

# FEBRUARY 2018 SPEDOMETER FOR LEA SUPPORT

Getting up to Speed with IDEA and  
Accelerating Results for Students with Disabilities

## IN THIS ISSUE

-  [Thank You Channing Hall – Page 3](#)
-  [New York's Request for Off-Grade Testing Rejected – Page 3](#)
-  [Resources for Multiculturalism in the Classroom – Page 4](#)
-  [Math Corner – Page 5](#)
-  [UPDN Professional Development – Page 6](#)
-  [The Role of Surrogate Parents in the IEP Process – Page 8](#)
-  [Qualifications for Paraprofessionals Serving in Title I Schools – Page 10](#)

## 2018 INSTITUTE ON SPECIAL EDUCATION LAW

The Utah Institute on Special Education Law will be held at the Utah Valley Convention Center in Provo, August 7-8, 2018.

There will be a pre-conference session on August 6<sup>th</sup> for LEA and building administrators. The morning session will focus on the role of the LEA representative in special education processes, including Child Find, evaluation, and the IEP. The afternoon session will focus on IDEA discipline.

## RESEARCH STUDY OPPORTUNITY

To Whom It May Concern:

I am writing to request your assistance in disseminating this invite to participate in a research study I am conducting for my doctoral dissertation regarding special education teachers' insights related to students with emotional and/or behavioral disabilities (ED/EBD). I am hoping you can send this invite to your distribution list of your special educators in order to recruit those teachers that are interested in sharing their experiences, perspectives, and knowledge about programming for students with ED/EBD. This study has two components: an anonymous online survey and an individual interview. Interested



**Utah State Board of Education**

*SpEdOMeter is a publication of the Utah State Board of Education*

### Special Education

250 E 500 S

PO Box 144200

Salt Lake City, UT 84114-4200

Dr. Sydnee Dickson, State Superintendent

Leah Voorhies, Assistant Supt. of Student Support

ADA Compliant: February 2018

teachers can consent to participate in one or both components. Following is a description of the pertinent information related to my research study.

### **Who is involved?**

The special education teachers may be involved in 1) an anonymous online survey and/or 2) an individual Skype interview conducted by Chauncey E. Amundsen. To be eligible to participate, teachers must meet **ALL** of the following criteria:

- a) Currently employed as a special education teacher in any grade from PK-12 and in any educational setting (e.g., public, private, alternative, parochial, charter, etc.);
- b) Exclusively or primarily [at least ½ of caseload] serve students with emotional and/or behavioral disabilities (ED/EBD); and
- c) Have been serving these students for at least 6 months (can include months from the previous school year).

### **What will occur?**

#### **• For the survey**

If interested in participating in the anonymous survey, use the link below. Informed consent will be explained in an introductory page, followed by a variety of questions about your educational background as well as your perceptions about job responsibilities, resources, school factors, and program effectiveness that impact your ability to address the diverse needs of your students with ED/EBD. By answering the questions, you will be consenting to participate in the study.

#### **• For the interview**

If interested in participating in the individual Skype interview, use the link below. Informed consent will be explained in an introductory page and your consent will be obtained through your electronic signature. You will then be asked for your basic contact information (i.e., name, phone number, email address, best time to be reached). If selected for the interview, within a week of submitting your contact information, I will call and/or email you to schedule the Skype interview at a mutually agreeable time. The individual interviews will last approximately 45-60 minutes and will be audio recorded **ONLY** to allow me to transcribe and analyze the comments.

### **What do I do next?**

If you are interested in participating in the survey, please complete the [survey form](https://indstate.qualtrics.com/jfe/form/SV_2ruLimNEUSqNBid) (https://indstate.qualtrics.com/jfe/form/SV\_2ruLimNEUSqNBid).

If you are interested in participating in the interview, please complete the [interview form](https://indstate.qualtrics.com/jfe/form/SV_2nJ0sKo7I6FUNp3) (https://indstate.qualtrics.com/jfe/form/SV\_2nJ0sKo7I6FUNp3).

Please remember that you may participate in both the survey and interview, if you wish. Participation in any component of this study is voluntary. If you have questions

about the study, email [Chauncey E. Amundsen](mailto:camundsen@sycamores.indstate.edu) (camundsen@sycamores.indstate.edu) or call 860-478-7224.

Thank you for considering this opportunity!

Chauncey Elizabeth Amundsen, M.Ed  
Doctoral Candidate, School Psychology  
Bayh College of Education  
Indiana State University  
Terre Haute, IN 47809  
camundsen@sycamores.indstate.edu

## THANK YOU CHANNING HALL



*Utah's First K-8 International Baccalaureate World School*

This month, the USBE-SES is proud to highlight Channing Hall. During a recent Utah Program Improvement Planning System (UPIPS) monitoring visit, members of the UPIPS team had the opportunity to observe classrooms where students with disabilities were receiving exemplary specially designed instruction (SDI). The general education and special education teachers work in tandem to ensure students with disabilities can access the general curriculum while implementing thoughtful learning strategies to close the achievement gap. Students are accessing and making gains in the core curriculum while receiving core instruction in the general education setting and then receiving specialized instruction in a pull out setting that supports the curriculum being taught. Methods observed were explicit teaching, re-teaching and pre-teaching, guided practice, independent practice, highlighting key points, and asking students open-ended questions. Teachers at Channing hall believe it is a team approach that will ensure student success. Thank you Channing Hall!

~ If your LEA has something to highlight at USEAM and/or in the SpEdOmeter, please send the information to [Lindsey Adams](mailto:lindsey.adams@schools.utah.gov) (lindsey.adams@schools.utah.gov). ~

## NEW YORK'S REQUEST FOR OFF-GRADE TESTING REJECTED

New York will not be allowed to test a small percentage of students with significant cognitive disabilities at their instructional level rather than their grade level as mandated by the Every Student Succeeds Act (ESSA).

The [U.S. Education Department](#) (ED) rejected New York's ESSA testing [waiver request](#) and said that the state did not demonstrate how the waiver would advance student achievement or how it would maintain or improve transparency in reporting on student and school performances.

New York officials had said that off-grade testing would provide teachers with more relevant information on the students' instructional levels. The state proposed that the off-grade assessment would not be more than two grade levels below a students' chronological grade level and would be administered only to students with significant cognitive disabilities who did not qualify for the state's alternate assessment.

The state estimated that, had the waiver been approved, 0.3 percent of students in grades 3-8 would take off-grade general assessments in English Language Arts and 1.4 percent would take off-grade assessments in mathematics.

In a Jan. 16 [letter to New York Commissioner of Education](#), MaryEllen Elia, ED Principal Deputy Assistant Secretary, Jason Botel, said ESSA requires that states apply the same challenging academic content standards to all public school students and, with the exception of alternate assessments for students with the most significant cognitive disabilities, states must administer the same academic assessments for measuring achievement to all students.

"Waiving these requirements would undermine the intent of the statute that States set high expectations that apply to all students and hold schools accountable for reaching those expectations," Botel said in his letter.

Disability advocates had protested the waiver request.

"I was confident that ED would deny this request since it would directly violate ESSA's testing requirements, and I'm pleased to see that ED did just that," said Candace Cortiella, director of the [Advocacy Institute](#).

## RESOURCES FOR MULTICULTURALISM IN THE CLASSROOM

The Center for School, College & Career Resources has created the following resources for multiculturalism in the classroom.

-  [Financial Aid for Minorities](https://www.affordablecollegesonline.org/financial-aid-for-minorities/) (https://www.affordablecollegesonline.org/financial-aid-for-minorities/)
-  [Minorities in Nursing Guide](https://www.accreditedschoolsonline.org/nursing-schools/minorities-in-nursing/) (https://www.accreditedschoolsonline.org/nursing-schools/minorities-in-nursing/)
-  [DACA and Undocumented Students Guidebook](https://www.affordablecollegesonline.org/college-resource-center/daca-and-undocumented-students/) (https://www.affordablecollegesonline.org/college-resource-center/daca-and-undocumented-students/)
-  [College Resources and Financial Aid for Hispanic Students](https://www.affordablecollegesonline.org/college-resource-center/making-college-affordable-online-guide-for-hispanic-students/) (https://www.affordablecollegesonline.org/college-resource-center/making-college-affordable-online-guide-for-hispanic-students/)

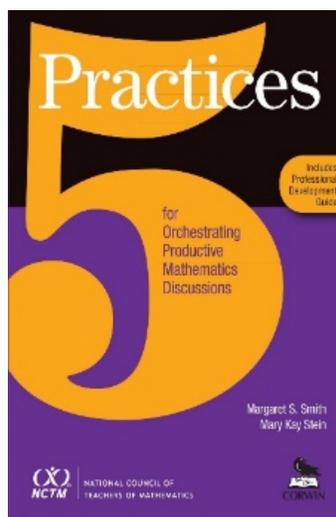
## MATH CORNER

Welcome to the “Math Corner”! This year we will be focusing on the book *Five Practices for Orchestrating Productive Mathematics Discussions* by Margret S. Smith and Mary Kay Stein; 2011, National Council of Teachers of Mathematics.

### Practice 5: Connecting

The teacher helps students draw connections between their solutions and other students’ solutions as well as the key mathematical ideas in the lesson. The teacher can help students to make judgements about the consequences of different approaches for the range of problems that can be solved, one’s likely accuracy and efficiency in solving them, and the kinds of mathematical patterns that can be most easily discerned. Rather than having mathematical discussions consist of separate presentations of different ways to solve a particular problem, the goal is to have student presentations build on one another to develop powerful mathematical ideas.

It is important to note that the five practices build on one another. Monitoring is less daunting if the teacher has taken the time to anticipate ways in which students might solve a task. Although a teacher cannot know with 100 percent certainty how students will solve a problem prior to the lesson, many solutions can be anticipated and thus easily recognized during monitoring. A teacher who has already thought about the mathematics represented by those solutions can turn his or her attention to making mathematical sense of those solutions that are unanticipated. Selecting, sequencing, and connecting, in turn build on effective monitoring. Effective monitoring will yield the substance for a discussion that builds on student thinking, yet moves assuredly toward the mathematical goal of the lesson.



## UPDN UPCOMING PROFESSIONAL DEVELOPMENT

### UPDN PD Flyers

#### Teacher Night

Join UPDN during the American Council for Rural Special Education (ACRES) Annual Conference for an evening of free professional development. Educators will hear and interact with three nationally recognized presenters speaking about student behavior. The conference will be at the Salt Lake City Sheraton on March 14, 2018, from 5:00 PM – 7:45 PM. Refreshments will be provided.

#### CSPED Resources for Charter Schools

The Charter School Special Education Directors (CSPED) and UPDN are coordinating trainings with charter schools and small LEAs in mind. Training on Explicit Instruction will be held on February 21<sup>st</sup> and March 14<sup>th</sup> at the USU Kaysville Campus. Training on Universal Design for Learning will be held on March 1<sup>st</sup> and March 22<sup>nd</sup> at Iron County School District. The trainings are open to everyone.

#### Patterns of Strength and Weaknesses

The USBE-SES and the UPDN are offering a statewide training on Patterns of Strengths and Weaknesses (PSW), featuring Dr. Edward Schultz. PSW is an approved alternative researched-based method for determining Specific Learning Disability eligibility in Utah. This training is for multidisciplinary teams to prepare them to utilize this eligibility method. Trainings began in September and run periodically throughout the state.

#### Speech Language Technician Institute

Save the Date! The USBE-SES and the UPDN are offering the 2018 Speech Language Technician Institute from June 25-29, 2018. This event is for persons who hold a bachelor's degree in communicative disorders and are employed as a Speech Language Technician (SLT) in a Utah public school. Satisfactory completion of the Institute is required for SLTs employed in Utah LEAs.

#### Ready to Go PD

Utah's schools are dynamic places, requiring quick action. Responding to this need, UPDN is offering free Ready to Go PD! PD that requires less planning and can be requested and delivered in a shorter period of time.

## UPDN WEBINARS

### [UPDN Webinar Recordings](#)

#### Positive Behavior Supports

UPDN offers multiple Positive Behavior Support Webinars, featuring USU's Dr. Tyra Sellers. These recorded webinars include embedded knowledge checks, and can be taken individually, or in small or large groups. A Canvas course has also been created to support these webinars. Currently available webinars include: 1) Functions of Behavior and 2) Selecting Function-Matched Interventions for Addressing Problem Behaviors.

#### Confidentiality

This facilitated webinar provides basic knowledge of the confidentiality requirements outlined in the USBE Special Education Rules, which are aligned with the federal requirements in the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). This training details the requirements imposed for confidentiality in school settings, by IDEA and FERPA. During the webinar an LEA facilitator works with you to confirm that your understanding of the procedures and laws of confidentiality are appropriate for your position.

#### Patterns of Strengths and Weaknesses

Patterns of Strengths and Weaknesses (PSW) is an alternative, researched-based procedure approved as a method for determining specific learning disabilities. This method includes examination of a student's cognitive strengths, cognitive weaknesses, and academic weaknesses.

#### Secondary Transition

The USBE's "Special Education Rules Changes in Secondary Transition" webinar is designed for educators, agency providers, families, and student advocates of transition-aged students. The webinar provides a review of the changes regarding secondary transition and graduation, including parent/adult student participation, transition services, age of majority, summary of performance, graduation, and aging out of services.



## THE ROLE OF SURROGATE PARENTS IN THE IEP PROCESS

Understand Special Education Legal Definition for Parent (34 CFR §300.30; USBE SER I.E.31)

The USBE Special Education Rules (USBE SER) define the term “parent” as:

- ✎ A biological parent or adoptive parent;
- ✎ A guardian (but not the State if the student is a ward of the State);
- ✎ A person acting in the place of a parent of a student (such as a grandparent, stepparent, or other relative);
- ✎ A person who is legally responsible for the student’s welfare;
- ✎ An adult with power of attorney or other legal authority to make educational decisions; or
- ✎ A surrogate parent who has been appointed in accordance with the USBE SER requirements.

The USBE SER also allow a foster parent to act as a parent under the IDEA if the following four conditions are met:

1. The biological or adoptive parent(s)’ authority to make educational decisions on a student’s behalf has been extinguished under Utah law.
2. The foster parent has an ongoing, long-term parental relationship with the student.
3. The foster parent is willing to make the educational decisions required of parent(s) under the USBE SER.
4. The foster parent has no interest that would conflict with the interests of the student.

Although the law provides some flexibility in terms of individuals who are able to act as a parent, in situations where more than one party is qualified to act as a parent, an LEA must presume that a student’s biological or adoptive parent, when attempting to act as a parent, is the student’s parent for purposes of the IDEA, unless that individual does not have legal authority to make educational decisions for the student.

LEA Responsibility for Appointing Surrogate Parents (34 CFR §300.519; USBE SER IV.V.)

In some circumstances, an LEA may not be able to identify the presence of an individual who meets the above mentioned definition of parent in a student’s life. The law requires LEAs to ensure that the rights of a student are protected when:

- ✎ No parent can be identified for a student under the age of majority;
- ✎ The LEA cannot locate a parent for a student under the age of majority, even after taking reasonable efforts;
- ✎ The student is a ward of the State under Utah law; or
- ✎ The student is an unaccompanied homeless youth under the age of majority.

In these scenarios, an LEA must assign an individual to act as a “surrogate parent” for a student who is under the age of majority. The only exception to this requirement involves students who are wards of Utah; in such instances, a surrogate parent may be appointed by the judge overseeing the student’s case, provided the surrogate parent meets the legal requirements. Otherwise, an LEA must make reasonable efforts to ensure a surrogate parent has been assigned within 30 days of the LEA’s determination that a student needs a surrogate parent. Once appointed, a surrogate parent holds all of the same procedural safeguards granted to parents under the IDEA.

The IDEA does not allow LEAs to appoint a surrogate parent in instances when a parent is acting in such a way that is opposed to, or inconsistent with, the best interests of the student. In these cases, LEAs should continue to consider parent input throughout the IEP process while still ensuring that IEP decisions are made by team consensus and are in alignment with the LEA’s obligation to provide a free appropriate public education (FAPE) to the student.

Additionally, an LEA cannot appoint a surrogate parent in situations where otherwise available parents refuse to participate in the IEP process. *Letter to Perryman*, 211 IDELR 438 (OSEP 1987). In these instances, LEAs should make continued attempts to invite parents to engage in the process; however, after reasonable efforts have been made, an LEA should be familiar with aspects of the IEP process that require parent consent and participation (and those aspects that do not) and proceed in accordance with IDEA and USBE SER requirements.

---

### SURROGATE PARENT QUALIFICATIONS

In terms of selecting a surrogate parent, an LEA must ensure that the person it selects:

- ✎ Is not an employee of the USBE, the LEA, or any other agency that is involved in the education or care of the student (for example, a DCFS caseworker);
- ✎ Has no personal or professional interest that conflicts with the interest of the student he/she represents (for example, an employee of a residential treatment center where the student is currently receiving treatment); and
- ✎ Has knowledge and skills that ensure adequate representation of the student.

A person otherwise qualified to be a surrogate parent is not an employee of an LEA simply because the LEA has offered financial compensation to the individual for serving as a surrogate parent.

---

### QUESTIONS TO CONSIDER

The following questions may be helpful in determining whether or not the appointment of a surrogate parent is necessary:

- ✎ Did your LEA make reasonable efforts to identify or locate the student’s parent(s)?
- ✎ Does your LEA have documents confirming that the parent’s education decision-making rights have been terminated?
- ✎ Is the student a ward of the State or in long-term foster care?

- ✎ Can a relative or long-term foster parent serve as the student’s parent?

## TAKEAWAYS

- ✎ Ensure LEA staff are familiar with the IDEA’s definition of “Parent” and know how to recognize instances in which appointing a surrogate parent is necessary.
- ✎ Ensure your LEA has a process for identifying and appointing surrogate parents when appropriate, including a process for providing training to these individuals (if needed).

## QUALIFICATIONS FOR PARAPROFESSIONALS SERVING IN TITLE I SCHOOLS

There are specific staffing requirements for paraprofessionals who serve in Title I schools. Paraprofessionals and substitute paraprofessionals assigned to Title I schools who are paid with Title I funds, **including paraprofessionals working in preschool programs or with special education students**, must continue to meet federal standards previously established under the Elementary Secondary Education Act (ESEA) which is currently reauthorized as the Every Student Succeeds Act (ESSA). This means that paraprofessionals and substitute paraprofessionals must have a high school diploma plus one of the following requirements:

- ✎ An associate degree, or
- ✎ 48 semester hours or 60 quarter hours of college credit, or
- ✎ A passing score on the PRAXIS Parapro exam.

Paraprofessionals working in Title I schools may perform a variety of tasks, including:

- ✎ Tutoring eligible students, if the tutoring occurs at a time when a student would otherwise receive instruction from a classroom teacher;
- ✎ Classroom management, including organizing instructional materials;
- ✎ Managing a computer lab;
- ✎ Assisting with parental engagement activities;
- ✎ Providing support in a library media center;
- ✎ Translating for parents or families; or
- ✎ Providing instructional services to students under the supervision of a licensed teacher.

**Some paraprofessionals are not subject to the ESEA requirements.** This includes paraprofessionals with the following specific responsibilities:

- ✎ Paraprofessionals who provide only personal care services or other *non-instructional services* to special education students do not have to meet the highly qualified paraprofessional requirements. If, however, the paraprofessional provides instructional support in the special education classroom and is paid with Title I funds, or if the paraprofessional works in a Title I school that operates a Schoolwide Title I Program, he/she must meet the highly qualified requirement of ESEA.

- ✎ Paraprofessionals whose assigned duties are limited to parent engagement activities must have a high school diploma, but do not have to meet any of the additional requirements.
- ✎ Paraprofessionals whose responsibility is limited solely to providing translation services for English learners must have a high school diploma, but do not have to meet any of the additional requirements.