Individuals with Disabilities Education Act at 45: A Review and Look Forward
Wednesday, July 22, 2020
1 pm ET
VISION
To be a premier membership organization supporting state leaders of special education in ensuring students with disabilities will live, learn, work, and participate in their communities.

MISSION
To improve individual and organizational success for state leaders of special education by providing relevant services that impact positive systemic change and results.

GUIDING PRINCIPLES
- Members are our first priority
- Pragmatic and effective services
- Collaboration produces the best results
- Forward thinking and agile
- Passion for positive outcomes for students with disabilities
Most Significant Achievements of IDEA

Disability Civil Rights
- Dignity and value to persons with disabilities
- Self-advocacy
- Transformed how we teach and where we teach
- Federal protections
- Due process

LIFE LIKE OURS
- Career opportunities
- Community participation
- Relationships
- Independence
- Quality of life

COMMUNITY INCLUSION
- Movement away from segregation
- Regular education is starting point for all kids
- Same building and same classrooms

ACCOUNTABILITY
- Federal/state/local
- Shift to outcomes and compliance

PARENT/FAMILY ENGAGEMENT
- Parent training
- Parent choice and input
- Parent advocacy

RESEARCH/TEACHING
- What works/what doesn’t
- How to teach
- New professions
- Medical and instructional technology
**INCLUSION:**
Least restrictive environment (LRE) is determined by a student’s IEP team and is based on the defining principles of special education law and the presumption that the general education environment with nondisabled peers is the first choice for educating all individuals with disabilities. The removal from the general education environment only occurs if the nature or severity of the disability is such that education in the general education classes with the use of supplementary aides and services cannot be achieved satisfactorily.

State and local special education directors have spent countless hours innovating and proving that unforeseen circumstances and building closures do not prohibit students with disabilities from receiving a FAPE.

The unprecedented COVID-19 situation means IEP teams across the country are beginning the 2020-2021 school year with an unprecedented task of considering individualized needs of each student with a disability.

<table>
<thead>
<tr>
<th>WHAT IS WORKING</th>
<th>WHAT NEEDS IMPROVEMENT</th>
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<tbody>
<tr>
<td>The vast majority of students with disabilities spend 80% or more their day in general education classrooms with non-disabled peers</td>
<td>More training for regular education teachers and administrators on how to include students with disabilities – very little training for non-special educators</td>
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<td>Co-teaching and inclusive teaching is often now the norm and not the exception (special education teachers working hand in hand with regular education teachers)</td>
<td>Reform funding systems that promote or incentive segregated placements</td>
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<td>Inclusion in school events, culture and social life – clubs, dances, sports, etc.</td>
<td>Hold local schools and states more accountable for outcomes for students with disabilities – still significant achievement gaps in all academic indicators of success for students with disabilities.</td>
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<td>General practice and understanding of how to better to students with the most significant disabilities in neighborhood schools</td>
<td>Incentivize creative models to allow specialized support personal in private day programs to help teach public schools to replicate models in local schools</td>
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NASDSE Recommended Changes to IDEA
(Developed in 2017)

Guiding Principle I

Public education should be a unified system designed to increase positive student outcomes through appropriate, grade-level instruction based on a continuum of school-wide, evidence-based practices that are matched to each student’s individual academic and behavioral needs. The goal is to ensure equity of opportunity, self-sufficiency and independent living.

Recommendations

• State Performance Plans developed under IDEA should align with consolidated state plans required under ESSA.
• States should have the opportunity to develop one comprehensive plan, which may include Title I and the State Performance Plan improvement strategies.
• The IDEA should clarify that MTSS as described in ESSA is a school-wide improvement framework to be used to support all students.
• The Individualized Educational Plan (IEP) team must determine placement in the least restrictive environment (LRE) after considering a full continuum of placements and with the understanding that the LRE must be considered in the context of the individual child’s needs.
NASDSE Recommended Changes to IDEA  
(Developed in 2017)

Guiding Principle II

Every student should be taught and supported by high quality and effective educational personnel including teachers, leaders, paraprofessionals and specialized instructional support personnel. All of these professionals, aided and supported by parents, play a unique role in the education of all students.

Recommendations

• Effective school instructional practices are the responsibility of all educators. IDEA should acknowledge the shared responsibility of training all educational personnel (including specialized instructional support personnel) to support the instruction of diverse learners.
• Any IDEA personnel preparation grants should prioritize programs that include training that prepares all educators to work with students with disabilities.
• In order to advise and assist parents, parent training centers should receive adequate funding and continue to support parent training.
• Trained and knowledgeable advocates provide a valuable service to parents and students with disabilities and should meet state-defined criteria to be considered an advocate.
• All members of the IEP team should have advance notice of others invited by either the school or the parents to attend.
NASDSE Recommended Changes to IDEA
(Developed in 2017)

Guiding Principle III

All children and youth should have access to, and training on, appropriate assistive and educational technology and accessible educational materials.

Recommendations

- The scope of the National Instructional Materials Access Center (NIMAC) should be expanded to ensure that all students who need accessible materials, including those needed to facilitate communication and literacy, can access them from the Center or other sources.
- State and local education agencies should ensure that all educational content, whether developed in-house or purchased from outside vendors, incorporates the principles of UDL and is compatible with existing technology.
- State and local education agencies should ensure that students with disabilities have access to the same appropriate accommodations in both their instruction as well as federally required state-wide and LEA-wide assessments.
NASDSE Recommended Changes to IDEA
(Developed in 2017)

Guiding Principle IV

Early identification, intervention and preschool services are critical for meeting the needs of infants, toddlers and young children with disabilities to improve their outcomes as they progress through the K-12 educational system.

Recommendations

- The least restrictive environment for preschool-aged children with disabilities should be individualized to meet the needs of each child.
- Part C of IDEA should be permanently authorized and adequately funded.
NASDSE Recommended Changes to IDEA  
(Developed in 2017)

Guiding Principle V

Educational leaders should promote a positive school climate.

Recommendations

- Every state should have a policy in place limiting the use of seclusion and restraint for all students.
- Facilitated IEPs should be an option in dispute resolution. States may add additional options that may be appropriate for their states.
- The IDEA provides positive incentives for state and local education agencies to develop and implement alternative dispute resolution systems to more efficiently protect student rights.
- IDEA should include strengthened language regarding alternate dispute resolution options that encourages the resolution of disputes at the lowest level possible.
NASDSE Recommended Changes to IDEA
(Developed in 2017)

Guiding Principle VI

Authentic stakeholder engagement is critical in every aspect of the education system from policy development to local implementation.

Recommendations

- The USDOE should be required to use negotiated rulemaking for all IDEA regulations. Any guidance issued by the USDOE should be developed with stakeholder engagement prior to release.
- The USDOE, in addition to state and local education agencies, should consider the use of strategies such as Leading by Convening for authentic stakeholder engagement during improvement planning and rulemaking.
NASDSE Recommended Changes to IDEA (Developed in 2017)

Guiding Principle VII

Education and other agencies at all levels of government should be explicit with respect to interagency coordination and responsibility for the provision of services to students with disabilities.

Recommendations

- Full federal funding is required to ensure success for all students and should be used to provide services in public settings unless an IEP team determines that a private placement is needed.
- IDEA must recognize that the service delivery models of public education are changing and should clarify the service delivery and funding obligations in virtual and nonpublic settings.
- State and local financial support requirements should recognize legitimate state and local financial constraints (e.g., fiscal contractions, changes to pension plans).
- IDEA language should be aligned to be consistent with the ESSA and WIOA and encourage information sharing among agencies.
- IDEA should clarify that data collection is consistent with that required under ESSA and WIOA, and is not duplicative.
- IEP team decisions take precedence over decision-making from other agencies.
- Any regulation or policy guidance must recognize the unique needs of each state education agency.
Challenges Faced with COVID

1. No one was prepared for this type of situation – no plan, no contingencies, no guidance
   - Little if any federal help or guidance
   - Lack of clear policies and factual information
2. Virtual Education and SWD
   - Accessibility issues
   - Teachers not trained
   - No best practices – little research
   - No infrastructure in many schools and communities
   - Equity issues and lack of equipment and broadband
   - Students with significant disabilities and sensory impairments
   - Parents not trained or provided assistance
3. Regression and loss of skills
   - Communication, behavior, social skills and academic losses
   - Continuity services and possible compensatory services will be needed
4. Lack of consistency in response from district to district, state to state
5. Social Emotional Needs of Kids and Trauma
6. Equity Issues
“SEAs and LEAs should work together to ensure every school and IEP team have a process in place to support good faith efforts to meet student needs”

- Offered to all students through various distance learning and/or hybrid delivery strategies during COVID-19 school closures.
- Students with disabilities must have equitable access to general education curriculum.
- Services may or may not be equivalent to those in the IEP.
- Schools may use a distance learning plan to clearly articulate special education services.

- Offered to all students as a result of missed or disrupted services during COVID-19 school closures.
- Recovery services is to ensure a successful restart after school closures.
- Services will vary tremendously based on unique circumstances of every state, school system and school.
- Premised on the idea that all students will need new baseline data and to address unfinished learning.

- FAPE as a result of COVID-19 closures looks different in each local circumstance and will require local definitions based on the continuity services provided in each unique circumstance.
- School will need to convene IEP Teams to collaborate with families and students to assess individual needs, progress, and/or loss of skills and determine if the IEPs should be amended to reflect appropriate services and supports.
- COVID-19 impact may require amendments to the IEP to ensure the student continues access the curriculum and receives FAPE.
COMPENSATORY EDUCATION

• Compensatory services serve as a remedy needed to account for the loss or deficit as a result of a denial of FAPE in these special circumstances and do not replace current services a student receives in his/her IEP.

• Compensatory education services are provided based on the totality of the circumstance and access to continuity services for each individual student.

• **NOT EVERY STUDENT WITH AN IEP SHOULD RECEIVE COMPENSATORY EDUCATION DUE TO COVID-19 SCHOOL CLOSURES**

• The sudden and unexpected shift to continuity services through distance learning structures at the end of the 2019-2020 school year may have impacted some of the special education and related services provided to students with disabilities and, as a result, may require compensatory education services to address loss, regression, or failure to make progress of skills as a result of not providing a free and appropriate education (FAPE).
What Can School Do to Ensure Successful Reopening for Students with Disabilities?
Health and Safety #1

1. Technical assistance to SEAs and LEAs on COVIDD medical Information and CDC/State Public Health recommendations.
2. Strategies, considerations, and medical recommendations for students with developmental disabilities and chronic health issues.
3. Ideas, tips and strategies for families who have children with severe behavioral issues.
4. Mental health supports and services for students, teachers and families.
5. Clearly defined protections, policies, and roles for staff supporting kids: teachers, aides, support staff, bus drivers, etc.
Parent and Family Engagement

1. Increase parent/family outreach using virtual resources.
2. Underserved families who don’t have access to virtual resources.
3. Tips and strategies for providing home instruction as a “learning coach” – teaching techniques, behavior, communication, AT, etc.
4. Advocacy: IEP meetings, Evaluations, Services, and Dispute Resolution Options.
Virtual Education

2. Related service delivery methods – Keeping “medical home” models intact/coordination.
3. Assistive technology integration.
4. Accessibility options and strategies.
5. Conducting virtual IEP meetings.
7. What is LRE in a virtual environment?
8. Virtual education for students with developmental disabilities and sensory impairments.
9. Roles of paraprofessionals.
10. Teaching teachers how to teach in virtual environments.
ADA and Transportation
Accessibility
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