



# ECKCE Focus

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



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## What the 2020's Hold for the Future of Special Education

The new year typically brings the plethora of resolutions, both professionally and personally, and there is often a great deal of disappointment that surrounds them. When the new year coincides with the beginning of a whole new decade, the emphasis on change becomes even greater. While it is impossible to know what the future may hold, and even more impossible to know what our roles in that future might be, one thing is certain. Ten years is a long time and can bring more change than anyone can predict at this point, both in education and in special education in particular.

In looking back at the past decade, the biggest happening in special education was arguably the landmark supreme court decision in the Endrew F. case. While the standard for a free appropriate public education had been loosely defined by the 1982 case Board of Education of Hendrick Hudson Central School District vs. Rowley, the Endrew F. vs. The Douglas County School District RE-1 decision of 2017 introduced the new phrase of “appropriately ambitious goals” into the lexicon of special education vocabulary, bringing reaction from many differing perspectives as to what impact



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## Frequently (Recently) Asked Questions

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

**Q:** I know that when a member of the IEP team is not there that you can get the parents to sign an excusal, but I don't know why that doesn't always happen. When do you need an excusal signed by the parents?

**A:** As always, it depends. The excusal form only applies to mandatory members of the IEP team. Who are mandatory members? Well, under federal and state statute, there are very few, depending on the meeting. You must have the special education teacher, a general education teacher, the parent and an LEA representative at every meeting. Those are mandatory members. If it is a reevaluation meeting at which you will be reviewing assessment results, a person who can effectively communicate the results of any particular assessment becomes a mandatory member as well. So if any of those members are not able to be in attendance, an excusal would be required. Excusals SHOULD be rare. One reason is that the position of LEA representative can actually be delegated to another member of the IEP team at the LEA rep's discretion. The rep must be able to allocate resources, but again, that can be delegated. Also, even though an excusal can be made of the general education teacher, I highly discourage the practice, as it defeats the purpose of getting effective input for programming, even though each person who is excused must provide written input prior to the meeting which must be presented by

the case manager. Also, even though service providers are not always mandatory, if a discussion ensues that could potentially change the hours or setting of services, they need to be in attendance. Never make changes to a service without the service providers input.

**Q:** If a student's parent's primary language is Spanish, shouldn't the IEP be provided to them in Spanish?

**A:** Actually, no. We never want to confuse the issue with having more than one IEP document for the child, and that is always done in English. The IDEA DOES, however, require that the notice of meeting, parental safeguards, and the PWN be provided in the parent's native language. The Prior Written Notice becomes the most significant piece of the required documentation, as it summarizes any changes that will be made to the IEP so it is important that it be translated appropriately and provided in the parent's native language. Generally speaking, if a parent's native language is not English, the case manager should strongly consider ensuring that an interpreter is provided at the meeting to make certain there is no confusion as to what the offering to the child might be. They can actually be an integral part of the clarification of the proposed programming for the child, and in some cases can actually double-check the PWN for clarity, given that it is translated prior to the meeting. When you have this situation, please notify our office so that we can provide the appropriate interpreter and the appropriate translation of docs if necessary.



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that might have. The reality is that while Andrew F. may have used different terminology to define what a free appropriate public education was to look like, best practice in special education had already outstripped the “de minimus” progress standard set by the Rowley case, therefore making the Supreme Court decision less than startling as many folks had asserted. After all, what special education teacher has ever sat down with a student’s current IEP and set out to write a new one with the idea that they would only shoot for minimal progress for the student that they were serving, knowing that was all Rowley required? The language in the Andrew F. case which defines FAPE, says that an IEP must be “reasonably calculated to make progress appropriate in light of the child’s circumstances.” That pretty much describes what we have been doing in special education for the last four decades, doesn’t it? Rowley may have said that a student didn’t need to make more than minimal progress to be provided an adequate educational offering, have we as educators ever aimed for the bare minimum? I would argue that we have always set appropriately ambitious goals for our students and we always will.

Nevertheless, the Andrew F. standard has yet to be significantly applied in a successful case against a school district, and I would wager that this next decade will see that attempted multiple times. That’s not a good thing. Because while last year alone saw lawsuits brought against school districts across the nation which took more than 90 million dollars to defend, the positive impact that the decisions in those cases could be said to be barely “de minimus” at best. We need to continue to do our best to set ambitious goals and have reasonably calculated IEPs for our kids to avoid having to waste valuable resources on legal costs that takes money away from the students needing those resources.

Which brings us to the most important thing that must happen this next decade in special education. That is the full funding of the IDEA from both a federal and state level. At a federal level, 40% of excess costs of special education are supposed to be paid to state departments of education, yet only 16% are provided. In Kansas, by statute, 92% of excess costs are to be provided to districts to cover special education expenses, yet that number has continued to fall over the last decade until now only 75.3% of excess costs are reimbursed by the state. In the last decade, 35 states have seen their per pupil revenues decrease, meaning less funding for schools, and subsequently less money to compensate for the lack of state and federal funding for special education. We are constantly asked to do more with less. If this trend is not reversed, we are headed for an educational crisis in our field.

We cannot lose hope, however, because the students we serve deserve the best that we can offer them. We’ll continue to advocate for equity when it comes to providing our students with the supports they need to be successful. And as educators, we will continue to create appropriately ambitious educational programming for the students we have dedicated our careers to support to succeed. Each one of them deserves it.



## DOs & DON'Ts

Here are things to consider when crafting appropriately ambitious individualized education programs for kids

**DO** always have a solid, data-driven background of the student’s present levels of performance. If you don’t know where you are, it’s hard to know where you’re going.

**DO** focus on goals that will have meaningful application for the student that you are working with, and that challenge the student to achieve as much as they can in the year.

**DON'T** make concessions to those goals just because a member of the team believes the student can’t achieve them. Even if that member is the parent. Be realistic, but sufficiently ambitious.

**DON'T** use a cookie cutter approach to goal writing or any other aspect of the IEP. Each child is unique. Think carefully about what they need to be as successful and independent as they can be, in the classroom and beyond.

## SEAC to Meet January 28<sup>th</sup> at Baldwin IC

Our Special Education Advisory Council, or parent advocacy group, will meet again on January 28<sup>th</sup>. We will feature a look at the upcoming legislative session and the advocacy that we need from all of our folks, as well as a presentation from a community agency on available resources. Please join us if you can at 6:30 at the Baldwin IC. 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!

## ESY Determination and Application Deadlines

It's the new year, which means that our winter break has come and gone and data collection to determine student's eligibility based upon the regression over that break should be well underway.

For those students who qualify, depending on the amounts specified by the IEP team, we are setting up programming in various locations, pending the numbers of students and needs. The dates for these locations are tentatively set for Monday- Thursday the weeks of June 8 and June 15, with two weeks off for Independence Day and resuming the weeks of July 6 and 13. Note that the days are set up to provide the most effective ESY model for most students but may be altered in situations where it is deemed necessary.

Additionally, we need teachers and paraprofessionals to deliver those services. If you are interested in being considered for employment for the summer, please fill out the application on the website. The deadline for those applications is February 21. If you have any questions regarding either ESY eligibility or ESY employment, please contact us here at the office.

## 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).

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. If your attendance has been less than expected, you will be receiving a visit to see how we can get it to improve.

Beginning in January, if you need to request leave, it must be in no less than 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. If you need to clock out for an appointment, approve with your supervisor.

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!

### REMINDERS FOR ALL EMPLOYEES

All leave requests must be turned in to Kim. It's the only way we have to keep an accurate record of attendance.

**Also, if you have moved in the last year, we need to be notified of the change or your W-2 will end up somewhere else.**