

Children with IEPs in 21st CCLCs

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September 24, 2019

Introduction

Special education is governed by many levels of laws/regulations/decisions:

- Federal statutes (Individuals with Disabilities Education Act)
- Federal regulations
- Comments
- Wisconsin Statutes
- Wisconsin Administrative Code
- Case law, hearing decisions, complaints, etc.



Important Terms



IEP – Individualized Education Program

LEA – Local Education Agency – usually the school district but occasionally a different entity – for example, the Department of Corrections is an LEA

DPI – Wisconsin Department of Public Instruction

FAPE – Free, Appropriate Public Education

Special Education

Under Wisconsin law, *special education* means specially designed instruction, regardless of where the instruction is conducted, that is provided at no cost to the child or the child's parents, to meet the unique needs of a child with a disability, including instruction in physical education.



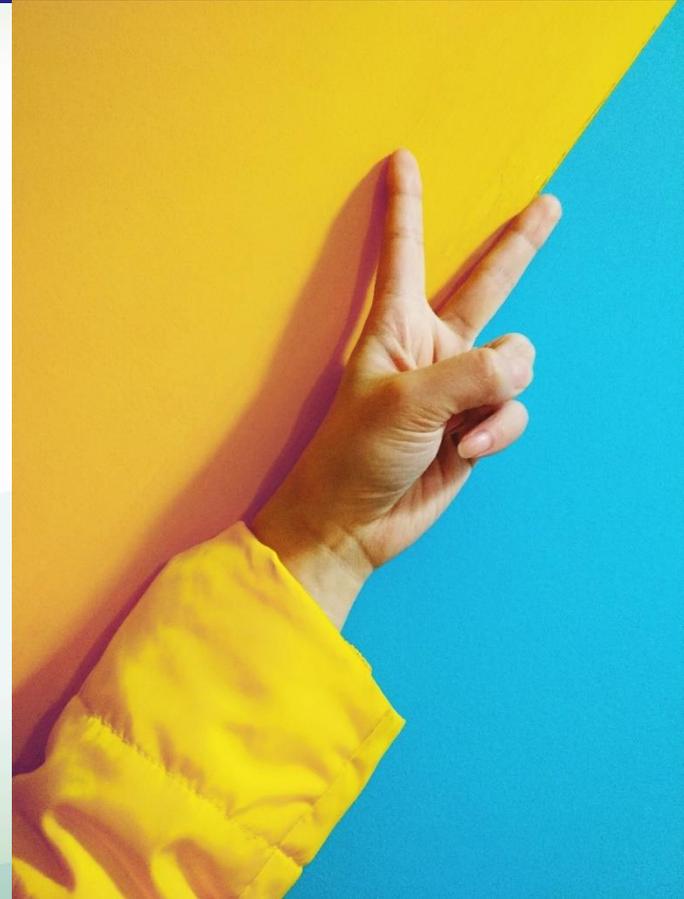
Referral and Evaluation Process



Child with a Disability

Two-part test:

- First, does the child meet the educational eligibility impairment criteria for one of the disability areas that adversely affects his/her educational performance?
- And, as a result of the disability, does the child need special education and related services?
- **BOTH!**



Eligibility Impairment Areas

- Intellectual Disabilities (ID)
- Hearing Impairments (HI)
- Speech or Language Impairments (S/L)
- Visual Impairments (VI)
- Emotional Behavioral Disability (EBD)
- Orthopedic Impairments (OI)
- Autism
- Traumatic Brain Injury (TBI)
- Other Health Impairments (OHI)
- Specific Learning Disabilities (SLD)
- Significant Developmental Delay (SDD)



Child Find



- LEAs are required to locate and identify children with disabilities.
- Includes children who attend private schools or those attending a home-based private education (home schooling) and students in correctional facilities.
- LEAs must evaluate and determine need for special education.

Referrals

- Anyone may make a referral
- Must be in writing
- Must include the name of the child and why the person believes the child has a disability
- School staff often assist parents in completing forms



Evaluation - Assessments



- No one assessment method alone is sufficient when determining eligibility for special education.
- IEP teams must gather information from multiple sources and employ a variety of methods.

“Adversely affecting educational performance”

- In order to identify a student as meeting educational eligibility for an impairment, the IEP team must find the student’s learning and educational performance is adversely affected.

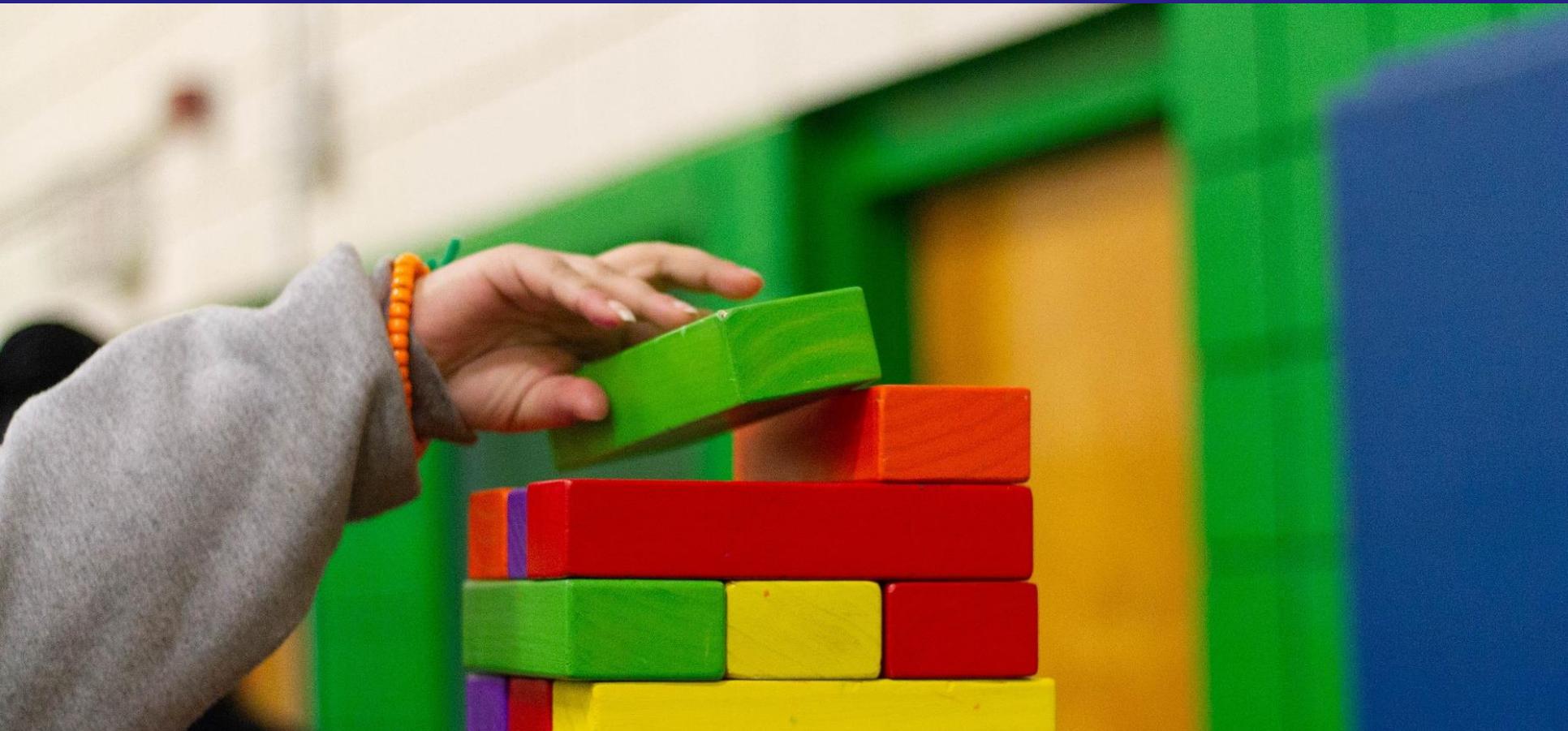


Educational Performance

Educational performance may include:

- **Cognitive performance, including academic and pre-academic skills.**
- **Communication skills.**
- **Personal/Social skills.**
- **Sensory processing and motor planning skills.**
- **Adaptive skills, including self-help skills and activities of daily living.**

IEP Development and FAPE



IEP Development and Placement

- If the IEP team determines a student meets the eligibility criteria and has a need for special education, the student then has, or continues to have, a disability.
- The next step for the IEP team is to develop an IEP and determine placement for the student.
- [College and Career Ready IEPs 5-Step Process](#)

What is FAPE?

A free appropriate public education as defined by IDEA means special education and related services that:

- Are provided at public expense under public supervision and direction;**
- Meet the standards of the department and Part B of IDEA; and**
- Are provided in conformity with an IEP.**

Rowley and Endrew F

- Rowley (1982): The IEP must be reasonably calculated to enable the student to receive educational benefit.
- Endrew F (2017): The IEP must be reasonably calculated to enable a student to make progress appropriate in light of the student's circumstances.



FAPE

- Districts must provide FAPE to each student with a disability by developing a program based on the student's unique needs that is reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances, documenting that program in the IEP, and implementing the program articulated in the IEP.

IEP Contents

Present Levels

Effects of Disability

Disability Related Needs

Goals

Services



Key Concepts



- IEPs must be individualized/based on student's unique needs
- Appropriately ambitious in light of the student's circumstances
- Reasonably calculated

IEP Development

- **An IEP team cannot determine services solely based on existing programming, staffing availability, or cost. If there are multiple ways to meet the child's needs, these factors may be taken into consideration, but they cannot be the determining factor**
- **If the IEP team determines that in order to receive FAPE the student requires a particular service that is not offered by the district, the district must ensure the student receives the needed service**

IEP Development

- **Decisions made in IEP team meetings must be made by consensus**
- **If the team is unable to reach consensus, then the district makes the decision and provides parents with prior written notice of the district's proposals and refusals. The district is ultimately responsible for providing FAPE**
- **Provide Prior Written Notice**

Extracurricular and Noncurricular Activities

- **IEP teams must determine what supplementary aids and services each student with an IEP might need in order to have an equal opportunity to participate in extracurricular and noncurricular activities.**
- **Could include adult support, staff training, behavioral supports, etc.**

Section 504 of the Rehabilitation Act

- **Section 504 of the Rehabilitation Act of 1973 prevents discrimination based on disability status.**
- **District may not exclude students from the program and must provide accommodations and supports that would allow students the opportunity to participate on an equal basis with students who are not disabled.**

Section 504 Eligibility

- A person is eligible if they have a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- “Major life activities” means function such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Not an exhaustive list.
- Schools may use the same evaluation process as under IDEA.

504 Compliance

- **DPI does not have enforcement authority for 504 matters.**
- **U.S. Department of Education, Office of Civil Rights**
- **Regional office in Chicago**
- **Complaint process**

What is CLC's obligation?

- Is the 21st CCLC program operated or sponsored by the school district?
- If yes, Section 504 definitely applies and IDEA might apply.
- If not, operating/sponsoring organization may have separate obligations under 504.

IDEA Obligation?

- Does the district consider the 21st CCLC program a school-sponsored extracurricular activity?
- If so, look to the IEP to determine supports.
- Crucial to have communication with school staff around how supports work.

Some examples

Special Education Complaint Decisions

- [Complaint 12-052](#)
- [Complaint 17-054](#)

Questions?



Session Evaluation



<https://forms.gle/PLSfKtMAJcQ1i9mF8>

Due this Friday, September 27