



Special Education The New Face of Disability

Informational Hearing

Senate Education Committee

June 10, 2019

Objectives



Introduction to FACT Oregon



Foundational understanding of disability and special education and its evolution over time



Statewide / systemic issues in need of attention



Opportunity before us –progressive or status quo



Panel of Presenters

Roberta Dunn

Parent, FACT Oregon Executive Director

Elliott Dale

Parent, FACT Oregon Board Chair, Attorney

Heather Olivier

Parent, FACT Oregon Program Coordinator, SACSE Member

Paulina Larenas

Parent, FACT Oregon Bilingual Program Coordinator

Dr. Kathy Ludwig

Superintendent, West Linn-Wilsonville School District

Dr. Jennifer Spencer-Iiams

Assistant Superintendent Student Services, West Linn-Wilsonville School District



What Brings Me Here?

Roberta Dunn

Parent

Executive Director, FACT Oregon

“by families for families”





Office of Special Education Programs
U.S. Department of Education



FACT Oregon

Data Overview



Over 21,000 contacts in our contact management system

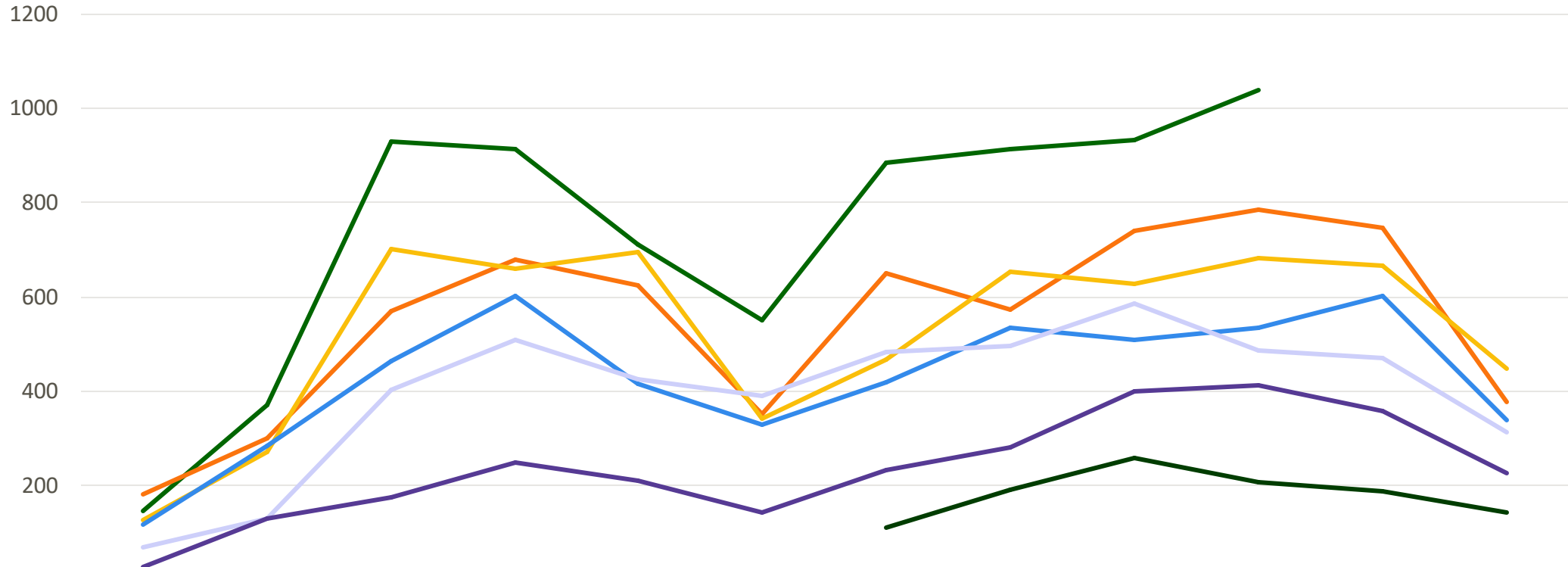


We have worked with families and community partners in all 36 counties



8,000+ different family members / partners requested support or attended a training specific to special education

Support Contacts Over Time



	July	August	Sept	October	Nov	Dec	January	February	March	April	May	June	Annual Totals
2018/19	144	371	930	914	712	550	885	913	933	1038	←	378	7390
2017/18	179	298	571	679	623	350	650	574	739	784	746	378	6571
2016/17	127	271	702	659	694	342	467	653	626	683	667	448	6339
2015/16	116	285	462	601	415	328	417	534	509	535	602	339	5143
2014/15	68	128	403	507	426	390	484	497	585	485	470	311	4754
2013/14	25	129	173	247	208	141	231	281	398	413	358	227	2831
2012/13							110	191	258	206	187	142	1094

— 2018/19
 — 2017/18
 — 2016/17
 — 2015/16
 — 2014/15
 — 2013/14
 — 2012/13

General Information



1:5 people experience disability



56.7 million in the US



More than a billion worldwide

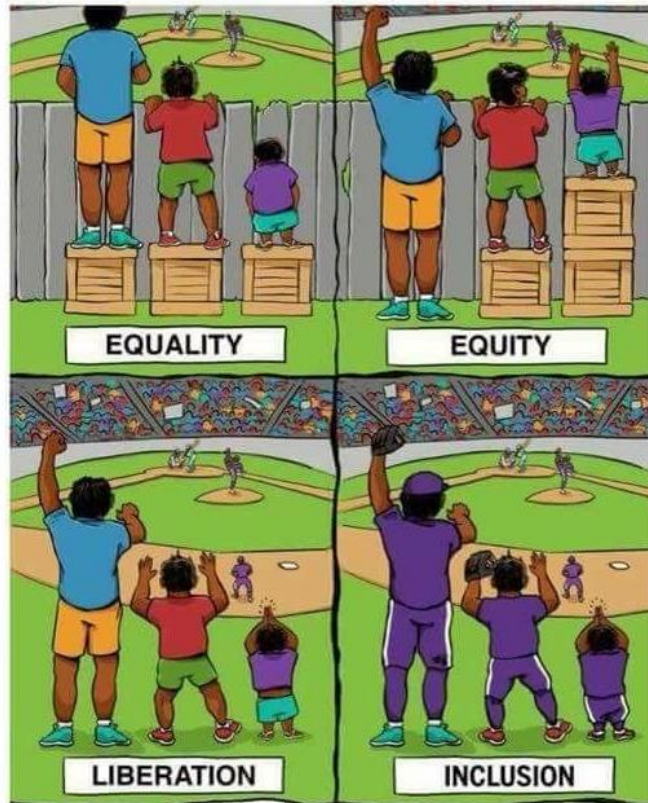


78,867 k-12 students receiving Special Education in Oregon (2017-2018)



Disability is the world's largest minority group and it is one that anyone can join at any time.

Oregon Department of Education Equity Stance



“Education equity is the equitable implementation of policy, practice, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed/marginalized.”

Individuals with Disabilities Education Act [IDEA]

Core Tenets of IDEA

- Free Appropriate Public Education [FAPE]
- Least Restrictive Environment [LRE]
- Parent participation



Why Do We Have Special Education?

Individuals with Disabilities Education Act [IDEA]

Federal Law ensuring children with disabilities have available to them a Free Appropriate Public Education [FAPE] that emphasizes special education and related services designed to meet their **UNIQUE NEEDS** and prepare them for:

Education



Employment



Independent Living





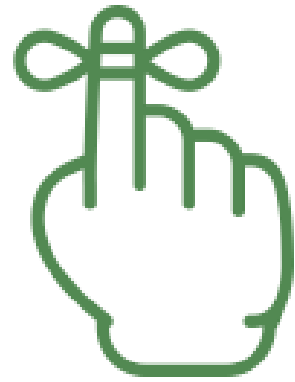
“To the maximum extent appropriate, children with disabilities... are educated with children who are not disabled...

Special classes, separate schooling or other removal...from the regular educational environment occurs ONLY when the nature or severity of the disability...is such that education in regular classes with the use of supplementary aids and services cannot be achieved...”

34 CFR 300.114

Least Restrictive Environment [LRE]

IDEA has always advocated for kids with disabilities to be educated, to the greatest extent possible, with their non-disabled peers.



Remember



Special Education is
Specially Designed Instruction [SDI]
for students with disabilities.

Special Education is a service NOT a place.

...the child's IEP ***must*** be designed to ***enable the child to be involved in and make progress in the general education curriculum.***

What is “Inclusion”?

Inclusive education is the supports and services provided within whole-school restructuring, resulting in communities in which all students are valued

(Artiles & Kozleski, 2016)

The hope? That individuals will not spend time debating what is meant by inclusion, but rather join together to extend a sense of value, welcome, active participation, contribution, and learning to each member of the school and broader community.



Meaningful Parent Participation

IDEA requires that the parents of a child with a disability be given the opportunity to participate in meetings with respect to the identification, evaluation, or educational placement of a child with a disability, or the provision of a FAPE to the child.

(34 CFR §300.501(b)(1))

Changes in how we see disability



Developmental Disabilities Assistance and Bill of Rights Act



FINDINGS. Congress finds that—

Disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.

History of Legislative Changes – Nationally and in Oregon



Education for All Handicapped Children Act (PL94-142)

Olmstead case “integration mandate”

No Child Left Behind

Diploma options **AND** Oregon has no more institutions

Every Student Succeeds Act

House Bill 2839 ends Organ transplant discrimination



1975

1990

1999

2001

2002

2008

2009

2014

2015

2015

2017

Americans with Disabilities Act **AND** IDEA includes “FAPE in LRE”

Staley Lawsuit – services for adults with IDD

Employment First – competitive integrated employment

Center for Medicare and Medicaid Services (CMS) - Home and Community Based Setting Rules (HCBS)

Lane v Brown Settlement Agreement closes the door to sheltered workshops!



Disability recognized in Equity Movement



Recognition that disability is natural!



Person first! Universal Design and Differentiated Instruction



Increased use of assistive technology



Vision for the future and pursuit of whole lives!

Philosophical and Practices

Disability Today

From shame and guilt...***to pride***

From pity and benevolence...***to welcome and acceptance***

From ableism...***to appreciating I am more than my disability!***

United States Supreme Court Findings

Andrew F. v. Douglas County School Dist. RE-1



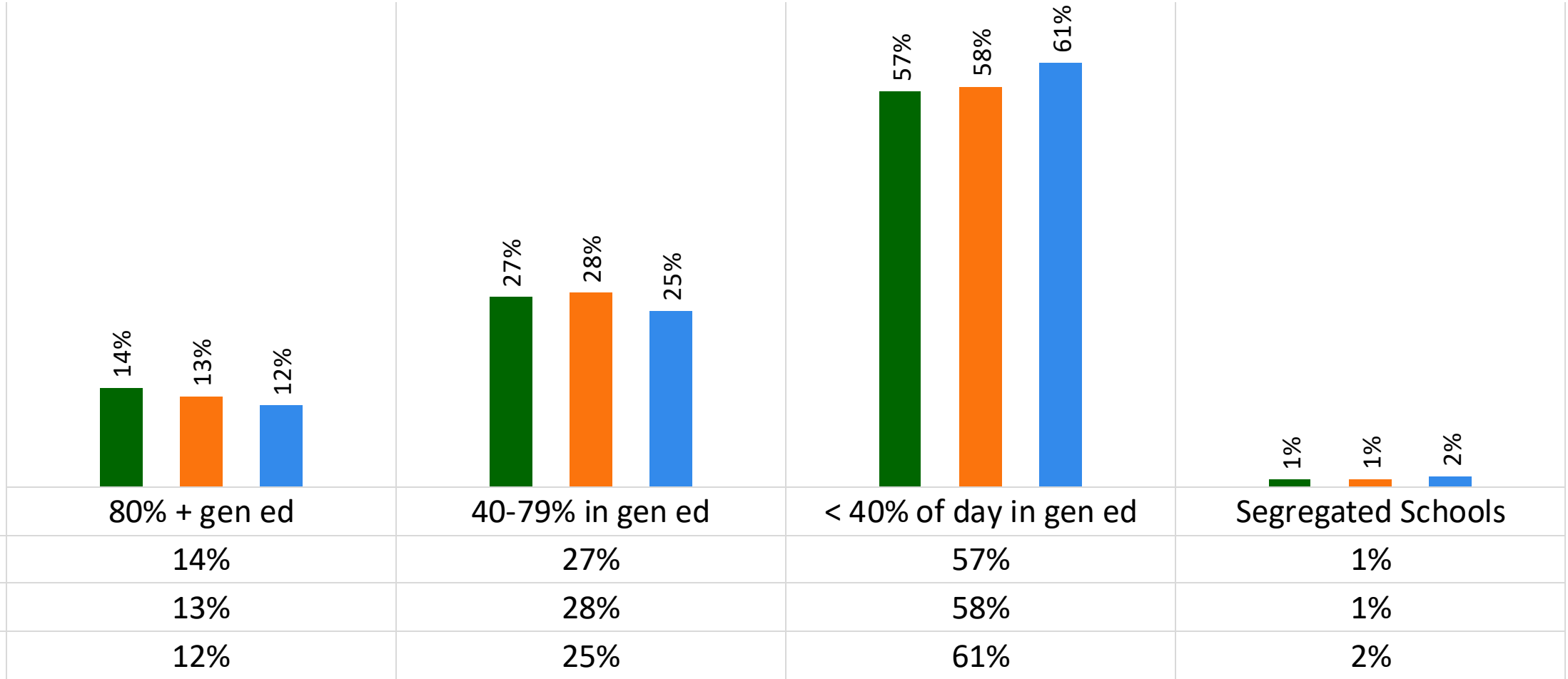
"When all is said and done, a student offered an educational program providing 'merely more than de minimis' progress from year to year can hardly be said to have been offered an education at all," wrote Chief Justice John G. Roberts Jr.

United States Department of Education

"Tolerating low expectations for children with disabilities must end. Challenging children with disabilities empowers them, and doing so gives them the hope of living successful, independent lives."

U.S. Secretary of Education Betsy DeVos

■ 2015-16 ■ 2016-17 ■ 2017-18



**Oregon Least Restrictive Environment
Students with Most Significant Disabilities**



What Brings Me Here?



Elliott Dale

Parent

Attorney

Chair, FACT Oregon Board

Victoria Hansen

- Friend
- Athlete
- Chef
- Employee





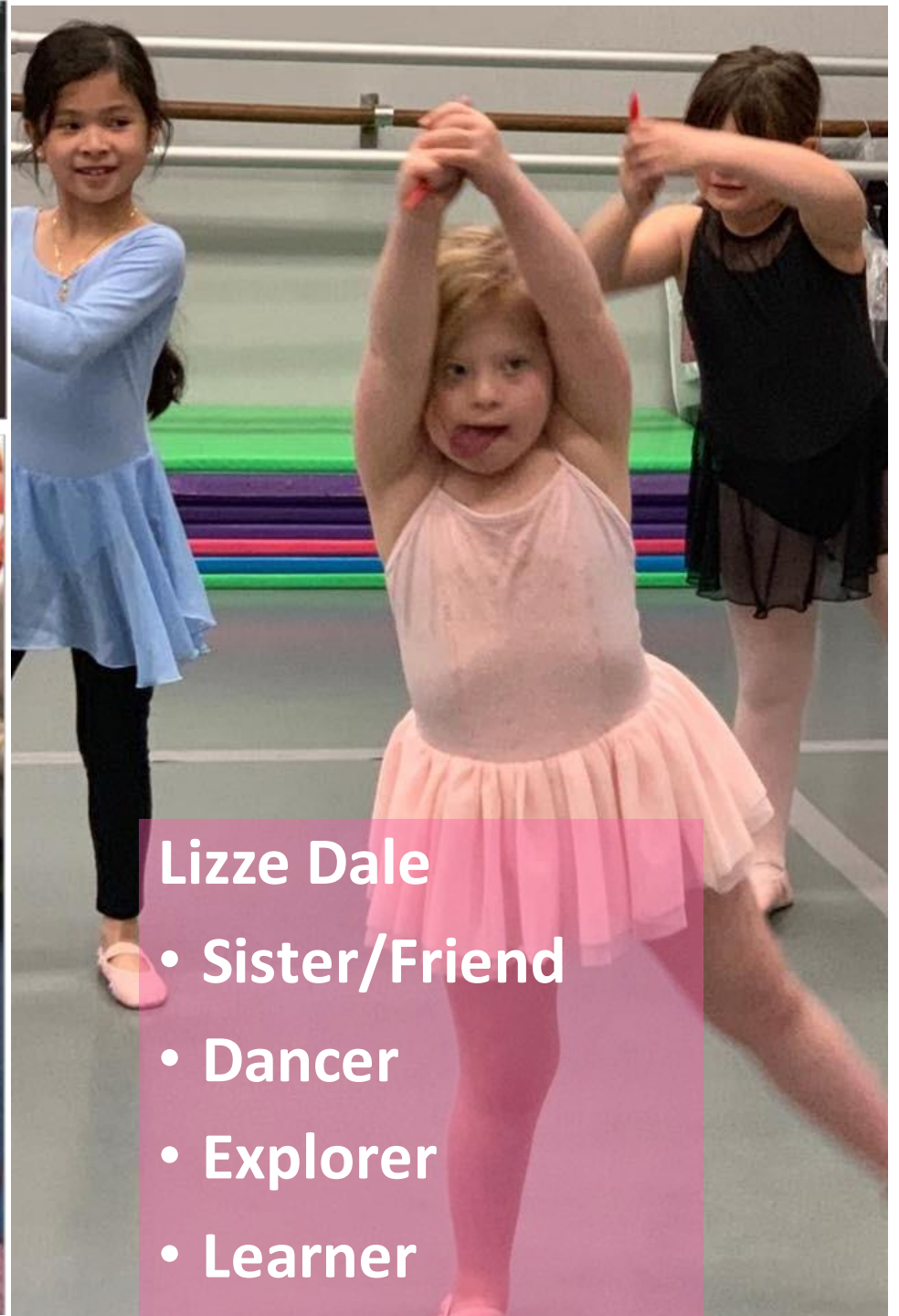
Niko Boskovic

- Communicator
- Employee at Trader Joe's
- High School Graduate



Rachel Esteve

- College Student
- Advocate
- Employee



Lizze Dale

- Sister/Friend
- Dancer
- Explorer
- Learner



INSPIRED BY A PUBLIC SCHOOL STUDENT WITH DISABILITIES

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CLEARING A PATH
FOR PEOPLE WITH SPECIAL NEEDS
CLEARS THE PATH FOR EVERYONE!

What Brings Me Here?

Heather Olivier

Parent

Program Coordinator, FACT Oregon

State Advisory Council on Special Education

“by families for families”





Nearly 40% of requests for support are about behavior



Of the support requests, most are regarding a school's lack of resource or knowledge about how to support a student's challenging behavior



Oregon's target for students with disabilities accessing education in a regular class is 73% or more...



Yet, most of our general education teachers finish their preparation programs with as little as one class on special education

Overview of Behavior



Research Supports Inclusive Settings for Improved Behavior

Students with autism who were *academically and socially included* at school experienced *more positive developmental trajectories* that extended into adulthood, engaging in *fewer antisocial behaviors* and demonstrating improved independent daily living skills

(Woodman, Smith, Greenberg, & Mailick, 2016).



What Brings Me Here?



Paulina Larenas

Parent

Bilingual Program Coordinator, FACT Oregon





IDEA regulations **require** each public agency to take **whatever action** is necessary to **ensure that the parent understands the proceedings of the IEP Team meeting**, including arranging for an interpreter. (34 CFR §300.322(e)).



When parents are LEP, Title VI of the 1964 Civil Rights Act also **requires** that the school district must **effectively communicate with parents** in a **manner and form they can understand**, such as by providing free interpretation and/or translation services.



Under Title VI, a school district is **required** to provide LEP parents with **meaningful access** to the **same information** that is **provided to non-LEP parents**.

**Meaningful Parent Participation for
Limited English Proficient [LEP] Parents**

The Language We Use

Students without Disability

- Typical of age
- Excited
- Independent
- Didn't understand

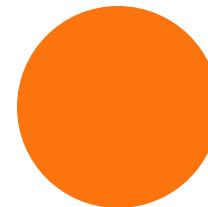
Students with Disability

- Assault
- Unruly
- Stubborn
- Refuse

All means all...
*including those in the
protected classes*

“Inclusion is a right not a special privilege for a select few.”

Rafael Oberti v. Clementon School District (1992)





West Linn-Wilsonville School District

What Brings Me Here?

Dr. Kathy Ludwig
Superintendent



Dr. Jennifer Spencer-Iiams
Assistant Superintendent
Student Services



West Linn-Wilsonville
School District

Inclusive & Equitable Schools

What the best and wisest parent wants for his own child, that must the community want for all of its children.

— John Dewey —





Promoting inclusive and equitable classrooms involves 7 key components:

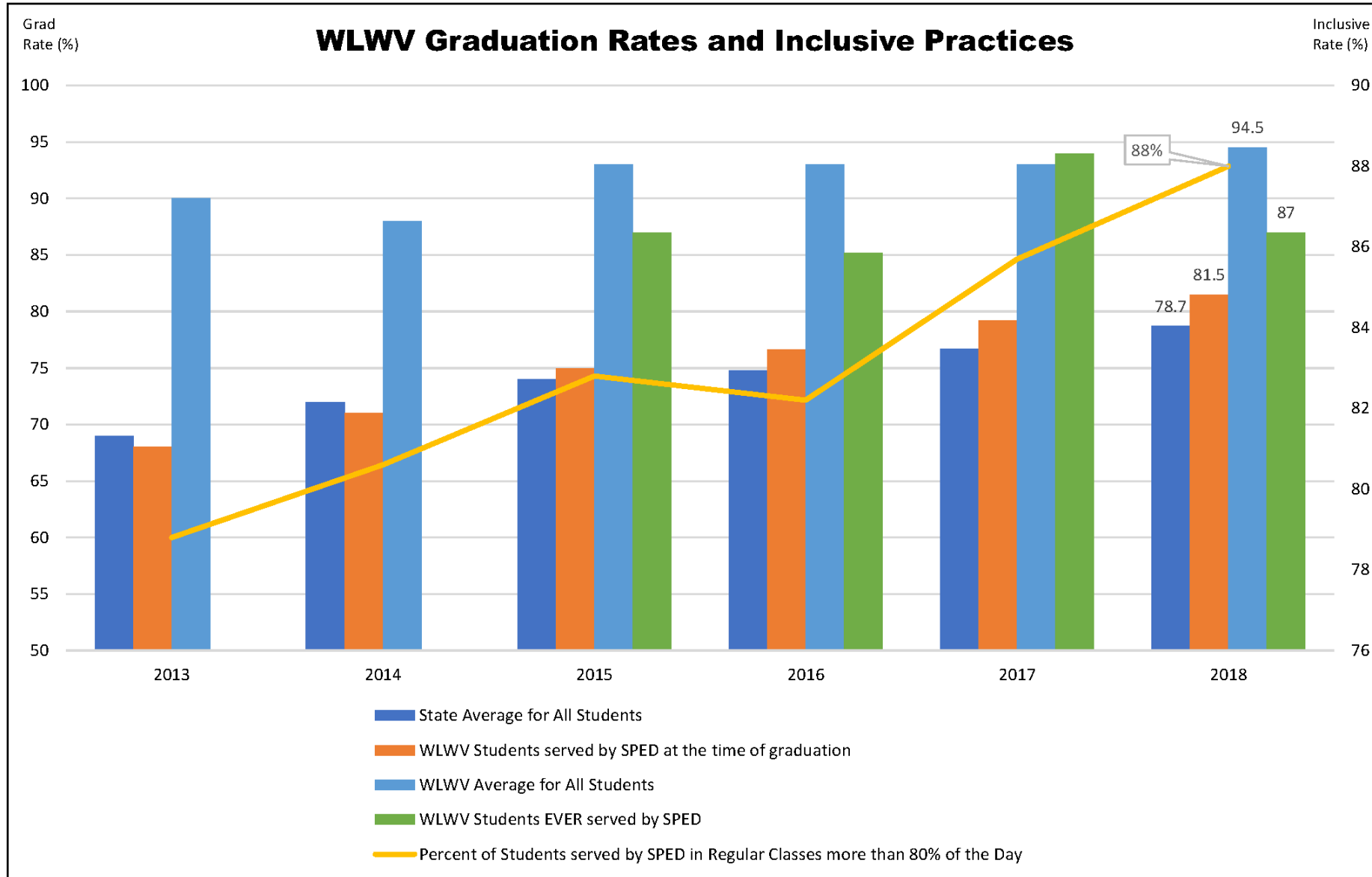
- Effective Physical Spaces
- Teaching Common Expectations
- Engagement Strategies
- Teaching Social-Emotional Skills
- Relationships with High Expectations
- Routines, Rituals and Recognition
- Restorative Practices





4-Year Graduation Rates

West Linn-Wilsonville School District



~A parent of a WLWV 3rd grader

“...By putting kids together and creating a positive environment to understand each other, it takes away the fear some may have of anyone that seems ‘different’. They will have the confidence to interact with all people, be more kind, inclusive and advocate for those who may need it. This is something I couldn’t teach them just by talking about it. You’re creating a generation that will be more accepting, understanding, and empathetic.”

FACT Oregon Focus Areas

- Students in Early Childhood Special Education [ECSE] start school enrolled in a general education kindergarten class.
- Creation of a “Best Practices in Inclusive Education” stakeholder group.
- Dedicated work in the area of meaningful parent participation.
- Due diligence to secure every student the opportunity to graduate with a diploma before receiving a certificate of attendance.
- General education teacher preparation that ensures they are equipped to support students of all abilities.

