

**JANUARY 2011**



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### Quiz Time

#### Test Your Knowledge on Outcomes

(Answers are at the end of the newsletter.)

- A. What additional components do IEP teams have to address in the IEP once a student turns 14 years of age? \_\_\_\_\_
- B. The federal government, in 2010, gave grant money to post-secondary education institutions to enhance or develop education opportunities for what disability category? \_\_\_\_\_
- C. PDE reported out to the PA State Board of Education that Articulation Agreements had been reached between which two types of education entities for the purpose of streamlining and recognizing successful completion of programs? \_\_\_\_\_ and \_\_\_\_\_
- D. Which of the following is the Pennsylvania graduation rate from high school (all students)? a. 87- 93%    b. 79-86%    c. 72-78%  
d. 53-58%    e. 44-50%
- E. What percentage of students (all) entering college require at least one remedial class? a. 10%    b. 22%    c. 34%  
d. 46%    e. over 50%
- F. What percentage of students did not complete the remedial instruction and dropped out of college? a. 26%    b. 36%    c. 46%  
d. 56%    e. 66%
- G. Which federal law covers students with disabilities once they graduate from high school? a. IDEA    b. ADA    c. OVR    d. OCDAL  
e. ESEA/NCLB
- H. To receive accommodations in higher education, the receiving school can require the student to provide a current psychological. True or False
- I. Parents can require that the LEA focus on academics and delay implementation of transition activities in any given year(s) between 14 and 21. True or False

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## U.S. Department of Education Electronic Book Reader Letter Excerpts

The U.S. Department of Education stated in a letter to higher education institutions that in 2003-04, there were 230,000 post-secondary education students who were blind, had low vision, or had learning disabilities. These numbers are important because it stresses how many post-secondary students are affected when materials might not be accessible.

The letter “expresses the position of the Department of Justice and the Education Department that it is impermissible under federal law for colleges and universities to use electronic book readers in classroom settings that are not accessible to students who are blind or have low vision, unless those students are provided an equally effective accommodation or reasonable modification that allows those students to receive all the educational benefits of the technology.”

The letter goes on to say that there were “recent settlement agreements with several colleges and universities. In summary, the colleges and universities agreed not to purchase, require, or recommend use of the Kindle DX, or any other electronic book reader, unless or until the device is accessible, or unless the colleges and universities provide a reasonable accommodation or modification that is accessible to students who are blind or have low vision.”

Bottom line is some of the electronic book readers do not have a text-to-speech function that allows users who are blind or have low vision to hear the on-screen content read aloud, navigate device controls, and select menu options.

## PA SEAP Makes Recommendations to PDE on Transition Indicators

Pennsylvania must set goals on 20 federal indicators. PDE develops goal recommendations and then brings the proposed goals to the SEAP (Special Education Advisory Panel) for consideration and recommendations. The challenging part is to establish goals that move special education in positive directions with improvement activities but not to set the bar so high that it would cause the state to fail and then face the implications of not meeting federal indicators. In some cases the federal government sets the goals and the PDE can only address what improvement activities will support the efforts.



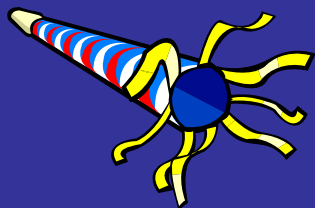
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Find current updates and other information on Special Education on the PSEA website.

Go to [www.psea.org](http://www.psea.org)  
Teaching and Learning > Special & Gifted Education

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Comments or questions about the items in this newsletter may be directed to this mailbox: [currentnews@psea.org](mailto:currentnews@psea.org)



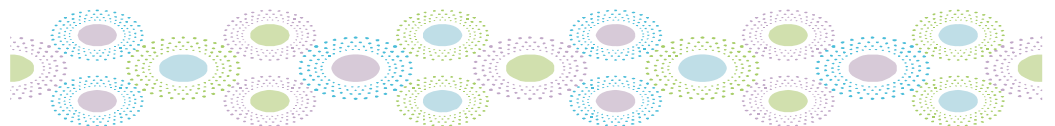
Indicator #14 - *Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: (a) enrolled in higher education within one year of leaving high school; (b) enrolled in higher education or competitively employed within one year of leaving high school; (c) enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.*

Pennsylvania is expected to survey 20 percent of former IEP students one year after graduation or leaving high school each year. The data will be sent to the federal government. The state has assigned one fifth of the school districts to implement the survey each year, so members can expect to participate at least once every five years.

PDE recommended that the indicator goals rise in post-secondary education and employment. SEAP recommended that the post secondary education goals rise but that the competitive employment and other employment remain the same, because if more students pursue secondary education and the same number of employed students is the same, then the total is actually an increase of students achieving outcomes. The goal for 2010-11 is 67.5 percent. Consider this goal unofficial because PDE must now deliberate on the SEAP recommendations and submit goals in early 2011.

Along with the goals, a list of improvement activities must be submitted. Current activities include:

- Exit Survey Cycle #5 training for year 5 school districts.
- Technical and management support procedures provided by PaTTAN consultants and intermediate unit transition consultants.
- Ongoing analysis of data to determine factors that may contribute to students not being competitively employed nor participating in post-secondary education or training.
- Identification of local programs with good outcomes for training and potential replication.
- Ongoing analysis of survey design, content, and response options.
- Collaboration with the National Post School Outcome Center and other national TA centers.
- Enhanced stakeholder awareness of survey results and implications.



## Analysis of the Case of Mountain BOCES, 110 LRP 38150 (Col. SEA 2010)

The hearing officer in this case determined that the district properly implemented the IEP of a special education student with autism who enrolled in a dual enrollment program at a community college pursuant to his transition plan. The transition plan provided merely that the student would take a dual enrollment course to prepare for college. Thus, when the student enrolled in the course, the post-secondary transition goal was satisfied. Notably, the transition plan did not include any requirement that the district ensure that the student receive special education services in conjunction with the college class.

Despite the efforts of the District's case manager who also worked at the college part time, the student refused to do the work assigned to him and received an F as his final grade for the course. The parent, who represented herself, received notice that the student would be treated as a college student pursuant to the dual enrollment agreement she signed.

Under these facts, the hearing officer found that the district did not violate the IDEA by failing to ensure that the student received special education support and services in the dual enrollment class. In so doing, the hearing officer explained that under the Act districts are not required to provide FAPE in post-secondary schools.

This case is significant because it addresses an issue that will grow in importance as more students with disabilities participate in dual enrollment programs. It is important to note that the parent in this case represented herself. Therefore, she may not have raised legal issues would have supported her position. In addition, this case did not address anti-discrimination and reasonable accommodation requirement, under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, which could have an impact on the responsibilities of states and secondary and post-secondary schools to ensure that students with disabilities are able to participate in dual enrollment programs with the supports they need.

## **ESY and February 28<sup>th</sup> Are Right Around the Corner**

Every year special education case managers are faced with Extended School Year eligibility and timeline issues. Consider this a small refresher course on the topic. Below is PDE's submission to the federal government on the procedures followed in Pennsylvania.



Delaware County Intermediate  
Unit ESP paraprofessional  
training- Fall 2010



“The public agency serving children under Chapter 14 shall use the following factors for determining whether a student with disabilities requires ESY as part of the provision of FAPE at each IEP meeting and, if so, make subsequent determinations about the ESY services to be provided.

“In considering whether a student is eligible for ESY services, the IEP team shall consider the following factors, however, no single factor will be considered determinative:

(i) Regression—whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors which occurs as a result of an interruption in educational programming.

(ii) Recoupment—whether the student has the capacity to recover the skills or behavior patterns in which regression occurred to a level demonstrated prior to the interruption of educational programming.

(iii) Whether the student’s difficulties with regression and recoupment make it unlikely that the student will maintain the skills and behaviors relevant to IEP goals and objectives.

(iv) The extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted.

(v) The extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers.

(vi) The extent to which successive interruptions in educational programming result in a student’s withdrawal from the learning process.

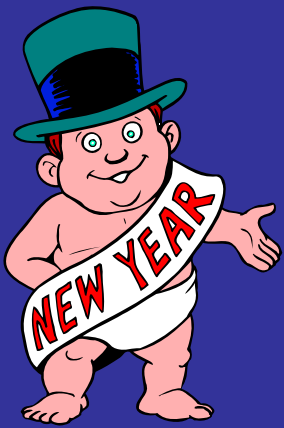
(vii) Whether the student’s disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe mental retardation, degenerative impairments with mental involvement and severe multiple disabilities.

“Other reliable sources of information regarding a student’s educational needs, propensity to progress, recoupment potential and year-to-year progress may include the following; progress on goals in consecutive IEPs, progress reports maintained by educators, therapists and others having direct contact with the student before and after interruptions in the education program, reports by parents of negative changes in adaptive behaviors or in other skill areas, medical or other agency reports indicating degenerative-type difficulties, which become exacerbated during breaks in educational services, observations and

Special Education Advocacy Panel presentation at IPD school at Gettysburg in August.



From left to right, Kay Lipsitz (PEN), Pam Klipa (ARC), and Robyn Oplinger (Disabilities Rights Advocacy)



opinions by educators, parents and others, and results of tests, including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments and other equivalent measures.

“The need for ESY services will not be based on any of the following; the desire or need for day care or respite care services, the desire or need for a summer recreation program, the desire or need for other programs or services that while they may provide educational benefit, are not required to ensure the provision of a free appropriate public education.

“Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe mental retardation; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for extended school year services to be provided as follows:

- (1) Parents of students with severe disabilities shall be notified by the public agency of the annual review meeting to ensure their participation.
- (2) The IEP review meeting must occur no later than February 28 of each school year for students with severe disabilities.
- (3) The Notice of Recommended Educational Placement (NOREP) shall be issued to the parent no later than March 31 of the school year for students with severe disabilities.
- (4) If a student with a severe disability transfers into a public agency after the dates in paragraphs (2) and (3), and the ESY eligibility decision has not been made, the eligibility and program content must be determined at the IEP meeting.

“Public agencies shall consider the eligibility for ESY services of all students with disabilities at the IEP meeting. Consideration of the need for ESY services shall occur at the IEP team meeting to be convened annually, or more frequently if conditions warrant.

Consideration means that ESY services are raised and discussed at the IEP team meeting. In making a determination that a student is eligible for ESY services, the IEP team shall rely on criteria in this section and applicable judicial decisions. ESY determinations for students other than the group of students identified as students with severe disabilities are not subject to the time line of February 28 or March 31. However, the ESY determinations shall still be made in a timely manner. If the parents disagree with the public agencies’ recommendation on ESY, the parents will be afforded an expedited due process hearing.”

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## Resources

- The National Center on Accessible Instructional Materials has a master list of Digital Readers. At last count, it listed at least 42 models or software packages. It is a great list with short descriptors to help you work your way through the options.  
[http://aim.cast.org/learn/accessiblemedia/text/digital\\_readers](http://aim.cast.org/learn/accessiblemedia/text/digital_readers)
- Digital books are available free at such places as the following:  
Manybooks.net – <http://manybooks.net>  
LibriVox- [www.librivox.org](http://www.librivox.org)  
World Public Library- <http://worldlibrary.net>  
Internet Archive- [www.archive.org](http://www.archive.org)  
Bookyards.com- [www.bookyards.com](http://www.bookyards.com)



## Answers to the Quiz

- A. Transition
- B. Intellectual Disabilities/ Mental Retardation
- C. Career and Technical Education Centers and Perkins-funded post-secondary schools (Community Colleges)
- D. b. 79-86%
- E. c. 34%
- F. c. 46%
- G. ADA (American with Disabilities Act)
- H. True- Post secondary institutions do not want to see IEPs. They can require documentation in the form of a current psychological to make their determination as to what accommodations, if any, students will get when they enter their programs. Students need to investigate and find out what the post-secondary school considers as “current” or “recent.” The time varies for each school.
- I. False- Law requires that transition planning be done for students in transition years. The LEA places the school district in harm’s way if it ignores transition planning. In a due process hearing, the district would be found at fault for not addressing transition planning and working toward outcomes.



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