



Supporting Students with Complex Needs Related to Placement in Virginia

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Who We Are



Danielle Basham, M.Ed.
Private School Monitoring
Specialist, Virginia
Department of Education



Kelly Conn-Reda, M.Ed.
Program Manager,
Multi-Agency Services
Fairfax County Public
Schools



Rick Leichtweis, PhD
Executive Director,
Inova Kellar Center



What role
do you
have?

Learning Objectives

- ▶ Develop an understanding of the special education process.
- ▶ Understand the difference between an Individualized Education Plan (IEP) and a 504 Plan.
- ▶ Understand educational factors to consider for students requiring services and placement.
- ▶ Determine what type of meeting(s) is necessary when a child is placed in foster care.
- ▶ Recognize the components of an IEP that pertain to placement decisions.
- ▶ Identify what effective collaboration might look like for students who require treatment.



Overview of the Special Education Process

Information and following definitions are from *The Virginia Family's Guide to Special Education*, link at the end of this presentation

Overview of Special Education Process

- ▶ Identification and Referral
- ▶ Evaluation
- ▶ Determination of Eligibility
- ▶ Individualized Education Plan (IEP) and Determination of Services
- ▶ Reevaluation

Overview of Special Education Process

► Evaluation

The school then evaluates the child to determine whether he or she has a disability, as well as the nature and extent of the special education and related services that the child needs.

Overview of Special Education Process

► Identification and Referral

When it is suspected that a child may have a disability, a referral, which is a written or oral request for an evaluation, is given to the school. There are a number of ways to make a referral.

Overview of Special Education Process

▶ **Determination of Eligibility**

Based on the results of the evaluation, a team decides if the child is eligible to receive special education and related services. To be found eligible, the team must decide that the child has a disability and, as a result, needs special education and related services.

Autism	Multiple Disabilities
Deaf-Blindness	Orthopedic Impairment
Deafness	Other Health Impairment
Developmental Delay	Specific Learning Disability
Emotional Disturbance	Speech or Language Impairment
Hearing Impairment	Traumatic Brain Injury
Intellectual Disability	Visual Impairment

IDEA Disability Categories

Overview of Special Education Process

▶ Individualized Education Plan (IEP) and Determination of Services

If a child is eligible to receive special education and related services, a team then develops and implements an appropriate IEP to meet the needs of the child. This team also decides the particular services the child will receive. The IEP must be reviewed and revised at least annually.

Overview of Special Education Process

► Reevaluation

At least every three years, a team must reevaluate the child to determine whether the child continues to need special education and related services, unless the parent and the school agree that a reevaluation is not necessary. Parents and/or schools may request reevaluations more frequently than every three years, if necessary.



IEPs and 504s: What's Included and What's the Difference?

IEP vs. 504 Descriptions

IEP

- ▶ Eligibility for an Individualized Education Program (IEP) is based on the fourteen categories of disability identified by the *Individuals with Disabilities Education Act (IDEA)*. The child's impairment must have an educational impact and require specially designed instruction for him/her to qualify as a child with a disability under IDEA.

504 Plan

- ▶ A 504 Plan is based on eligibility under the *Rehabilitation Act of 1973*, and not the IDEA. A child may be identified as a student with a disability under this statute if she has a mental or physical impairment that substantially limits a major life activity. The 504 plan ensures a child receives accommodations that will ensure academic success and access to the learning environment.

Note: Both identify a student as having a disability.

IDEA Definition of Specially Designed Instruction (SDI)

- ▶ There are three core components of SDI - content, methodology and delivery.
 - ▶ Specially designed instruction means these elements will be adapted, as appropriate, to address the unique needs of a student and their disability.
 - ▶ It ensures that each child is placed in the least restrictive learning environment and gives them access to the general education curriculum, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education. The term includes each of the following if it meets the requirements of the definition of special education: (§ 22.1-213 of the *Code of Virginia*; 34 CFR 300.39)

IDEA and FAPE

- ▶ The Individuals with Disability Education Act (IDEA) guarantees a free appropriate public education (FAPE) to all eligible children with disabilities.
- ▶ FAPE means **special education** and **related services** that:
 - ▶ are provided at **public expense**, under public supervision and direction, and without charge;
 - ▶ meet the standards of the Virginia Board of Education;
 - ▶ include an appropriate preschool, elementary school, middle school, or secondary school education in the state; and
 - ▶ are provided in keeping with an individualized education program (IEP).

IEP vs. 504 Components

IEP

- ▶ Present levels of academic achievement and functional performance
- ▶ Measurable goals based on areas of student needs
- ▶ Accommodations and modifications
- ▶ Assessment Participation
- ▶ Least Restrictive Environment
- ▶ Services
- ▶ Placement

504 Plan

- ▶ Accommodations
- ▶ Modifications
- ▶ Services

A Closer Look at Accommodations

- ▶ Accommodations do not reduce learning expectations; they are to help a student access the established expectations.
- ▶ Categories of common accommodations:
 - ▶ Presentation
 - ▶ Response
 - ▶ Timing/Scheduling
 - ▶ Setting

Accommodation Examples

Presentation

- Read to student upon request
- Large print text

Response

- Student responds orally instead of in writing
- Student responds using a computer with speech to text functionality

Timing/Scheduling

- Testing during specific time of day
- Extended time on tests

Setting

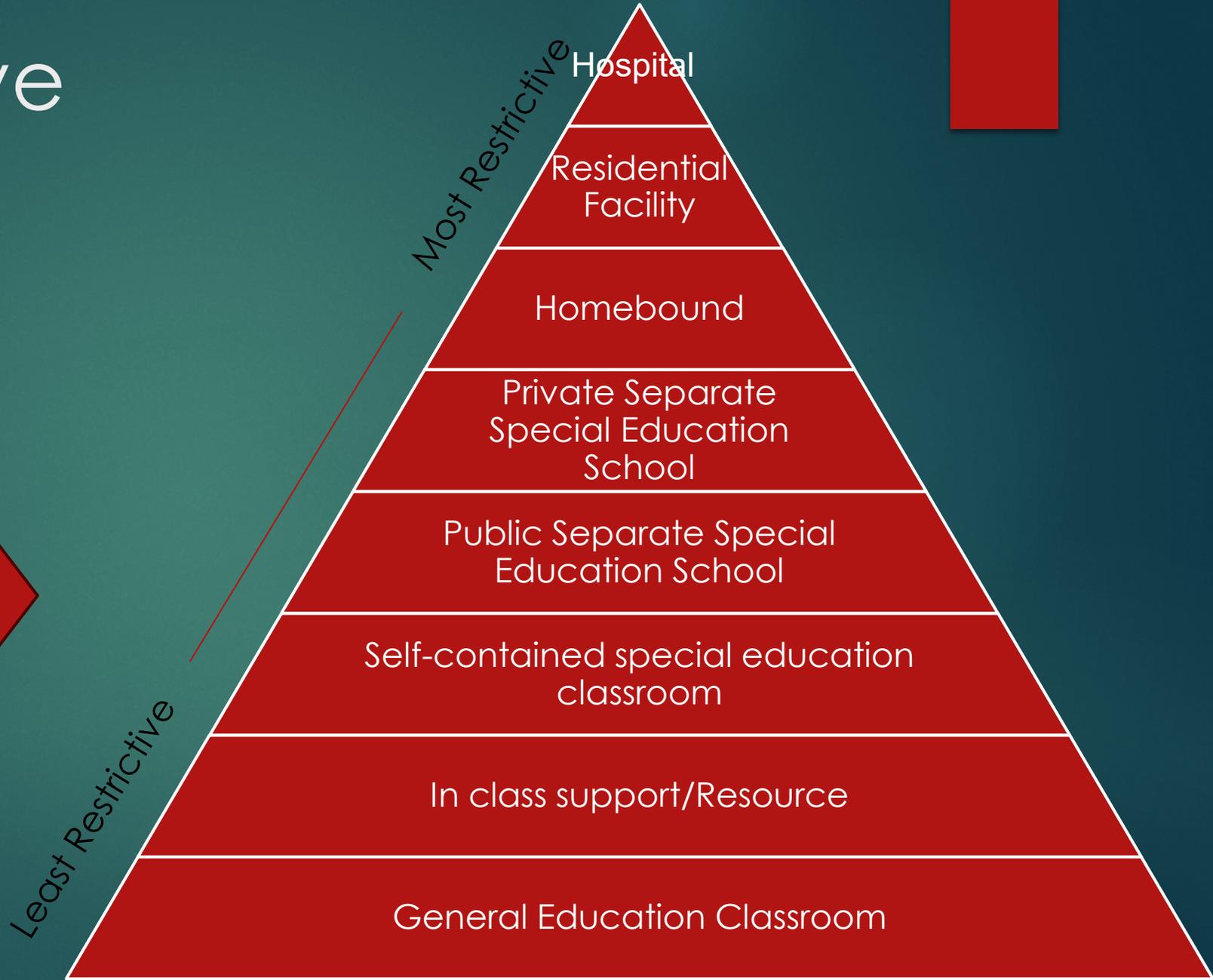
- Student requires special lighting
- Student requires adaptive furniture

What is LRE?

- ▶ **Least Restrictive Environment (LRE)** means that to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and that special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Least Restrictive Environment

Least Restrictive Environment (LRE):
Continuum of Alternative Placements



IEP Components to Consider

- ▶ Services

- ▶ Does the student require speech, OT, PT?

- ▶ Placement

- ▶ What is the student's least restrictive environment on the IEP?
 - ▶ Is the placement an educational placement, or for non-educational reasons?
 - ▶ If it's non-educational, how can education be supported while the youth is accessing treatment?

IEP Components to Consider

- ▶ Services- Primary and Related Services
 - ▶ Common Related Services
 - ▶ Counseling
 - ▶ Occupational Therapy (OT)
 - ▶ Physical Therapy (PT)
 - ▶ Speech

Note: Related services on an IEP are for educational purposes/access and are different than similarly named services on a treatment plan.

Let's Meet Elizabeth

Elizabeth is a 13-year-old girl in the 8th grade in Winchester Public Schools. Elizabeth has experienced extreme trauma throughout her life. She has a diagnosis of bipolar, anxiety and ADHD. Elizabeth has been removed from her parents due to abuse and is being placed in a foster home in Harrisonburg, VA.

Elizabeth has difficulty creating and maintaining peer relationships. Her social skills are immature for her age. When trying to engage peers, Elizabeth will occasionally laugh at inappropriate times. When Elizabeth becomes upset, she shows little emotion. She has been known to wake up at night and wander through the house and taking items in order to harm herself. She has also tried to run away.

In school, Elizabeth has struggled to focus. She has the academic ability but has struggled to stay on task which affects her ability to succeed. She has been identified as a student having a disability under the category of Other Health Impairment. She requires a small setting in a private separate special education school per her IEP.

Factors to Consider

- ▶ Who makes up Elizabeth's team?
- ▶ What type of placement (foster care, group home, residential) does Elizabeth need?
- ▶ Does Elizabeth have an IEP or a 504?
- ▶ What school division(s) needs to be included in Elizabeth's educational planning?
- ▶ What treatment is needed?
- ▶ Are there health issues to be aware of?



Who makes up Elizabeth's team?

- ▶ Family members
- ▶ Local agencies
- ▶ Youth
- ▶ School representatives
- ▶ Treatment/service providers

Note: Sometimes parents give up custody but maintain educational rights. Make sure you know who can sign a student's IEP.

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Fostering Connections and the Every Student Succeeds Act

- ▶ For children and youth in foster care, a change in home placement frequently results in a change in school placement.
- ▶ Interagency collaboration is needed to ensure school stability for students in foster care.

Virginia Code



Section 22.1-3.4(B) states: The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child shall be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child.

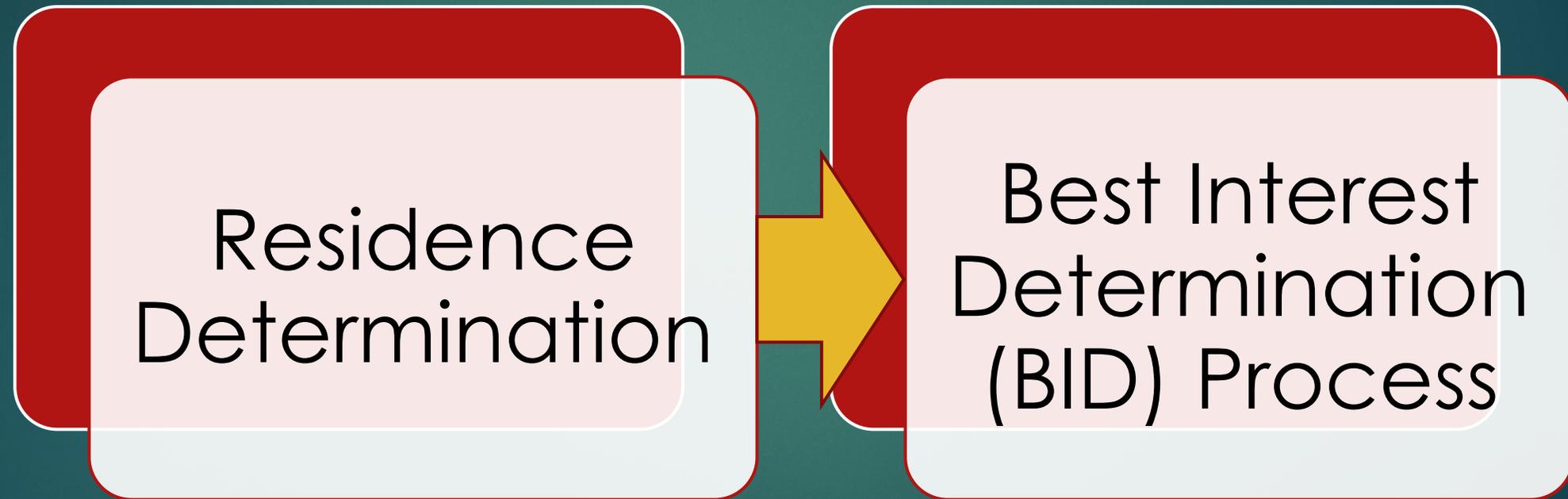


Section 22.1-3.4(D) states: "Receiving school division" means the school division in which the residence of the student's foster care placement is located. "Sending school division" means the school division in which the student last attended school.



Section 63.2-900.3 of the Code, as amended by the 2012 General Assembly, states: When placing a child of school age in a foster care placement, as defined in § 63.2-100, the local social services agency making such placement shall, in writing, determine jointly with the local school division whether it is in the child's best interests to remain enrolled at the school in which he was enrolled prior to the most recent foster care placement, pursuant to § 22.1-3.4.

Details for School Placement Process- Foster Care Student



No BID is required when:

- ▶ the new residence is zoned for the current school,
- ▶ the student enters a Level C licensed residential placement, or
- ▶ a student returns from a residential placement or detention to the SAME foster care placement. •
the distance between the school of origin and the new foster care placement is greater than 100 miles.

Essential members of the team determination process include:

- ▶ the child or youth;
- ▶ the child's or youth's birth parent(s);
- ▶ an IEP team representative, if needed;
- ▶ the LDSS case worker; and
- ▶ the foster care liaison.

While an actual meeting to conduct a BID is best practice, there is recognition that the expedited timeline may limit opportunities to do so. The best interest determination is a process which can occur through conversations and phone calls prior to the foster care liaison and LDSS case worker making the final decision. Participation in the BID process may occur through phone calls, teleconferences, e-mails, written documentation, or other electronic means to increase participation.

Details for School Placement Process- Foster Care Student with an IEP



FAPE Responsibility and the Role of the IEP team

- ▶ If the decision supports remaining in the school of origin, consistent with Virginia Special Education Regulation 8 VAC 20-81-30 C8 & 9, the school division of the student's new residence is responsible for FAPE and must adopt the IEP until it completes a transfer IEP even though the student will not physically be attending school in the receiving school division. If there are questions regarding which school division is responsible for FAPE, the Virginia Department of Education Office of Student Services should be contacted.
- ▶ If the BID supports a transfer to the receiving school, the receiving school immediately enrolls and provides educational services comparable to the current IEP until a transfer IEP is completed within 30 days.
 - ▶ If the IEP team in the division where the student's new residence is located determines that the student needs to be placed in a private day or residential facility for educational reasons, the responsibility for FAPE shifts to the school division served by the LDSS that has responsibility for the care of the student.

What are some things Elizabeth's BID team might determine?

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Elizabeth has difficulty creating and maintaining peer relationships. Her social skills are immature for her age. When trying to engage peers, Elizabeth will occasionally laugh at inappropriate times. Although Elizabeth loves animals, she is reported to harm them. When Elizabeth becomes upset, she shows little emotion. She has been known to wake up at night and wander through the house and taking items in order to harm herself. She has also tried to run away.

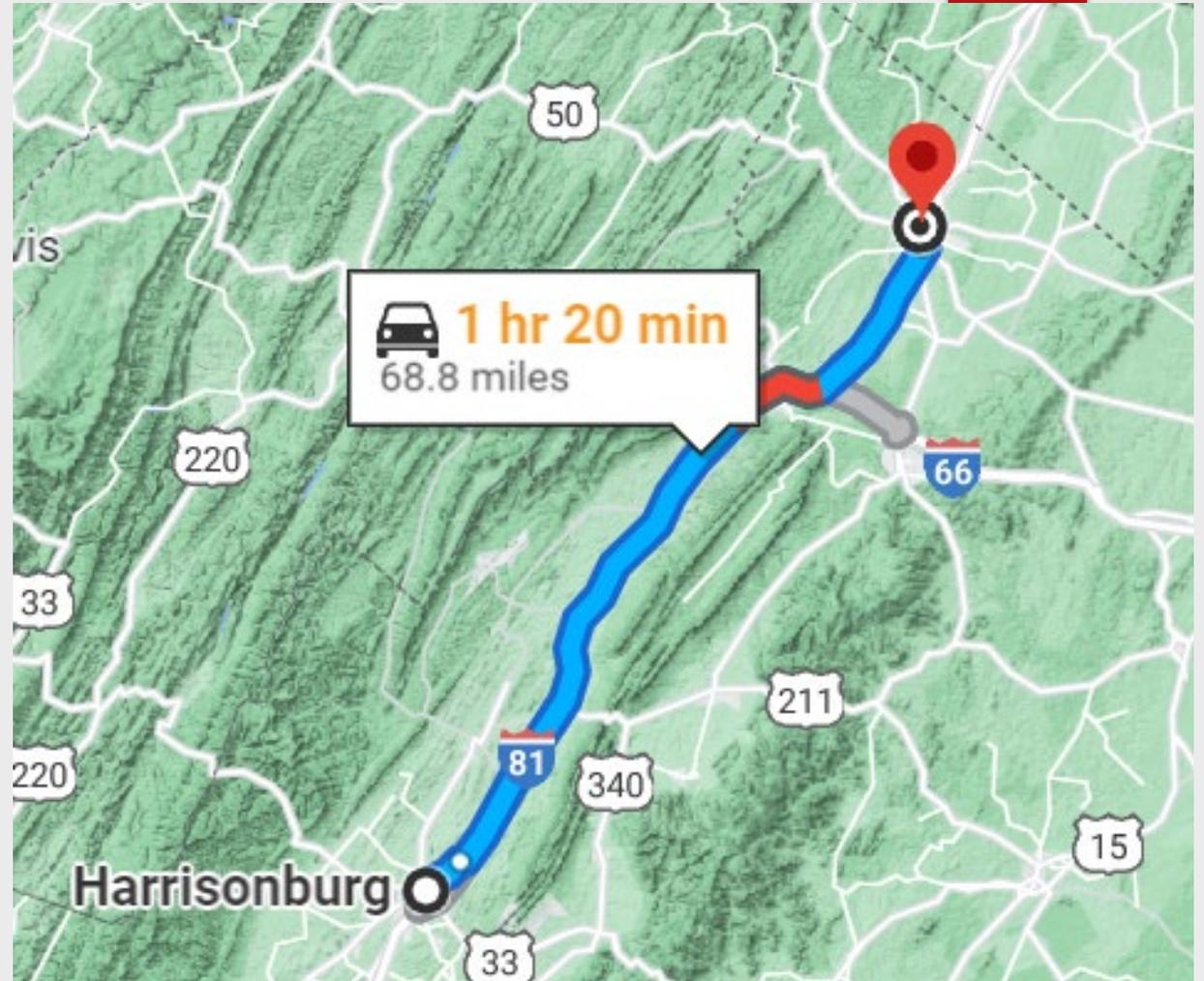
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BID

Considerations when making decisions

- ▶ preferences of the student and birth parents;
- ▶ permanency goals and plan;
- ▶ personal safety, attendance, academic progress, and social involvement of the student in the current school;
- ▶ student's participation in any specialized instruction;
- ▶ the impact transferring the student to a new school may have on the student's needs and progress academically, emotionally, socially, and physically;
- ▶ time in the school year;
- ▶ distance from the student's current school to the new placement (distance between Harrisonburg to Winchester is 84 miles and is a 1 hour 10 minute drive and
- ▶ solutions addressing any practical issues identified, such as travel to the student's current school from the new residence.

What school divisions need to be included?



Does the Elizabeth have an IEP or a 504?

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What treatment is needed?

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Are there health issues to be aware of?

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Who makes up the student's team?

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Considering Whether a Need is Related to Treatment or Education

▶ Possible goal areas

- ▶ Identify Safety Concerns
- ▶ Repairing past trauma
- ▶ Developing coping skills to manage Mood Dysregulation
- ▶ Identify current level of emotional functioning
- ▶ Identify treatment interventions appropriate to support the treatment recommendations

Treatment

- Develop safety plan to address potential self harm
- Develop vocabulary to describe PTSD feelings
- Identify symptoms and link them to specific PTSD triggers
- Evaluate tx plan addressing BiPolar/Anxiety Disorders
- Consult with Behavioral Health Provider(s)
- Identify any support needed at placement (Therapy, Medication, Group)

Education

- Maintaining attention in class
- Developing coping skills to handle conflict appropriately
- Identifying feelings appropriately to recognize the need for a coping strategy

Successful Collaboration



Clear and timely
communication is essential.



Consider how to make a full
team that will be able to
support the youth effectively.



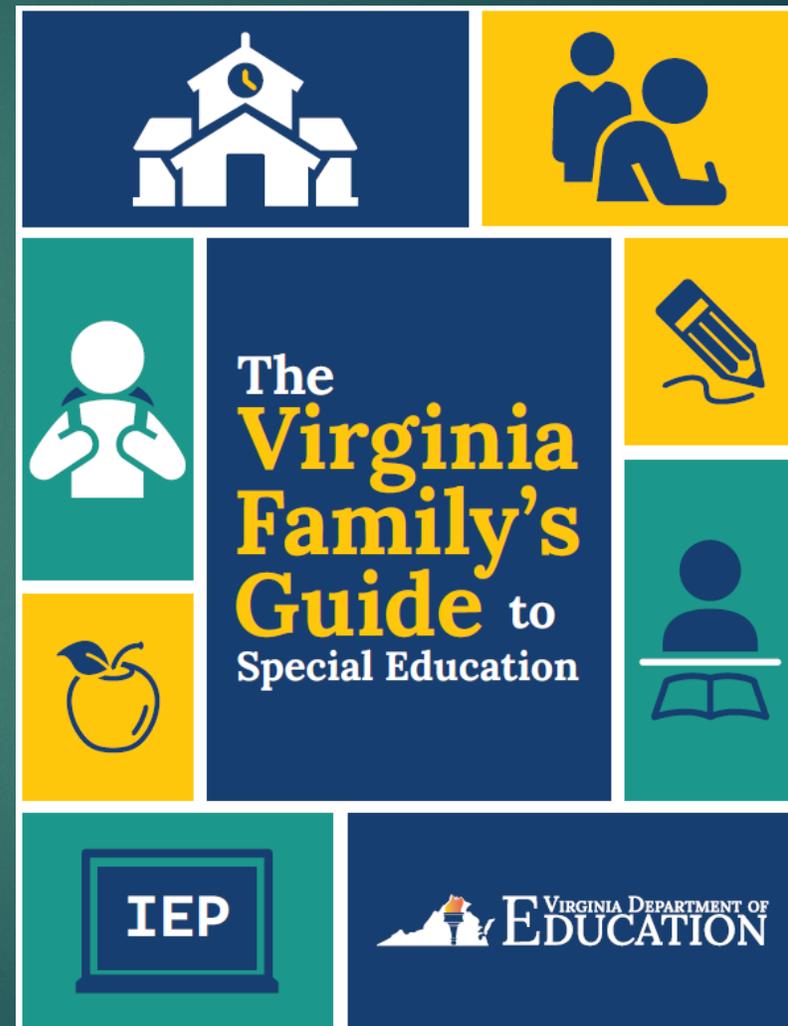
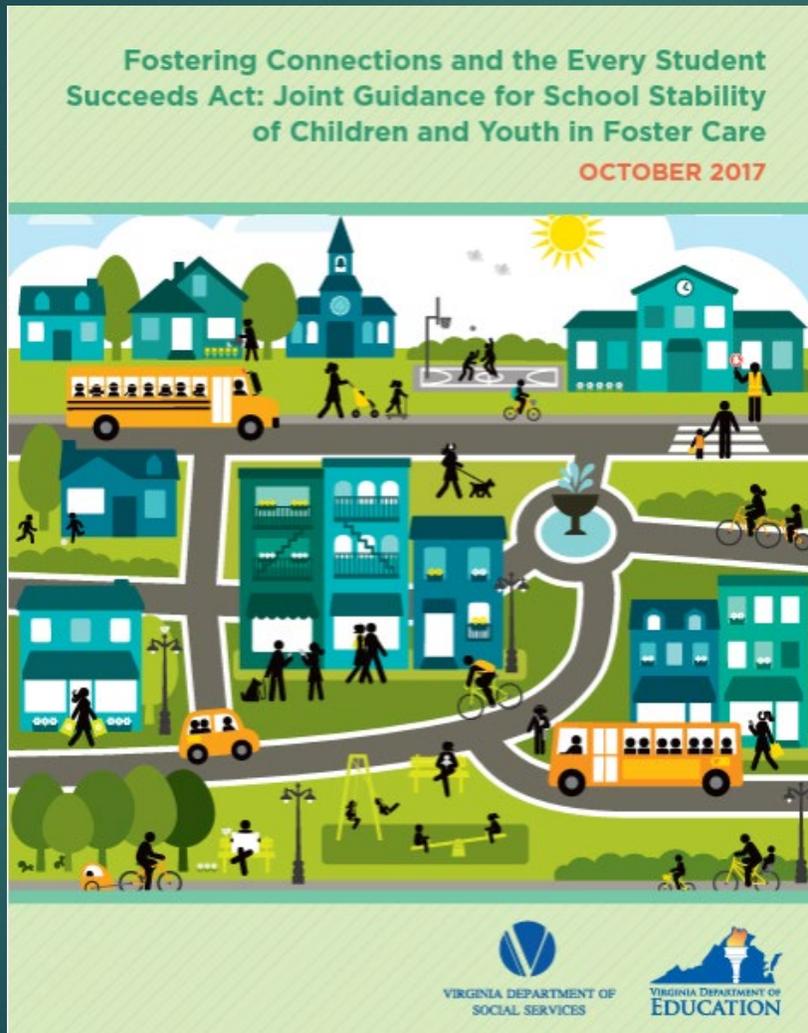
Collaboration is ONGOING!



Case Study Workgroups

LET'S PRACTICE!

Resources



Acronyms From Today

- ▶ BID → Best Interest Determination
- ▶ ESSA → Every Student Succeeds Act
- ▶ FAPE → Free Appropriate Public Education
- ▶ IEP → Individualized Education Plan
- ▶ LDSS → Local Department of Social Services
- ▶ LEA → Local Educational Agency
- ▶ LRE → Least Restrictive Environment

References

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Contact Information

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danielle.basham@doe.virginia.gov
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