

Bureau of Special Education Report

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National Updates

Education Official to Lead the Civil Rights Commission

Catherine E. Lhamon, the assistant secretary for civil rights at the U.S. Department of Education, has been selected as chairwoman of the U.S. Commission for Civil Rights.

Lhamon, who has been assistant secretary since 2013, was appointed Dec. 15 for a six-year term to the commission; her unanimous selection as chairwoman was Dec. 28. The civil rights commission is made up of eight members, four of whom are appointed by the president and four appointed by Congress. Commissioners do not have to go through Senate confirmation, and can only be removed for neglect of duty or malfeasance.

Prior to joining the Education Department, Lhamon was the director of impact litigation at Public Counsel, a pro bono public interest law firm, from 2009 to 2013. She also worked in several capacities for the American Civil Liberties Union of Southern California from 1999 to 2009.

Under her leadership, the office for civil rights has taken an aggressive role in soliciting complaints and enforcing civil rights laws, including

Section 504 of the Rehabilitation Act of 1973, which offers protections to students with disabilities, and Title IX, which prohibits gender discrimination. The Supreme Court plans to hear a case connected to the Education Department's assertion that Title IX requires that transgender students be allowed to use school restrooms and locker rooms that match their gender identity.

The civil rights commission was created by the Civil Rights Act of 1957, which was signed into law by President Dwight Eisenhower and was the first civil rights act of the 20th century. It is tasked with developing civil rights policy. Over the course of its history, the commission has played an important role in the creation of landmark civil rights legislation such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

For the full article, go to <http://tinyurl.com/jxt3d43>

Education Week 12/30/2016

National Updates *continued*

New Guidance Outlines Civil Rights Protections for Students With Disabilities

During the Obama administration, the U.S. Department of Education's office for civil rights has taken an activist stance on civil rights enforcement, especially when it comes to students with disabilities. And as the clock winds down on this presidency, the Education Department is continuing its efforts through the release Wednesday of three new guidance documents for schools.

The first document is a parent and educator resource guide on Section 504. Section 504 refers to a portion of the Rehabilitation Act of 1973, which prohibits discrimination by recipients of federal money, which includes public schools as well as charter schools.

Section 504 predates the Individuals with Disabilities Education Act, which was signed into law in 1975. Though the laws both deal with the civil rights of people with disabilities, they are different in several important ways. For example, Section 504 and IDEA define "disability" differently. IDEA has 13 disability categories, while Section 504's definition is much more broad—it refers to a "physical or mental impairment that substantially limits a major life activity." About 12 percent of students nationwide are covered by the IDEA, while about 1.5 percent of students nationwide are covered solely by Section 504.

The resource guide explains those differences and offers examples of a district's responsibility to evaluate students and to provide accommodations.

Restraint and Seclusion May Violate Students' Rights

The second guidance package explains how the use of restraint and seclusion may be a violation of a student's rights under Section 504.

The document notes that students with disabilities represent 67 percent of those who were restrained and secluded during the 2013-14 school year, while making up only 12 percent of the student population. "Data disparity alone does not prove discrimination. The existence of a disparity, however, does raise a question regarding whether school districts are imposing restraint or seclusion in discriminatory ways," the document says.

In addition to the letter, the guidance package directs educators to a 2012 resource guide on limiting restraint and seclusion in schools.

Special Education Protections Apply to Charter School Students

The third guidance package notes that charter school students are afforded the same protections under IDEA and Section 504 as their peers who are enrolled in traditional public schools. This guidance was released jointly with the office of special education and rehabilitative services. The guidance is broken into two parts: one document, authored by OCR, spells out the responsibility of charter schools under Section 504. The second document outlines charter schools' responsibility to

follow the Individuals with Disabilities Education Act. The two laws are

different enough that two documents were needed, federal officials said.

Notably, the charter school guidance restates that virtual schools are also responsible for providing accommodations to students with disabilities; for example, a school that offers web-based classes must insure that those classes are modified for students who are blind or who have visual impairments. Relatedly, individual school districts have already come to settlement agreements with the Education Department over inaccessible websites.

Education officials say these guidance documents do not create or impose new legal requirements. Rather, they are meant to clear up confusion about how existing laws are interpreted and enforced. (The department has used the same reasoning to say that Title IX requires schools to permit transgender students to use the restrooms and locker rooms that match their gender identity, a controversial reading of the law that is going to be heard by the U.S. Supreme Court in 2017.)

The civil rights priorities of the new administration are yet to be determined, but a member of President-elect Donald Trump's education transition team has said that the role of the office for civil rights could be curbed.

Education Week 12/29/2016

National Updates *continued*

States' Capacity a Nagging Issue as ESSA Gears Up

The big job of retooling state education systems will take staff resources and funding, both of which are squeezed in states across the country.

As state lawmakers prepare for new flexibility—and responsibilities—under the Every Student Succeeds Act, they face questions about whether staffing levels and other state resources are fully up to the task.

Under both the No Child Left Behind Act and subsequent waivers of that law's provisions, education agencies in many states struggled in a very public way when it came to rolling out a federally prescribed

accountability agenda. There were standardized-testing glitches, botched school accountability report cards, and communication failures between state officials and district superintendents.

Many education leaders attribute the NCLB-era problems to the plummet in funding state agencies experienced during the Great Recession of the late 2000s and subsequent layoffs within departments. They argue that there were not enough qualified officials within state education departments to provide professional development, to monitor testing-vendor contracts, and to ensure accountability systems were sound.

Under ESSA, the year-old successor to No Child Left Behind, state departments are expected to manage more duties in both crafting and executing the mandatory state accountability plans. The departments will be responsible for intervening in low-performing schools, designing and rolling out new state report cards, and prescribing teacher-evaluation systems.

For the full article, go to <http://tinyurl.com/zh5adx8>

Education Week 1/4/2017

Study: Students With ADHD Not Helped by Common Test Accommodations

Offering students with attention deficit hyperactivity disorder extended testing time or frequent breaks does not appear to help them perform better on a standardized test than other students with ADHD who do not get such accommodations, says a new study published in *Learning Disabilities*, a Multidisciplinary Journal.

In the study, *Academic Testing Accommodations for ADHD: Do They Help?* researchers examined the accommodations and test results of 96 Maryland students with ADHD in grades 3-8. In addition to examining the impact of offering extended test time and frequent breaks, the researchers also looked at the effects of three other commonly

offered accommodations: reducing distraction in the testing area, allowing students to have portions of the test read aloud, and allowing use of a calculator.

None of the accommodations were associated with students receiving better scores in reading or math on their Maryland School Assessments compared to similar peers, the study found.

Alison Esposito Pritchard, the lead author of the report, said she grew interested in studying the effects of these accommodations through her work as a clinical psychologist at the Kennedy Krieger Institute in Baltimore. The institute offers care to children with a variety of developmental disabilities.

As she evaluated children in her practice, Pritchard said she found herself recommending that they be offered accommodations, but that the research behind those recommendations was thin, particularly for students with ADHD.

The findings should prompt more research into what accommodations are effective for students with ADHD and how students can be taught to take best advantage of them, Pritchard said.

For the full article, <http://tinyurl.com/hy7bf7d>

Education Week 12/23/2016

Upcoming Conferences and Statewide Training

IDEA Refresher: The Basics

This session will provide school staff and others involved in the special education process with knowledge of federal and state regulations regarding the identification and provision of services for students with disabilities. This session will be interactive to provide clarification and opportunity to interact with regulatory information and school-related scenarios.

January 23, 2017 - PaTTAN East

January 24, 2017 - PaTTAN Harrisburg

Establishing Basic Skill Sets for Students with Autism Spectrum Disorders

To address the needs of students with autism who present with limited or absent tact (labeling) and mand (requesting) repertoires, this training will cover conceptual skills and protocols necessary to establish basic skills sets for such students. Content will include specific teaching strategies relevant to an initial mand repertoire, initial imitation skills, basic listener responding skills, and early tact responses. A significant focus will be on the process of establishing early instructional control through shaping and pairing instruction with improving conditions for the student.

January 30-31, 2017 – PaTTAN Pittsburgh and PaTTAN East

Intermediate and Advanced Verbal Programs for Students with Autism

Extending instructional protocols to teach complex tact, intraverbal and listener responding repertoires for students with autism, this training will review protocols for teaching tacts of actions, two or multiple word component tacts, tacts and listener responding by feature, function and class, tacts of adverbs, adjectives, and prepositions, intraverbal webbing, responding to yes/no questions,

February 1-2, 2017 – PaTTAN Pittsburgh

February 1-2, 2017 – PaTTAN East

Concrete-Representational-Abstract (CRA) Day: Multiplication and Division

This professional development opportunity will support teachers' learning and implementation of the Concrete-Representational-Abstract (CRA) sequence of instruction, a research-based instructional practice, for the topics of multiplication and division. Teachers will experience CRA as both a teacher and a learner.

February 2, 2017 – PaTTAN Harrisburg

February 9, 2017 – PaTTAN East

February 16, 2017 – PaTTAN Pittsburgh

Creating and Sustaining Strong Systems for Special Education

A coordinated system of special education is more likely to produce positive outcomes for students with disabilities. This training is based upon six conceptual bedrocks of a systems-thinking approach to leading and managing special education. This training will address 2 of the bedrocks.

February 2, 2017 – PaTTAN Harrisburg and PaTTAN Pittsburgh

February 10, 2017 – PaTTAN East

Psychological Counseling as a Related Service

Offering Psychological Counseling as a Related Service is a requirement when a student demonstrates a need for this type of support. A new guidance document is being released by the Bureau of Special Education that provides information for MDE and IEP teams. This document and training follows the special education process, from the legal basis through assessment, identification of need, implementation of service and monitoring for continued need for eligible students. In addition, this training explores components needed within a service delivery system, including creating partnerships with community providers, that will foster providing these supports to students and families.

February 2, 2017 – PaTTAN Harrisburg

February 9, 2017 – PaTTAN East

February 16, 2017 – PaTTAN Pittsburgh

Upcoming Conferences and Statewide Training continued

Formative Assessment: High-Quality Feedback Across Tiers 1, 2 and 3

Feedback is any comment, verbal or written, that provides descriptive information on the proficiency or quality of a product or performance. This session is designed to assist educators with provision of high-quality feedback to help students invest in their own learning.

February 17, 2017 – PaTTAN Pittsburgh

April 13, 2017 – PaTTAN Harrisburg

May 10, 2017 – PaTTAN East

PDE Conference 2017: Educational Practices That Work!

This annual statewide conference offers an opportunity to learn and engage with nationally-recognized presenters, as well as colleagues from across the state, highlighting effective instructional strategies and interventions designed to make an educational difference for all students. Conference topics include: Reading, Writing, Mathematics, Secondary Transition, Behavior, Autism, Parent Engagement, STEM, Leadership, and Legal Issues.

March 8-10, 2017 – Hershey Lodge and Convention Center
