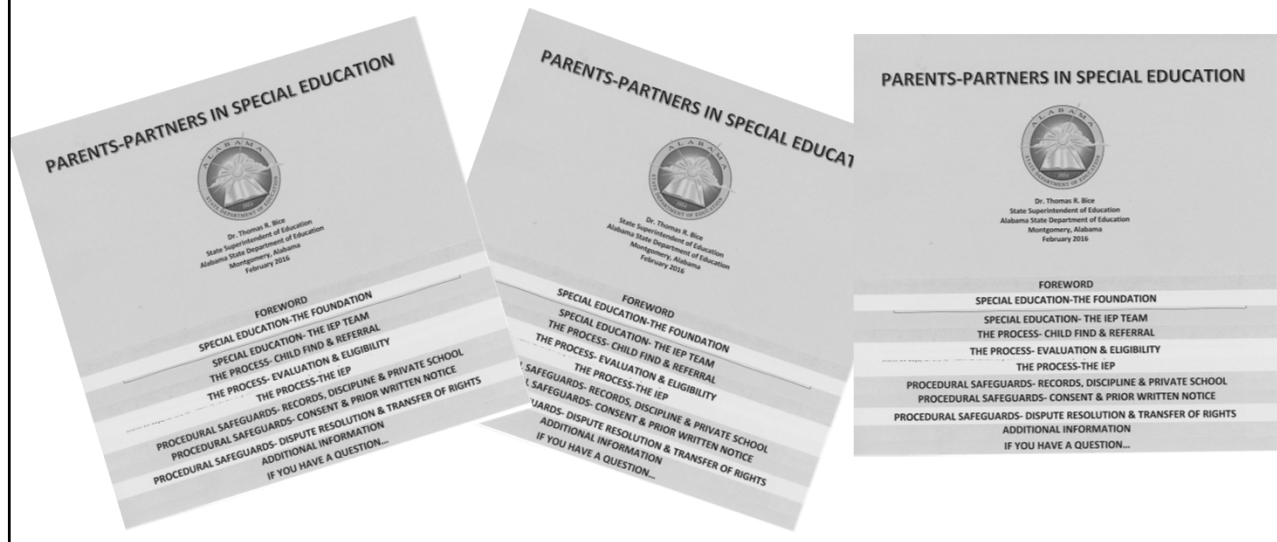
**10520 US Highway 231
Wetumpka, AL 36092
(866) 532-7660
www.alabamaparentcenter.com**

Additionally, the Alabama State Bar may be contacted to request a referral to an attorney who specializes in Special Education Law. The telephone number for the Alabama State Bar is (800) 392-5660.

Special Education Services > Dispute Resolutions



Parents-Partners in Special Education





- Autism
- Multiple Needs Child Process

Tina Sanders |



ALABAMA STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SERVICES ALABAMA
AUTISM INITIATIVE



REQUEST FOR SERVICES
Glenwood, Inc.

LEA: _____ Date: _____

Person Requesting: _____ Position: _____

Contact Phone Number: _____ E-mail: _____

Please e-mail this form along with the required information to Ms. Tina Sanders at tsanders1@alsde.edu or call 334-242-8114 for more information.

All requested documents that contain Personally Identifiable Information (PII) must be sent through the ALSDE Secure File Sharing System. Upon receipt of this request, you will be emailed the secure file sharing link to upload the documents. **Do not send this request directly to Glenwood, Inc. Special Education Services will not be responsible for payment for requests sent directly to Glenwood, Inc.**

After all required information is received and approved this request for service form will be sent to Glenwood, Inc. by the ALSDE. You will be contacted by Glenwood for additional information and to schedule the requested service.

_____ **Educational Diagnostic Evaluations for Autism Spectrum Disorders**

Glenwood, Inc. will coordinate and provide timely diagnostic evaluations in the area of Autism Spectrum Disorders (ASD) for students referred for an evaluation by local education agencies. Glenwood, Inc. will provide experienced and qualified consultants to administer the evaluations. Evaluations include: case preparation, on-site parent interview with the ADI-R, teacher/school personnel interview, student observation, ASD rating scales, ADOS-2 administration, consultation, and feedback with school and family. A diagnostic summary will be left at the school with a comprehensive report provided to the LEA within 14 calendar days of evaluation.

Information required: ***Signed Notice and Consent for Initial Evaluation***
 Or
 Signed Notice and Consent for Reevaluation

APPROVED: (Special Education Coordinator approval must be received prior to request being initiated)



REQUEST FOR SERVICES *The Learning Tree*

LEA: _____ Date: _____

Person Requesting: _____ Position: _____

Contact Phone Number: _____ E-mail: _____

Please e-mail this form along with the additional required information to Ms. Tina Sanders at tsanders1@alsde.edu or call 334-242-8114 for more information. All requested documents that contain Personally Identifiable Information (PII) must be sent through the ALSDE Secure File Sharing System. Upon receipt of this request, you will be e-mailed the secure file sharing link to upload the documents. **Do not send this request directly to The Learning Tree. Special Education Services will not be responsible for payment for requests sent directly to The Learning Tree.**

After all information is received this request will be reviewed for accuracy and required documentation and sent to The Learning Tree by the ALSDE. The Learning Tree will contact you for additional information and to schedule the requested service(s).

_____ **Consultation for Individual Students - Board Certified Behavior Analysis-** The need for this service should be determined by the IEP team for students with critical behavioral needs only after all other local efforts have been tried and documented to be ineffective by the IEP team. Individual student consultation services may be requested for behavior reduction or skill acquisition issues that are outside of the area of expertise of the LEA. Services may include a specific functional behavioral assessment and behavioral intervention program for a student based on his or her individual needs. Services will be provided by a Board Certified Behavior Analyst from The Learning Tree.

Information required: *Signed Notice and Consent for Reevaluation.* Submission of documentation of strategies and interventions that have been attempted and proven ineffective.

_____ **Applied Behavior Analysis and Technical Assistance**—Training will be provided by a Board Certified Behavior Analyst for small groups of teachers in classroom management techniques demonstrating various behavior analytic techniques. Training in the use of a data driven model of assessment and development of a program will also be offered. These trainings will be conducted on-site and will allow the trainee to demonstrate the learned techniques in his/her classroom environment.

Information required: Submission of the specific technical assistance need that has been identified by the system.

_____ **Preschool Best Practices for Students with ASD**—In order to build capacity for providing evidence based practices for preschool students with ASD, on-site individual preschool program assessments for LEAs will be conducted by the Learning Tree staff. Five days of follow-up training in the identified areas of the assessment will be provided at a preschool program site operated by The Learning Tree. LEA preschool teachers will be paired with a Learning Tree teacher to have specific behaviors modeled. The LEA preschool teachers will demonstrate the behaviors with feedback provided by Learning Tree staff. A one to two day follow up at the LEA preschool will be conducted by The Learning Tree staff within three weeks after training to monitor progress.

Information required: Submission of the specific technical assistance need that has been identified by the system.

APPROVED: (Special Education Coordinator approval must be received prior to request being initiated)



- Virtual Schools
- Charter Schools

DaLee Chambers |

Virtual Schools Presentations

- Department Offices → Special Education Services
- Technical Assistance → Presentations

- Virtual Schools → (3 Presentations and 3 Handouts)

**ALABAMA STATE DEPARTMENT OF EDUCATION
DIVISION OF TEACHING AND LEARNING
OFFICE OF LEARNING SUPPORT**

SPECIAL EDUCATION SERVICES

Public Charter Schools and Students with Disabilities

Alabama public charter schools are responsible for meeting requirements “under applicable federal, state, and local laws” that would include the *Alabama School Choice and Student Opportunity Act* [Act 2015-3, § 9(a)(5)]; the *Individuals with Disabilities Education Act (IDEA)*; *Section 504 of the Rehabilitation Act of 1973*; and *Title II of the Americans with Disabilities Act (ADA)*.

“A public charter school shall have primary responsibility for special education at the school, including identification and service provision. It shall be responsible for meeting the needs of enrolled students with disabilities. This does not preclude the public charter school from collaborating with the local school system to meet the needs of any special education student” (*Alabama School Choice and Student Opportunity Act*, Act 2015-3, § 9(a)(7)).

Children who attend public charter schools and their parents retain all special education rights under the IDEA.

Conversion Public Charter Schools

The local school board charter authorizer/LEA must serve children with disabilities attending charter schools that are public schools of the LEA (i.e., conversion public charter schools) in the same manner that the local school board/LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such service on the site to its other public schools (IDEA, 34 CFR § 300.209(b)(1)(i)).

In addition, the local school board charter authorizer/LEA must provide funds under Part B of the IDEA to those charter schools on the same basis as the LEA provides funds to the LEA’s other public schools, including proportional distribution based on relative enrollment of children with disabilities, at the same time it distributes other federal funds to the LEA’s other public schools, consistent with the state charter school law (§ 300.209(b)(1)(ii)).

If the public charter school is a school of an LEA that receives federal funding under § 300.705 of the IDEA, the LEA is responsible for ensuring that the requirements outlined in the IDEA are met (unless state law assigns that responsibility to another entity); and the LEA must meet the requirements (§ 300.209(b)(2)).

Start-Up Public Charter Schools

If the public charter school is an LEA (i.e., start-up public charter school), consistent with § 300.28 of the IDEA that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements outlined in the IDEA are met (unless state law assigns that responsibility to some other entity) (§ 300.209(c)).

The state shall pay directly to a (start-up) public charter school any federal or state aid attributable to a student with a disability attending the school (Act 2015-3, § 10 (b)(3)(a)).

Chalkable SETS

Chalkable SETS is the required source for maintaining and reporting data for students with disabilities. ALL schools must adhere to the IDEA. The IDEA includes the “Child Find” mandate. This mandate creates an affirmative duty for all schools to “identify, locate, and evaluate” students with disabilities who are in need of special education and related services; therefore, all schools, including public charter schools, must have Chalkable SETS.

Special Education Data Requirements

There are several mandatory IDEA reports that require timely and accurate data submissions.

Below is a quick reference for the major IDEA reports. Refer to the memoranda and detailed directives issued by the Alabama State Department of Education, Special Education Services, for an exhaustive list, reporting timelines, and more detailed information.

REPORT NAME	DATE SOURCE
Annual Data Report (Special Education Personnel Data, Student Exiting Information, and Special Education Supplemental Data)	Chalkable SETS
IDEA Child Count (Count of Students with Disabilities, Ages 3-21)	Chalkable SETS
State Performance Plan/Annual Performance Report (Students Evaluated Within Timeline, EI to Preschool Tracking Logs, and Transition Verification Report)	Chalkable SETS

For help documents related to special education annual reports, go to the ALSDE Website, select Special Education Services under Department Offices, Office of Learning Support; and click on Data/Reporting. In addition, you may also call 334-242-8114 or send an e-mail message to speced@alsde.edu.



- Special Ed **Connection**
- DirectSTEP



Courtney Utsey |

Learn the Best Ways to Take Advantage of Your Access to Special Ed Connection

Friday, July 15

8:15 am – 9:45 am

Session 401

Mobile Convention Center 106A

Also, see Jeffrey Shaw in the LRP Publications booth!!



- **Monitoring**

Alicia Hodge |
Courtney Utsey |

Risk-Based Monitoring



What is Risk?

Risk is the probability or threat of liability or any other negative occurrence that is caused by external or internal vulnerabilities (weaknesses) and that may be avoided by proactive action.

What is Risk Management?

Risk management is described as the continuous process of assessing risk, reducing the potential that an adverse event (e.g., lack of providing instruction in core academic subjects) will occur, and putting steps in place to deal with an event that does occur.

What is Risk Assessment?

Risk assessment is the identification, evaluation, and estimation of the levels of risks involved in a situation, its comparison against benchmark or standards, and determination of an acceptable level of risk.

Why Explore Risk-Based Assessment Now?

Professional Development, Tiers of Technical Assistance (TA) and Professional Development (PD)

Universal

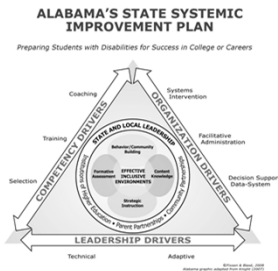
- Low intensity, low frequency, limited duration
- One-time events with topics of broad interest; includes dissemination of products and resources

Targeted

- Moderate frequency and of relatively short duration
- One-time or series of events on a specific topic

Intensive

- Intensively focused and planned and highly frequent
- Includes face to face contact and routine distance communications



- **AL SSIP Demonstration Sites**

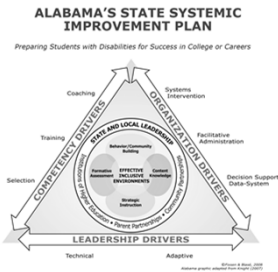
Susan Williamson |
 SSIP Demonstration Site Coaches

AL SSIP Demonstration Project

- The Alabama State Systemic Improvement Plan (AL SSIP) Demonstration Project is a jointly-funded effort of the Alabama State Personnel Development Project (AL SPDG) and the Special Education Services Section of the Alabama State Department of Education (ALSDE).
- The AL SSIP Demonstration Project is currently being implemented in ten pilot sites across Alabama and is designed to improve educational and adult outcomes for all students, especially students with IEPs, through the provision of appropriate services within effective inclusive environments.

Developed under a grant from the US Department of Education, #H323A120023-12A. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government.
 Project Officer, Jennifer H. Coffey.

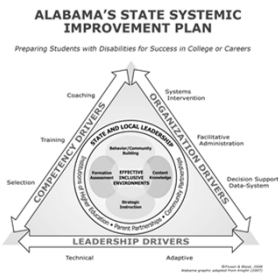




ANDALUSIA CITY

Mrs. Becky Hardiman |
Andalusia Junior High School

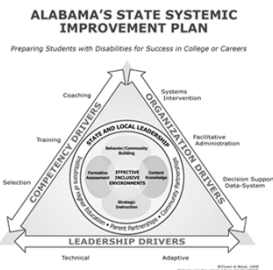




ATHENS CITY

Dr. Marti Rizzuto |
Athens Middle School

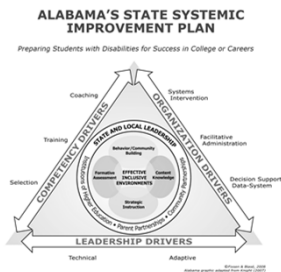




CALHOUN COUNTY

Dr. Debbie Patterson |
White Plains Middle School





HALE COUNTY

Mrs. Vickie Brown |
Greensboro Middle School



**ALABAMA'S STATE SYSTEMIC
IMPROVEMENT PLAN**

Preparing Students with Disabilities for Success in College or Careers



SYLACAUGA CITY

Mrs. Gayle Jones
Nichols-Lawson Middle School