

ASSET Center for ASD/DD

Autism Spectrum Disorders and Developmental Disabilities

Services, Supports, Education and Training

School Inclusion & Success



KNOWING WHAT WORKS
KNOWING STUDENTS' RIGHTS

April 2013

School Inclusion and School Success for Children on the Autism Spectrum:

KNOWING WHAT WORKS
KNOWING STUDENTS' RIGHTS

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Youth Advocate Programs, Inc. (YAP) was founded to support children and youth in their homes and communities, so that they will not have to experience segregation or miss out on the everyday lives their peers take for granted. Children in inclusive school settings benefit from peer models and ways to practice and develop their communication and social skills. They can enjoy developmentally appropriate aspects of “peer culture,” such as stories, games, songs, humor, fads and fashions, and the rest of that hidden curriculum through which young people experiment, create, learn about themselves, and learn to navigate the world.

Their **peers gain too** by having the opportunity to include diverse and interesting children in their circle of friends, and are less likely to grow up with misinformation and even fears about disability. Instead, they grow up with the reassuring lesson that **different is okay, disability is natural, and together we are strong.** Decades of research have demonstrated clearly that, in well-resourced inclusive classrooms, students with disabilities learn better and there are no negative effects on the education of their peers without disabilities – in fact, often these peers do better too!

Unfortunately, educational segregation is still the fate of many students with autism. **When children are not included in the schools, this can create serious problems for their families and communities.** Parents feel left out because their children are left out of the typical classroom activities and school events enjoyed by their neighbors’ children. It is hard to feel valued and appreciated when you have to wait alone with your child for the “short bus,” which arrives at a separate bus stop. Children who spend their days grouped by label into a “special school” or “special classroom” find it difficult to form the relationships needed to become full, active members of their communities. As they grow, the community does not get to know them well or learn how to accommodate and welcome them. When they are adults they will find it much harder to become employed, and their marginal status may result in placement in congregate facilities instead of receiving the support they need to live in homes of their own choosing.

This publication is designed to **share some basic facts and definitions about the education system and special education law**, so that a student’s parents, family, and support staff can



begin to access vital information and understand the language that schools and teachers use. YAP hopes that this information will help assure that each child we serve receives an education that is welcoming, affirming, and inclusive:

Individuals with Disabilities Education Act (IDEA)

This federal law, originally passed in 1975, guarantees all students with disabilities **“a free and appropriate public education (FAPE).”** All means all; the law is based on **“zero reject,”** meaning that no student with disabilities can be denied an education or permanently expelled (and during any period of disciplinary suspension or expulsion must continue to receive education services), although the placement in which a student receives his or her education services may be changed under certain conditions. **The right to FAPE begins at the preschool level, at age 3** (for children who have been diagnosed and found eligible for special education) and **continues either through the school year in which the student turns 21, until the student graduates with a diploma (if that happens earlier than age 21), or until the student is tested and determined no longer to need special education services.** Parents or guardians must agree to have their child tested for eligibility in order to begin receiving special education services; if parents refuse the initial testing the school cannot proceed.

Individualized Education Program (IEP)

The IEP is the **legal contract between parents/guardians and the school**, specifying what academic, social, communication, self-help and other education-related objectives a child will meet, how outcomes will be measured, what the timeframes will be, and what accommodations, supports, and services will be provided to assure progress. IEPs **must be conducted annually** for each child. An IEP meeting also may be convened at any other time during the year if the parents request it in writing. **The family must be notified when an IEP meeting is due, and every attempt made to assure their attendance. The student with a disability must also be invited to attend.** It is NEVER a good idea to let an IEP meeting occur without the family’s presence. Many parents also invite a friend or ally (such as a therapist or staff person) to attend with them, for support and sometimes to offer valuable information about the student. Families should also feel encouraged to list the objectives and services they believe are appropriate for their child, and to come prepared to discuss and **write the IEP in partnership with the school**, as federal law requires, rather than merely to accept a completed IEP that may be presented to them for their signature.

Notice of Recommended Educational Placement (NOREP)

At the end of the IEP development process – and never before that – the IEP team must decide on the placement in which this program of service delivery should be carried out. By law, **the presumption must always be that the program will be carried out in the general education classroom, with typical peers, unless there is a very compelling reason why that would not be good for the student.** Teacher convenience, expense to the school, the current location of the needed services, and the child’s current academic level (i.e. “readiness”) are **NOT considered legitimate reasons for placing a child outside the general education classroom.** Parents should remember this slogan: “Special Education is a service, not a place.” There are **only two votes** on the content of every IEP and on the Recommended Placement: one belongs to the parents/guardian and the other to the school. Parents/guardians should not sign the IEP or the NOREP unless they are in agreement with them; if they need more time to consider, they may leave the meeting with the document unsigned and seek help immediately to make a decision before coming together again with the team. Leaving a problematic IEP and NOREP both unsigned and unchallenged, however, is not a good decision because the school is permitted to go ahead and implement them if parents “default” in this way. If the parents and the school cannot reach agreement, there is a Due Process system in which both parties (and their legal counsel) come before a hearing officer for resolution. A variety of free information and advocacy services are available to parents who have questions about a child’s IEP, placement, and education rights.

“...different is okay, disability is natural, and together we are strong..”

Behavior Intervention Plan (BIP)

For students whose behavior interferes with learning, a BIP should be created along with the IEP. It should be based on a **Functional Behavior Assessment (FBA)**, which is required by law, and the FBA should lead to **Positive Behavior Supports (PBS)**, which are the only approach to behavior specifically named in the IDEA. The **BIP should be strength-based and specify how the student will be supported to DO, rather than simply NOT DO, various activities.** It should be as detailed and specific as possible. Parents/guardians should **never agree to give permission for the use of negative interventions** – restraint, seclusion, or aversives – in their child’s IEP or BIP. Although these outdated and dangerous practices are still permitted in many states, specifying them in this legal contract reduces a child’s protection and parental permission, once given, is very difficult to rescind, even with legal assistance.





Psycho-educational Evaluation

This detailed evaluation is conducted to **determine whether a student is eligible for special education services**, and at other times to **assess progress**. Usually the evaluator works for or is selected by the school district, but parents may suggest an appropriate professional and the school may agree. If parents question the results of the evaluation ordered by the school district, they may request in writing an **independent evaluation** to be done at the school's expense. If the school refuses parents may contest this refusal through the due process system, or proceed with the evaluation at their own expense, in which case the school must at least consider the findings in its recommendations for the IEP and the placement.

Least Restrictive Environment (LRE)

Education law requires that each student who has a disability should have **the opportunity to be educated with their typical age peers to the greatest extent appropriate** – this constitutes their Least Restrictive Environment. There is no such thing as a student who needs to be in a “more restrictive environment”; **all students must be in their LRE**. This means that anyone arguing for a child to be educated in a segregated setting would have to show that the child was freer and less limited to learn and develop in that setting, and that being included in the general education classroom was burdensome and restrictive to the child in ways that could not be relieved or changed through appropriate services and supports.

General Education Curriculum

In recent years **federal education law was changed to require that ALL students have “access to the general education curriculum.”** This means that every student will become acquainted with the same subject matter, and **“lack of readiness” will not be an excuse for keeping a child at an age-inappropriate curriculum level or denying academic subjects and experiences**. A student may learn the material differently or at a different degree of complexity, and may be evaluated and tested differently, but all students will share in certain “big ideas” around which each curriculum for each subject and grade is built.

Specially Designed Instruction (SDI)

This special education requirement has its own section on the IEP. Many people spend a great deal of time considering the educational objectives, but fast forward through the SDIs. They

should not, because inclusion and access to the general education curriculum usually depend on how well these are designed and implemented. There are three basic categories of SDIs:

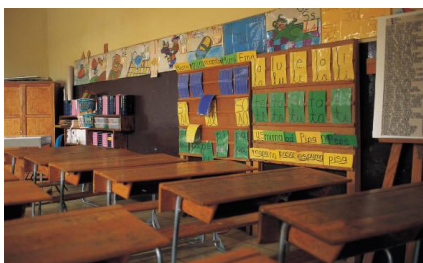
- **Differentiated instruction** – using different approaches to conveying the same information, based on students’ different learning styles, e.g. visual, auditory, language-based, pictorial, experiential, hands-on, direct instruction, group work, peer tutoring
- **Curriculum modification** – adjusting and individualizing the curriculum content to enable different learners to access and reach proficiency in the core concepts of the general education curriculum, e.g. through offering materials at different reading levels, incorporating different types of student feedback, and using different testing methods
- **Supplementary Aids and Services** – implementing the supports, accommodations, and therapies that a student needs to facilitate learning, communication, self-regulation, social skills, health, mobility, or any other school-related need, e.g. assistive or augmentative communication technology, speech therapy, visual aids, “sensory diet.”

Inclusion vs. Mainstreaming

Inclusion means that **students begin and finish their educational careers in typical age appropriate environments, and receive the necessary instructional and technical supports and services** to ensure reasonable success in their learning and development. It is based on a model of in-class support rather than pull-outs, of collaboration between (or dual certification of) special education and general education teachers, and on a **shift away from remedial approaches** that marginalize some students to academic approaches that support participation by ALL students. The term **“mainstreaming,”** though sometimes used in place of “inclusion,” actually refers to an earlier practice of placing students with less severe disabilities, such as learning disabilities, in general education classrooms; unlike with inclusion, however, **“supports and services” were not emphasized and this model was far less developed than today’s inclusive practices.** Inclusion is not a term found in education law, which refers instead to LRE.

Extended School Year (ESY)

Many students who have qualified for special education services also qualify for an Extended School Year of services over the summer. If a **student is likely to regress in important skills** during that long period without programming, a **discussion about summer services should be taken up with the school district as early as possible** in the calendar year.





Postsecondary Education

It used to be assumed that students with disabilities who did not graduate with their age peers would return to their schools for another four years of “getting ready.” Now, however, there are new options to help them get started in life and keep them included. Some students make plans, through the IEP process, to explore work experiences in their communities during these years. In addition, **college is increasingly becoming an option for young adults with autism who want to access age-appropriate educational experiences without necessarily enrolling in a full, traditional degree program.** Sometimes this means auditing courses – with a support person, if necessary -- or creating a portfolio of job-related experiences based on the content of college courses. For example, a student who aspires to work in a veterinary practice might enroll in animal science courses but, instead of completing all the projects and exams required for the degree, would be responsible for specially-adapted projects developed by the college and/or by their IEP team. The Higher Education Opportunity Act was enacted in 2008 and contains new provisions that will improve access to postsecondary education for students with intellectual disabilities: they may be eligible for Pell Grants, Supplemental Educational Opportunity Grants, and the Federal Work-Study Program even if they do not have a regular high school diploma or a General Educational Development (G.E.D.) equivalency. Whether college is approached from a traditional or non-traditional point of view, there is a growing belief that ALL students with autism can benefit from postsecondary education experiences, which can **build not only their academic but their social skills, and increase their opportunities for employment.**

There are **many excellent web sites and publications** available to students, families, and support staff:

EDUCATION LAW

- The Education Law Center of Pennsylvania’s easy-to-use guide, *Your Right to Special Education in Pennsylvania*, is free online: <http://www.elc-pa.org/pubs/downloads2010/2009A-TheRighttoSpecialEducationinPennsylvaniaGuideforParents.pdf>

For states other than PA, contact your Parent Information Center, State Protection & Advocacy organization or YAP office to find similar parent-friendly resources.

- Visit the web site of the national Council of Parent Attorneys and Advocates (COPAA) for important information and updates, and to identify local experts:
<http://www.copaa.org/>
- Log on with Wrightslaw for one of the largest collections of parent-friendly information about your child’s rights in the special education system, and how to assure them:
<http://wrightslaw.com/>

POST-SECONDARY EDUCATION

- For information and a large bibliography, see the Institute for Community Inclusion’s Research to Practice Brief on Post-Secondary Education Options:
<http://www.communityinclusion.org/pdf/rp45.pdf>
- The “Think College!” web site contains valuable information on the Higher Education Opportunity Act of 2008 and on strategies and resources that can allow students with intellectual disabilities to access a college education: <http://www.thinkcollege.net/for-professionals/higher-education-opportunity-act-of-2008>

INCLUSION

- The “Kids Together” web site, founded by a Pennsylvania parent, is ALL about inclusion: <http://www.kidstogether.org/kidstogether.htm>
- Find helpful information for parents and teachers on the “Inclusion is the Right Way” web site: <http://inclusionistherightway.com/>
- “Disability is Natural” is an uplifting site by mom Kathie Snow: <http://www.disabilityisnatural.com/>
- Inclusive educator Paula Kluth’s web site is a resource for teachers and parents: <http://www.paulakluth.com/publications.html> Her classics -- “You’re Going to Love this Kid” and “Just Give Him the Whale” -- are a great resource for creating inclusive classrooms.

TO LEARN MORE:

Youth Advocate Programs can provide webinars and trainings on topics that include school inclusion, Positive Behavior Supports, how to conduct a Functional Behavior Assessment, supporting social skills development in school, creating accommodations for students with autism, and more. Please contact Ann Branning, National Autism Training Coordinator, at abranning@yapinc.org or at 717-413-2266.

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