



LEA Academy: “ Not a Good Idea to
Break These Laws” ...

September 9, 2020





“Why” do we do “What” we do

Legal mandates for public schools”



1. IDEA

(Special Education Eligibility/Services, Rtl)

2. Section 504 of the Rehabilitation Act 1973. (Reasonable Accommodations/Equal Access)

3. Americans with Disabilities Act (Equal Protection/Civil Rights)

4. Student Support Team (Georgia)

5. Every Student Succeeds Act (ESSA).

(MTSS)



“Why” do we do “What” we do

- 6. What about all of these miscellaneous, “State Rules/ Laws?”
 - SB 10
 - Deaf Child Bill of Rights
 - Diabetes Care Plans
 - Health Care Plans

Determine/discuss the interaction between the student/school environment and how/where each applies – who needs to attend. It’s ok to ask for help.



So what in the world is an LEA?

- LEA = Local Education Agency
 - Job descriptions:
 - Qualified to provide or supervise the provision of specifically designed instruction to meet the unique needs of students with disabilities.
 - Knowledgeable about the general curriculum.
 - Knowledgeable about the availability of the resources of the school.
 - Keep team focused and on task.
 - Provide all special education options.
 - Follow up on special request or to-do items.
 - Contact central office if there are additional concerns.



SST Teams

- The Student Support Team (SST) is a regular education, interdisciplinary group that uses a problem-solving approach to address learning or behavior problems of students. [Intervention Plan]
- The SST came about as a result of the Marshall vs. Georgia, 1984 court decision where Judge Edenfield ruled: "If it's not documented, it never happened."



Section 504

Section 504 is a federal law that prohibits discrimination against individuals with a disability in any program receiving federal assistance. The Act defines a person with a disability as anyone who:

- 1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, eating, sleeping, standing, lifting, bending, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.)



Section 504

- 2. has a record of such impairment; or
- 3. is regarded as having such an impairment.



- Once determined eligible, the school team determines "reasonable accommodations" necessary for equal access to instruction, programs, etc.



American's with Disabilities Act

(ADA) is a law that was enacted by the U.S. Congress in 1990.

- The ADA is a civil rights law that prohibits discrimination based on disability.
- A Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity."
- The determination of whether any particular condition is considered a disability is made on a case by case basis.



IDEA

- The **Individuals with Disabilities Education Act** (IDEA) is a federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities.
- It addresses the educational needs of children with disabilities from birth to age 21 in cases that involve 13 specified categories of disability.



IDEA

- IDEA also outlines:
 - Referral Process (Rtl)
 - Parent Rights/Due Process
 - Eligibility left up to States to determine criteria
 - Direct and Related Services
 - IEP = “FAPE” Requirements



FAPE Standard

- Supreme Court determined that, “[t]o meet its substantive obligation under the IDEA, a school must offer an IEP [individualized education program] that is
 1. reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”
 2. The Court additionally emphasized the requirement that “every child should have the chance to meet challenging objectives.”



So what does this mean?





So What does the all mean?

- Generally legal mandates are about what types of supports are “Required” for compliance.
- Be knowledgeable about what is “Required” under each legal mandate versus what is, “Nice to have” or Best practice” and how to document each.



The Road to Special Education Eligibility





The Road to Special Education Eligibility

Key Takeaways:

- Both the SST and Section 504 Coordinator must have regular communication with each other.
- SST is still the “Intervention Plan” Process
- Section 504 is the “Accommodation Plan”
[They are from different laws.]



The Road to Special Education Eligibility

Key Takeaways:

- Both IDEA and Section 504 are FAPE Requirements.
- We cannot delay a Section 504 Plan evaluation due “to collect data”.
- Section 504 is more than just “academic impact “(See MLA)
- Best Practice: Meet to consider both SST/504 using the Rtl Desktop.



MTTS vs RtI

A Multi-Tiered System of Supports (MTSS) is a whole school data-driven prevention based framework utilizing high quality evidence-based instruction, intervention, and assessment practices to ensure that every student receives the appropriate level of support to be successful.

Referenced in the Every Student Succeeds Act (ESSA)

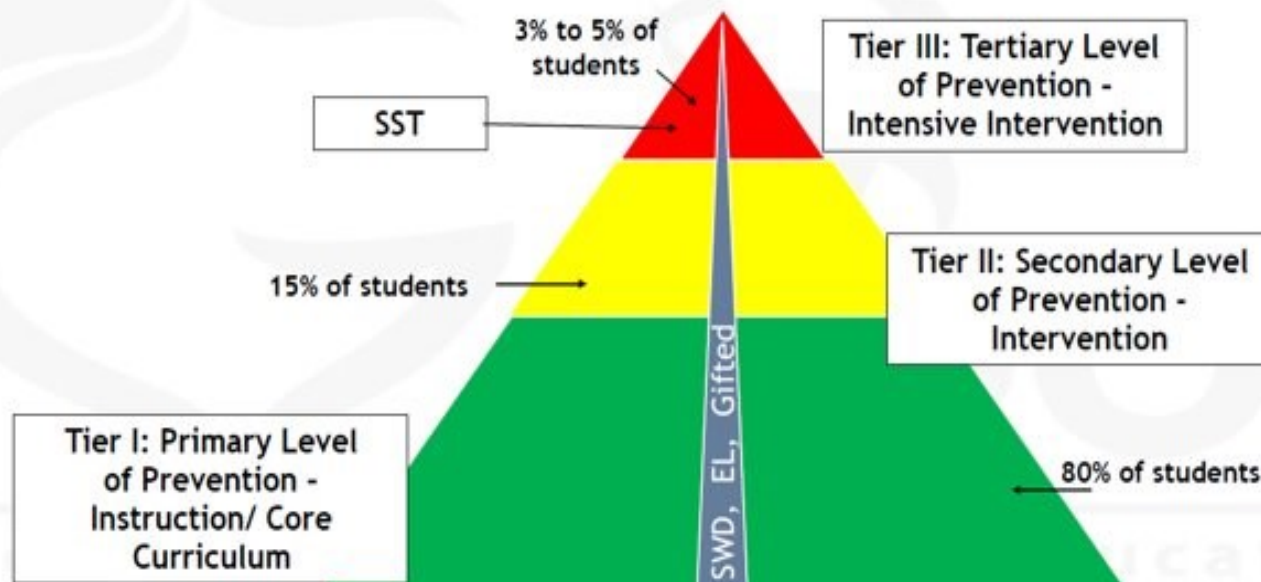


MTSS



Richard Woods,
Georgia's School Superintendent
"Educating Georgia's Future"
ga.gov

Essential Component: Multi-Level Prevention System

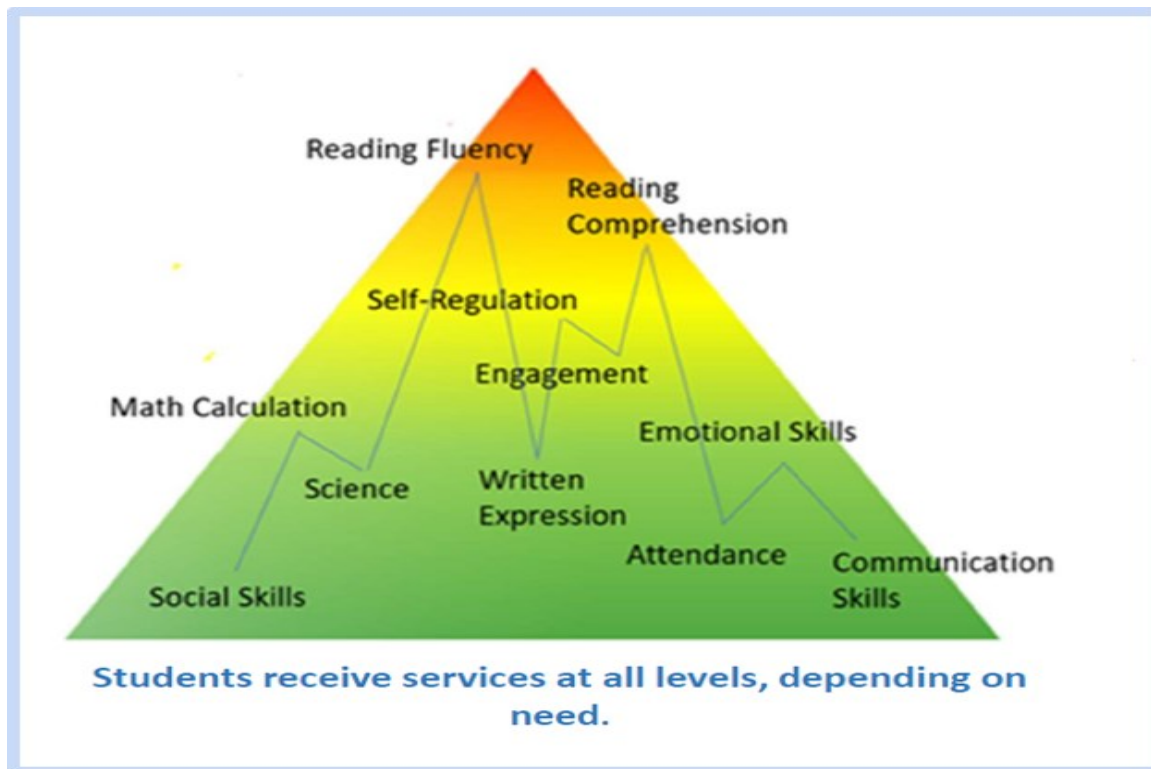


Students receive services at all levels, depending on



MTSS

- Within MTSS, Services/Interventions are "Tiered", not Students...





MTSS vs RtI

Response to Intervention (RtI) refers to the practice of providing effective instruction and intervention across three tiers to all students. Assessment, progress monitoring, and data-driven decision making are all components of successful RtI implementation.

The hope is to reduce the number of students being referred to Special Ed and to provide research and evidence-based, high quality instruction in all tiers.

Referenced in IDEA



504 or SST?

- Well that depends! 😊
- IST/SST are the intervention pieces on the Rtl “pyramid”.
- Section 504 is providing “reasonable accommodations” based on an impairment.

Both have separate legal/compliance requirements.



SST or 504?

Many students need both....

- * Consider the ADHD student.....
- * SLD/Dyslexic student...
- * Physical Impairments....
- * Speech/Language Impairments



504 vs SST

- Quick tip if the students requires both plans:
 - Since we have a “Child Find” responsibility for both, SST should be driving the intervention process. The 504 Plan should be the “add-on”. [The team still needs to discuss the needs for accommodations and write a plan if needed however, use the Rtl Desktop for management of both plans.]



Is it possible to have an IEP and a 504?

- Well, the legal experts say, "No".
 - Accommodations are already part of an IEP.
 - In the Supports for Students section of the IEP, a team may distinguish between which accommodations are required for each impairment or disability.
 - But what about accommodations for extra-curricular activities?



Activity/Scenarios

- At your table, discuss which laws the school team needs to consider for each scenario.
- What would be some initial procedural recommendations?



Scenario

- Paul is a transfer student from PA. His parents provide you with a private psych report that states he has the following diagnosis:
 - Dyslexia, Anxiety, Depression
 - In PA he received private OT, Dyslexia Therapy, Counseling, and Brain-Balance.
 - Parents provided no other records and said he had some EIPA thing in PA.
 - BTW, His service dog is named, "Max".



Questions?

For a thoughtful sounding reply of, “Well That Depends” Contact me or a member of our staff 😊

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