



Newsletter Virginia CEC

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Virginia Federation Council for Exceptional Children www.virginiacec.org information@virginiacec.org

Supreme Court Ruling Allows Parents to Represent Their Child Under IDEA

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INSIDE THIS ISSUE

- 1 Supreme Court Ruling
- 2 New CEC Resource
- 2 New Studies: Autism
- 3 UVA Student CEC
- 4 The Learning Toolbox
- 4 Yes I Can! Award

On May 21, the United States Supreme Court ruled in the case *Winkelman v. Parma City School District* that parents have "independent, enforceable rights" in achieving a free and appropriate public education for their children under IDEA. As such, the Supreme Court ruled that parents can represent their children, without a lawyer, in federal court in addition to administrative appeals.

The case originated when the Winkelmans, whose son Jacob has an autism spectrum disorder, disagreed with their school district's IEP and went through the administrative procedures under IDEA. After the Winkelmans lost their appeal, they went on to federal court where the U.S., Court of Appeals for the 6th Circuit ruled that non-lawyers could not litigate under IDEA. The Winkelmans then appealed to the U.S. Supreme Court, which heard oral arguments in February.

Supporters of the Winkelmans believe parents should not be hindered by their financial ability to hire a lawyer to represent their child in federal court under IDEA and should have every opportunity to advocate on behalf of their child. Supporters of the school district claim that rights granted under IDEA extend to the child and are very limited in what is applicable to parents and that non-lawyer parents may not be knowledgeable of the law or the legal process.

"... the Supreme Court ruled that parents can represent their children, without a lawyer, in federal court in addition to administrative appeals."

This ruling now means that parents who may have delayed appealing their child's case because they could not afford a lawyer have the opportunity to address their concerns on behalf of their child before a judge. However, while parents will universally have their client's, or in this case child's, best interests in mind going into court, that should not mean that every parent should take advantage of this new ruling.

CEC believes that the Supreme Court decision could benefit some parents, but we are concerned that parents may seek to go into court to defend their child on their own without knowing the intricacies of IDEA or the U.S. legal system. CEC has always maintained that parents and school districts should collaborate and use means within the system, including using the resolution session and mediation under IDEA 2004, to ensure that children with disabilities are provided the best education possible.

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New CEC Resource Available on IDEA Infant and Toddler Regulations

CEC, its Division on Early Childhood, and the Infant and Toddler Coordinators Association have developed a new resource to help readers understand the new proposed IDEA regulations for infants and toddlers with disabilities and their families. CEC together with its Division on Early Childhood (DEC) and the Infant and Toddler Coordinators Association (ITCA) have developed a new resource to help readers understand the IDEA Part C proposed regulations, released by the U.S. Department of Education on May 9. This side-by-side comparison of the current IDEA Part C regulations to the 2007 proposed Part C regulations is intended to serve as a tool to assist readers in preparing their own analysis related to the Part C proposed regulations.

For a complete copy go to:

<http://www.cec.sped.org/Content/NavigationMenu/PolicyAdvocacy/IDEAResources/ideapartc.htm>

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New Studies Confirm the Prevalence of Autism

Two studies conducted by the Centers for Disease Control verify that parental report of autism is highly reliable. The National Survey of Children's Health (NSCH) reports that the prevalence of autism is 5.5 per 1,000 children ages 4-17, and the National Health Interview Survey (NHIS) shows prevalence at 5.7 per 1,000 children of the same age. These data suggest that "as of 2003-2004, autism has been diagnosed in at least 300,000 U.S. children aged 4-17 years."

The two surveys revealed similar results regarding sex, age, and race/ethnicity. In both surveys, autism occurred in males 3.7 times more than females, and peak prevalence was observed at ages 6-11 years. Lower rates of autism were seen in Hispanic children.

The NHIS information showed that children with autism are more likely to have moderate or high levels of emotional symptoms, conduct problems, hyperactivity, trouble with peer relationships, and total difficulties. The most obvious differences between children with and without autism were for peer relationships (approximately 82 percent vs. 16 percent) and hyperactivity (approximately 65 percent vs. 12 percent).

The NSCH data showed that approximately 94 percent of children with autism had special health care needs; and about 90 percent needed more medical, mental health, or educational services than other children or needed treatment or counseling for an emotional, developmental, or behavior problem. For children without autism, these percentages are approximately 20 percent and 11 percent, respectively.

For the entire report, go to

http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5517a3.htm?s_cid=mm5517a3_x

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Chapter News and Notes

University of Virginia Student CEC Chapter Serves the Community

Julie Torres

The Assistive Technology Club at the University of Virginia was established one year ago as a division of UVA's Student CEC with the goal of providing assistance to teachers and families of children with special needs in the Charlottesville/Albemarle area. The idea for this organization was brought forth to a class of students eager to gain experience in creating low-tech adaptations to toys and books for children with special needs. The members of the club, all students at the University of Virginia and future or past teachers, realized how important adapted materials for students with special needs are. Additionally, it was agreed that most teachers simply do not have the time to create adaptations for their materials in their classroom even though they may desire to do so. As a result, the goal of the organization was to be available to teachers and families with little time but a desire to make their material accessible for all their students.

The group sent flyers to schools in the area, inviting teachers and families to contact the members if they ever wished to do so. The interested person would let the group know what item they wished to adapt, for whom they wanted it to be adapted, and by when. Additionally, the members purchased various children's books and adapted them by making pages easier to turn, simplifying text, and adding symbol icons. Behavior charts were also made with the idea that children who needed help regulating their actions could benefit. The group also adapted store bought store bought toys and turned them into switch adapted toys to increase child access.

The Assistive Technology club has greatly enjoyed being able to service the Charlottesville community even in small amounts. It is the hope of the members that this organization will continue throughout the years, as teachers will always need assistance and are generally often pressed for time. In addition, the adaptations learned are ones that the members will be able to take with them into their own classrooms to benefit more students over the years.

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The Learning Toolbox: A Tool for Learning Strategy Instruction

Dr. Maggie Kyger Special Education Program, James Madison University

Who do you teach? The answer is that you teach students with a variety of learning characteristics and attributes. Some of your students have language delays, some have memory problems, many have attentional deficits. However, most, if not all of your students with learning problems have difficulty with using learning strategies effectively and efficiently. (Article continues, page 4: *Toolbox*.)



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The Learning Toolbox

Toolbox (continued from p. 3)

The Learning Toolbox was designed to assist teachers, parents, and students with choosing and utilizing learning strategies to enhance the achievement of students with learning problems. The Learning Toolbox is a free, web-based program developed with a U.S. Department of Education grant on Steppingstones in Technology Innovation for Students with Disabilities. The purpose of the Learning Toolbox website is to help students with learning difficulties to become more effective learners so that they can meet the increasingly rigorous academic demands of today's schools.

The Learning Toolbox was developed as part of the Model Demonstration Project for Improving Postsecondary Education for Students with Mild Disabilities, a U.S. Office of Education grant awarded to James Madison University. The purpose of the Project was to develop, implement, and evaluate the effectiveness of course-specific strategy instruction with college students who have learning disabilities and ADHD. This one-on-one instructional approach significantly helped students improve their academic performance. One of the goals of this project was to share what was learned during this project. This website provides a way of sharing this approach so that others might use it.

Check out the Learning Toolbox at: <http://coe.jmu.edu/learningtoolbox>

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Do you know a child or youth with a disability who has made outstanding achievements?
Then nominate him or her for a...

Yes I Can! Award

The Foundation for Exceptional Children established the *Yes I Can!* International Awards Program in 1981 to acknowledge the achievements of children and youth with disabilities; overcome barriers caused by public misconceptions; encourage children and youth with disabilities to seek their highest potential; and increase public awareness of the abilities, aspirations, and personal qualities of people with disabilities.

Each year children and youth with disabilities are recognized for their accomplishments through the



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Yes I Can! International Awards Program. *Yes I Can!* International Awards Nominees will be recognized in each of the following nine categories:

- Academics
- Arts
- Athletics
- Community Service
- Employment
- Extracurricular Activities
- Independent Living Skills
- Self-Advocacy
- Technology

Recent Virginia CEC Award Winners recognized at the 2007 CEC Convention:

Academics: Phillip "PJ" Williams, Jr.
Cunningham Park Elementary School, Vienna, VA.

Self Advocacy: Katherine "Katie" Wallace,
Scottsburg, VA.

Athletics: Elizabeth "Lily" Rose Kuhn, New
Kent Middle School, Quinton, VA.

Profiles of YES I CAN!! Winners @
http://www.virginiacec.org/award_winners.htm

For more information and an application go to:
http://www.virginiacec.org/docs/Yes_I_Can_Application.doc

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