



# ECKCE FOCUS

A newsletter for the  
employees of the East  
Central Kansas Cooperative  
in Education



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Dec. 3 is International Day of  
Persons with Disabilities

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## Predetermination vs. Good IEP Preparation

It was Benjamin Franklin who is credited with the phrase, “By failing to prepare, you are preparing to fail”. It’s a simple mantra, and one that has been oft repeated for all types of situations. And it certainly has applications in the world of special education.

There is, however, a contradiction in our field. There is a fine line between preparing and predetermining, and the problem comes in when that line is crossed. The federal law is very clear about not predetermining key components of the IEP, but what exactly does that look like? Predetermination, as applied to the special education process, is the unilateral decision made by the school team, without consideration of incorporation of all parties input, specifically the parent’s input. When a school district predetermines key components of a student’s program, usually with regard to the student’s educational placement, instructional methodology, and even eligibility, they violate the IDEA concept of a team decision, which in turn puts the special education student’s offering of a free appropriate public education in question. Many parents have argued predetermination and subsequently proven it in a myriad of court cases to the point that many teams



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you, for you, with answers that  
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## Frequently (Recently) Asked Questions

### Every month I will include questions that you have asked – others probably need the answers

**Q:** If a student who is OHI because they have ADHD is given medication for that disability at school, should the nursing services be listed on their IEP? Sometimes the nurse gives the medication and sometimes the health room aide gives it.

**A:** As always, it depends. There are many students, both general education students and those with IEPs, who require medication on a daily basis that is administered at school. There is a protocol that the nurse or the health room aide must follow to administer them. The question as to whether or not health services need to be listed on the IEP goes to the question of what a related service actually is, whether it is nursing, music therapy, physical therapy or any other related service. Is the service a developmental, corrective or supportive service that is **required** to assist the child to benefit from special education and therefore access the general education curriculum? If the answer is no, then it should not be listed. If the answer is yes, the student needs the service to access the educational offering, then it should be listed. Typically medication administration is not, unless it is a procedure that cannot be delegated, like injections or the use of medical apparatus, which is rare.

**Q:** If a student has activities outside the school day, like band concerts or sports or something and they usually require para support, do we have to provide that? How do we list it on the IEP?

**A:** Yes, if it is an extracurricular offering that the school makes available to all students, if a student who requires support, whether it be a visually impaired student running cross country or a student with ID who has an occasional choir concert, if they require support in that environment to access the activity, under the IDEA the school district is obligated to provide it. In terms of documenting it on the IEP, unless it is an ongoing activity which lasts throughout the year and has a consistent number of hours that are to be supported, it is probably best not to list it under the anticipated services but rather as an accommodation of adult support at extracurricular activities, due to the sporadic nature of the need. The tricky part is that while it is a fun activity to support, outside of school hours it can be tricky to find paras who have the flexibility to attend. If you run into this problem, let me know and I will find someone. And if you have paras willing to work after hours, please just make certain they clock in and out appropriately so that we can make sure they are compensated for their time and effort. We love our paras who are committed to our kids!



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become paranoid of doing the same thing with the students they serve. Sometimes they overcorrect, to the point of not writing a good IEP to present to the parents in the first place, which in turn looks like indecision on the part of the educational professionals responsible for crafting it.

Here is the good news. There IS a difference between planning and predetermining. While the IEP meeting is the place for discussion about what needs the student has, what goals are needed, what accommodations and modifications to the curriculum are necessary with the input of all those assembled, it doesn't mean that you can't draft a "best guess" of what those things might be. Bringing a well constructed IEP draft to the meeting is essential if you are the case manager, or else it appears that even though you have been working with the student for a period of time in the classroom, you really don't have the foggiest idea of what needs to be targeted or how to address those needs. On the contrary, even in an initial IEP process, where eligibility is being considered for a child for the first time, the assessments that are given will give you a plethora of information about whether or not a child meets the eligibility criteria under the Kansas guidelines so that you can plan for how to address that disability appropriately. The key is that you cannot make that determination as a single professional using a single assessment measure. You bring the information to the table and discuss the findings of each of multiple assessment measures, some formal and some informal, and determine whether the criteria is met, soliciting the input of all those on the team, including the parents. This is why the mandatory members of an IEP team at a minimum must include a special education teacher, a general education teacher, a parent, and someone who knows the general education curricula and has the authority to allocate resources to address the needs. The special ed teacher explains the assessment results as they compare to an average child, the general education teacher can address how the student will be impacted in a classroom of typical learners, the parent can contribute things that have and have not worked for the student and the LEA representative can sign off on the outcome. No single individual makes any decision for that student—it is a collective effort. That goes for determination of eligibility, placement, (where the student will optimally receive the instruction), methodology (what curricular approach will best meet the student's needs) and so on. The key to the process is bringing good information to the table along with good hypotheses about what to do with that information and an open mind to adjust to whatever suggestions are made at the IEP meeting to determine a reasonable address of the student's situation.

So good preparation is essential in coming to any IEP meeting, but so is a willingness to make adjustments to that preparation, based upon the information presented at the meeting. Never leave an IEP meeting feeling like one or more members of that team have not been adequately heard and their input carefully considered. That is the one sure way to ensure that you are not predetermining the outcome for a student who will be impacted by that decision for his or her foreseeable future.



## DOs & DON'Ts

Here are things to consider when preparing, not predetermining

**DO** always have a solid framework of an IEP coming into the meeting itself, including hypothesized goals and accommodation suggestions.

**DO** frequently solicit feedback from various members of the team to ensure their contribution is meaningful. Encourage active participation.

**DON'T** make assumptions about the outcome of any meeting. Consider each meeting on its own merit by the input that is gathered by all members of that team.

**DON'T** allow one member of the team, whether it be the parent, the general education teacher, the administrator or yourself, dictate the outcome of the meeting based on agenda. Stay student focused.

## SEAC to NOT Meet until January

Our Special Education Advisory Council, or parent advocacy group, will meet again in December, as there are so many activities for our kids that we are having to meet less often. To provide feedback to the group or to the Director, please visit our Facebook at <https://www.facebook.com/WEB-of-Compassion-711766132538996/>  
Hope to see many of you involved this year!

## ECKCE Certified January 3 Inservice Training Set

The certified staff will meet on January 3 for our mid-year inservice training at the Baldwin Intermediate Center beginning with coffee and donuts at 8:00. A complete agenda and list of break-out seminars will be sent to you later this month. We will be together for a group session in the morning and then have several offerings of various topics of interest for you to choose from, similar to last year's format. Paraprofessionals who still need inservice hours are welcome to attend to receive those hours so a time clock will be available. Hope you have a very refreshing holiday break and come back ready to make a difference!!!

## UPCOMING CPI TRAININGS

There will be a Crisis Prevention Intervention refresher training on December 6 from 9-12 at the West Resource Center in Eudora. If you need the full training, there will be one on December 13 from 9-3 at the same location. Please contact Shelly McCart to register.

## Para Corner

Please share this newsletter with your paras, just in case they did not receive it via email. If you have questions about paras as a group, don't hesitate to now contact Shelly McCart @ [smccart@eckce.com](mailto:smccart@eckce.com).

## Paraeducator Reminders

Just a few reminders for paras this school year. Remember that when you are assigned to be working with children in the building, this is your focus. The use of cell phones in the classroom, unless by prior arrangement with your building principal for unique circumstances is prohibited. Please be mindful that principals will reinforce this expectation.

Please demonstrate regular attendance so that the students you are there to support can feel consistency in their programming. While you are given discretionary leave at the beginning of each semester, please use it judiciously.

Beginning in January, if you need to request leave, it must be in 1/2 day increments—you can either take the morning or the afternoon, or you may take the entire day as leave. We can no longer receive leave requests for less than 1/2 day due to the need to try to find substitutes to provide the services needed for the students you serve. Please submit requests accordingly.

Your inservice logs are due now. In order for us to keep track of the inservice hours requirement, we really need you to turn those in to Shelly McCart. Thanks for all you do for our students!