

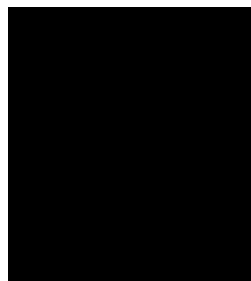
“School Records, Educational Testing, & More”

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Education records: [34 C.F.R Part 99]
“those records, files, documents,
and other materials which
(i) contain information directly
related to the student; and
(ii) are maintained by an
educational agency or institution
or by a person acting for such an
agency or institution.”

Key Legislation

Individuals with Disabilities Education Act (IDEA)



- originally enacted in 1975
- reauthorized 4x -- most recently in 2004
- 13 categories of disability -- now!
- name change in 1990

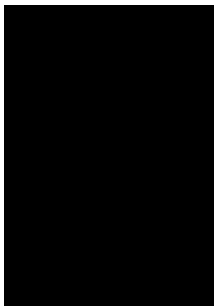
13 Categories

- | | |
|-----------------------------------|----------------------------|
| 1. specific learning disabilities | 7. hearing impairments |
| 2. speech/language disorders | 8. orthopedic impairments |
| 3. mental retardation | 9. autism |
| 4. emotional disturbance | 10. visual impairments |
| 5. other health impaired | 11. developmental delay |
| 6. multiple disabilities | 12. traumatic brain injury |
| | 13. deaf-blindness |

Key Components of IDEA

- child find
- free, appropriate public education (FAPE)
 - special education services
 - related services
- nondiscriminatory assessment
- individualized education program (IEP)
- least restrictive environment (LRE)
- due process safeguards
- transition

Section 504 -- Rehab Act



- different from IDEA
- “major life activity” (e.g., learning)
- does include eligibility procedures
- however, not many students with MR served under this law

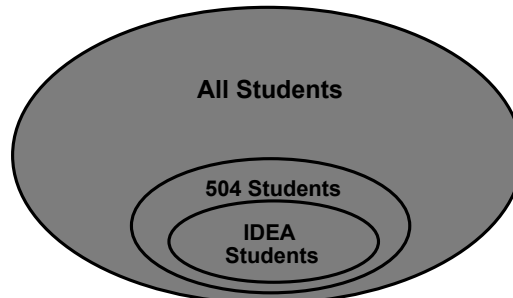
Rehabilitation Act

- * Section 504 -- key part of law
- * prohibits discrimination on basis of a disability
- * “substantial limitations -- major life activities”
- * most recent amendments -- part of Workforce Investment Act (1998)

“Major Life Functions”

- | | |
|-------------------------|---|
| ▪ breathing | ▪ seeing |
| ▪ caring for oneself | ▪ sitting |
| ▪ concentrating | ▪ sleeping |
| ▪ hearing | ▪ speaking |
| ▪ interacting w/ others | ▪ standing (while performing manual task) |
| ▪ learning | ▪ thinking |
| ▪ lifting | ▪ walking |
| ▪ reaching | ▪ working |
| ▪ reproducing | |

How 504 applies to schools!



Typical School Records

Typical Records

- transcripts
- health records
- anecdotal
- psychological
- disciplinary/behavioral
- special education
- other?

Transcripts

- grades and credits
- test scores -- group achievement
- attendance records
- parent communications
- indication of sped placement

Educational Assessment

- Types:
 - norm-referenced v. criterion-referenced
 - standardized v. nonstandardized
 - group v. individual
 - formal v. informal

Educational Assessment (cont.)

- Types of Scores:
 - grade or age equivalents
 - percentiles
 - standard scores:

	<u>mean</u>	<u>SD</u>
▪ common:	100	15*
▪ subtest:	10	3

Educational Assessment (cont.)

- Types of Scores:
 - grade or age equivalents
 - percentiles
 - stanines (1,2,3 4,5,6 7,8,9)
 - standard scores:

	<u>mean</u>	<u>SD</u>
▪ common:	100	15
▪ subtest:	10	3
▪ T-scores:	50	10
▪ NCE:	50	21.06

Educational Assessment

- Purposes:
 - screening
 - present levels of performance
 - progress monitoring
 - identification/eligibility
 - evaluation:
 - proficiency/competency (e.g., AB65)
 - "high stakes" (e.g., TAAS, TAKS)

Individualized Assessment

- General Education:
 - not too common
 - if done -- T choice or ...
- Special Education:
 - required for MR eligibility --
 - IQ
 - AB
 - achievement:
 - *Wide Range Achievement Test (WRAT)*
 - *Woodcock Johnson*

§ 300.346 Development, review, and revision of IEP.

(a) *Development of IEP.* (1) *General.* In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) *Consideration of special factors.* The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate,

strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

Five Steps/Phases

(1) Functional Behavior Assessment (FBA):

(a) background information

(b) direct/indirect activities

(c) hypotheses generation

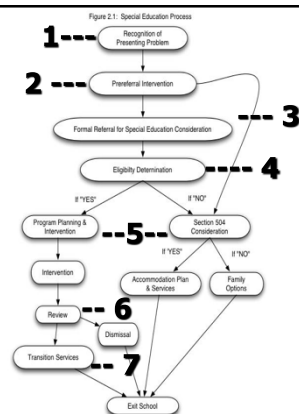
(2) Manifestation Determination

(3) Behavioral Intervention Plan (BIP)

(4) Intervention

(5) Monitor/Evaluate Intervention

Special Education Process & Records



“Red Flags” Things to Look For

- in the initial referral information, look for statements suggesting intellectual and adaptive functioning problems
- parent comments that corroborate MR features

Eligibility Determination

“Red Flags” Things to Look For

- if the student is determined eligible, look for “label” that indicates a finding of MR (“emr” “slic” “md”)
- test data -- including IQ measures, AB measures, achievement scores
- other assessment information such as rating scales, checklists, observations, interviews, teacher notes

Insider Information

- “LD” -- instead of ...
- Chapter I (Title I) instead of ...

Program Planning

Key Components of an IEP

- present levels of performance
- annual goals (1 v. 3)
- (short-term objectives)

FIGURE 1.5

Sample IEP (continued)

VI. MEASURABLE ANNUAL GOALS/BENCHMARKS OF SHORT-TERM OBJECTIVES

Annual Goal

Development of Short-Term Objectives

Evaluation Method:

Review Dates and Results:

Method of Reporting Progress to Parents:

VII. SPECIAL EDUCATION AND RELATED SERVICES

Special Education Services

Related Services/Supplementary Aids and Services

FIGURE 1.5

Sample IEP (continued)

VIII. CURRENT EDUCATIONAL/BEHAVIORAL/EMOTIONAL STATUS (Regular educational and non-educational status should be included in, or referenced to, the IEP development.)

Description of participation (e.g., specific subjects, an assessment, portfolio, notes, field trips, field testing, notes, etc.)

Accommodations required (when appropriate)

Use of special communication system

Any institutional modifications

Modification of tests

Consultation

Other(s): Specify below

Maintenance Cost Factor (specify):

(1) services, aids, and/or equipment (2) applicable subjects (3) amount of time per week

IX. LEAST RESTRICTIVE ENVIRONMENT PLACEMENT

Extent to which the student will participate in general education

Program

Hours/Week

Rationale for excluding the student from participation in general education:

Student frustration and stress

Student self-esteem and worth

Disruption of students in general classes

Disruption of students in special classes

Classroom

Need for lower pupil-to-teacher ratio

Time required to make educational objectives

Need for instructional technology

**“Red Flags”
Things to Look For**

- attendance at a special school
- placement in self-contained special class
- placement in resource room

Intervention

**“Red Flags”
Things to Look For**

- reference to certain commercial programs that were designed for students with MR (e.g., *Edmark Reading Program*) -- “expert” assistance may be needed
- substantial adaptations & modifications in curricular and instructional areas

**“Red Flags”
Things to Look For (cont.)**

- educational aide with student in general education classroom(s)
- flat profile of academic performance that is significantly below average
- failing grades

**Exit From
School**

**“Red Flags”
Things to Look For**

- drops out of school -- prior to 9th grade
- stays in school until age 22

Focus on “Transition Services”

“Red Flags”

Things to Look For

- transition plan that includes many transition needs -- IEP by age 16
- transition goals that include supported employment activities
- transition goals that include linkages to vocational rehabilitation, department of health/mental retardation, Social Security Administration, etc.

School Realities

School Realities

- general education teachers
- inclusion movement:
 - “mainstreaming” -- late 70’s
 - “regular education initiative” - 80’s
 - “inclusion” - current
- educational jargon, initialisms, etc.

School Realities (cont.)

- augmenting records with teacher interviews
- terminology of the “time”
- “Zeitgeist” of the times

School Realities (cont.)

- a significant number of kids with MiMR -- not “identified”
 - family
 - coded as such in schools*
- *Family Educational Rights and Privacy Act (FERPA)*
- *Individuals with Disabilities Education Act (IDEA)*

FERPA/IDEA/GEPA Notes

- **confidentiality**
- **must retain records for at least 5 years [*General Education Provisions Act*]**
- **under IDEA – must notify parents & provide copies if requested**

7. How long must a school maintain or keep education records?

- IDEA says that a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitations.
- Generally, FERPA does not address retention and destruction of education records. Other federal laws, state laws, and professional standards guide retention and destruction of education records.
- A school or agency may not destroy an education record if there is an outstanding request by a parent to inspect and review the record.

Some Questions To Ask

Questions for Former Teachers

- **What type of grades did Anthony receive?**
- **Was he every placed in special education?**
- **Was an evaluation ever done on him?**
- **Do you have any samples of his work?**

Questions for Parents

- **What type of grades did Anthony receive?**
- **Was he every placed in special education?**
- **Was an evaluation ever done on him?**
- **Do you have any samples of his work?**
- **Did you ever attend any school meetings that discussed his need for special education?**

Questions for Parents (cont.)

- **Did you ever sign any forms that about your son and his need for special education?**
- **How well did he read? Spell? Write? Do math? Listen? Speak?**

General Recommendations

- **develop framework for gathering information about and analyzing school data**
- **work from specific questions when investigating case and interviewing folks**
- **remember the concept of “convergent validity**