

## Special Education Rule Changes Case Study Series - Mateo

### Purpose

In order to support the implementation of Act 173, and in particular, the special education rule changes scheduled to fully take effect in July 2023, the Agency of Education, and Student Supports Division is offering a series of case studies. Over the following months, expect to see additional case studies with real-life examples that are orientated with the upcoming rule changes.

The goal of these case studies is to provide narratives that align with a system of support and the special education rule changes. Through these case studies and the accompanying paperwork, there are examples of the special education referral process and how it could operate within the overall district or school's systems of support. There are detailed examples of paperwork requirements that span the initial referral process to the development and implementation of an IEP. These case studies are intended to be interactive for teams, with key questions layered throughout the narrative so LEAs can review their own policies and practices and assess preparations necessary for the implementation of the special education rule changes.

### Background

Mateo is a third-grade student who moves to Vermont from Costa Rica over the summer. His family enrolls him in school at Agency Elementary. He is placed in Jessica Albert's classroom. It is Jessica's second year as a teacher at Agency Elementary, and she has been eagerly preparing for her group of incoming third graders. She has 23 students this year and a paraeducator assigned to assist throughout the day, Alexis. Jessica is focused on building rapport with students in her room and felt proud of how far she had come from her first year. She felt more prepared to respond to individual student needs and connected with many families prior to the year.

As she begins to settle in with her new crew, Jessica meets Mateo. Mateo is an energetic student who quickly makes friends in his new class. He is friendly and outgoing, with a calm disposition that his classmates are attracted to. Mateo is athletic and loves to play games at recess, often displaying a competitive side. Mateo is of Spanish descent and his English is almost unaccented. Per the Vermont State Plan, a [home language survey](#) is administered at the start of the year for all students. Mateo's parents report that the primary language at home is Spanish and that Mateo's first language is Spanish. This information is shared with the district's multilingual (ML) teacher, who reaches out to Mateo's parents and sets up an assessment with the WIDA screening tools. (For more information on identifying and assessing all potential students who are multilingual, please see OSEP's guidance in the [Dear Colleague Letter: English Learner Students and Limited English Proficient Parents](#)).

### Contact Information:

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Mateo does not complete most of his assignments in Jessica’s room, although he seems interested in learning. When Jessica assigns tasks, Mateo will quickly find something else that he needs to do at that time – get a drink, go to the bathroom, sharpen his pencil. He will often distract others while working and when redirected, he typically responds that he does not know what he is supposed to be doing. Jessica reaches out to Mateo’s parents, Tara and Douglas, to discuss the concerns. Although Tara and Douglas speak English well, their primary language is Spanish. Jessica uses a talking service contracted through their district to translate messages and phone calls to Tara and Douglas. His parents relay that Mateo is avoidant of academic learning at home as well and that they are struggling to support him. Jessica describes some adjustments she would like to try, and they agree to touch base again via email to discuss Mateo’s progress.

### **Key Questions for LEAs:**

- What systems are in place in your district to ensure that students who are Multilingual are identified and assessed for ML services in a timely manner?
- Are the processes and procedures for tiered support, including progression to referral for Special Education services (when applicable) clearly documented?
- How does the district guarantee that Multilingual families receive communication in their native language? Are staff trained in these procedures?

### **Systems of Support**

Jessica and Alexis begin to implement strategies to help Mateo stay on task and they share these strategies with Mateo’s parents. They create break cards for Mateo to use during tasks with a first then system to support his time on task. Jessica creates a checklist for Mateo with written instructions to follow each assignment or classroom task. Unfortunately, these checklists and break passes always go missing. Jessica and Alexis often find them crumbled up in Mateo’s desk. The teachers collect data for on-task and off-task behavior and as the years progress, they notice that Mateo struggles the most when he is asked to do independent work that requires reading. For example, he is always willing to tackle daily math problems and has strong computation skills, but Mateo is regularly resistant to reading aloud in class, and any reading task appears to be followed by an avoidant behavior. Jessica and Alexis problem-solve and tweak their approaches to support Mateo’s learning, but they begin to grow concerned about the challenges they are seeing. It often seems that Mateo is not accessing the classroom content, and despite the shifts they have made, they are still observing that Mateo is struggling. In addition to his affect in the class, Mateo continues to struggle with reading. Jessica connects with Mateo’s parents to share these observations and to discuss building in additional supports.

They are now five weeks into the year, and Mateo has taken the WIDA screener. He is found eligible for services from the multilingual teacher. Jessica connects with the ML teacher to determine other supports she can build in for Mateo. The ML teacher recommends some best practice approaches for Jessica and Alexis as they work with Mateo. Some of her suggestions

include providing adequate wait time, including visual supports throughout Mateo's work, and sharing classroom work with the ML teacher so his learning can be supported throughout environments. Jessica feels confident she can implement these supports for Mateo, but she also expresses her ongoing concerns pertaining to his trouble with focus and attending to reading tasks.

A recent assessment indicates his reading fluency is not at grade level and Mateo's work samples also suggest he may need additional supports. Jessica completed additional testing with Mateo, beginning with a grade-level read-aloud. When Mateo is asked to read aloud, he immediately shuts down and requests to take a break. After some time away, Mateo returns, and Jessica presents a simpler read. He is willing to read the simpler text, and his scores indicate he is reading at the level of a student in early 1<sup>st</sup> grade, more than two grades below his current grade-level standards. Jessica shares this information with Mateo's ML teacher. The ML teacher reports that Mateo has been struggling during her sessions as well. Jessica shares the break passes and first then system they have been using in class for the ML teacher to weave into her instruction with Mateo. They determine they will implement the ML teacher's recommendations, connect with Tara and Douglas about additional supports for Mateo, and reach out to the Educational Support Team (EST) members to discuss Mateo's needs. Jessica and the ML teacher will continue to measure Mateo's progress and complete some achievement testing to better capture Mateo's present levels.

#### **Key Questions for LEAs:**

- Do teachers have time to collaborate with ML teachers to bridge student supports across settings for multilingual learners?
- How are ML teachers integrated into the overall system of supports?
- Are staff members familiar with approaches for identifying if student concerns are related to English language learner needs or disability?

EST members meet weekly to process any teacher concerns or referrals. Jessica, the ML teacher, and Mateo's parents join the weekly EST meeting to discuss Mateo. Jessica and the ML teacher present fluency measures they have taken in English and Spanish and work samples indicating how reading fluency is potentially impacting Mateo's access in other content areas. Jessica shares his most recent scores and Tara and Douglas provide background to Mateo's schooling in Costa Rica and the reading instruction that he received prior to Agency Elementary. The reading interventionist, who is also present at EST meetings, suggests that he join her for thirty minutes for four days weekly with five other students. The reading interventionist joins Mateo's class weekly during their small group work time and pre-teaches some of the classroom content with a small group of students. She explains that they also work on fluency with connected text and phonemic awareness that is aligned with the content Jessica is teaching. The thirty minutes is structured differently each day to meet the needs of the group and to match the curriculum.

The team agrees that Mateo will join this group to continue to support his progress with the general education curriculum.

As Mateo transitions into this new group, Jessica notices that Mateo is only completing his assignments with the support of his small group. He continues to avoid work at all times of the day and progress monitoring results show lack of adequate growth on Mateo's fluency measures. Alexis, the classroom paraeducator, spends a lot of time prompting Mateo and supporting his work completion. After reviewing the data, Jessica and the reading interventionist believe that this information, coupled with prior concerns and assessment results from Mateo's primary language, is sufficient data to make a special education referral to the building's assistant principal and LEA representative, Clay. The reading interventionist and Jessica feel Mateo needs more specialized, 1:1 support in order to be involved in and make progress with classroom curriculum.

### **Key Questions for LEAs:**

- What information should teachers gather before submitting a referral for a special education evaluation?
- How do ESTs support the system of supports? What structures are in place to make certain general education teachers are involved in the special education process?
- Is there flexibility within the schedule to meet the needs of a diverse learner? Does it impact their access to general education curriculum?

### **Initial Referral**

Clay oversees academic student concerns at Agency Elementary. He has an electronic form posted to the website for parents to fill out if they would like to request a special education evaluation and he meets with the Educational Support Team (EST). Jessica attends the EST meeting with the ML teacher to discuss Mateo. Jessica has been in regular contact with Tara and Douglas, Mateo's parents, but they were not able to attend this meeting. Jessica calls them in advance to share her findings and discuss the potential referral. She also collects additional data from Tara and Douglas that supports their concerns. They present their findings and discuss next steps for Mateo. Clay facilitates this process and assigns duties to the members as needs are identified. Based on the data presented, Clay believes the team should convene with Mateo's parents to discuss a potential evaluation. Jessica is going to reach out to the family with the ML teacher to schedule the meeting. The school psychologist plans to observe Mateo in Jessica's room for academics as well as during his unstructured time at lunch and recess. Clay is going to review Mateo's file from Costa Rica and compile all the available data to present at the meeting.

As they prepare the data for the Evaluation Planning Team (EPT) meeting, the special educator recommends that Jessica begin collecting additional achievement data for writing and math. Jessica sets aside some time to work 1:1 with Mateo, during which time, she asks him to grab a book he likes from their classroom library. Mateo selects a book and Jessica prompts him to

begin. When Mateo opens the book, he reads none of the text and describes all the pictures to Jessica. He scans through all the pages and appears relieved when he shuts his book. He then moves on to a third-grade math benchmark assessment. He scores satisfactory on his math assessment but struggles to move through the word problems. When Jessica reads those problems aloud, Mateo can solve the problems with accuracy across most opportunities. Next, Jessica asks Mateo to complete a writing prompt. She asks him to write about his favorite sport and Mateo excitedly begins this task. In Mateo's 3-minute write, he pens: "I lik football. You play with a ball it very fun. I lik to play football with my friends at schol. Its my favorit sport. The end." Mateo does not utilize the entire three minutes, and lets Jessica know he is done. Mateo's score indicates he has 19 correct word sequences and is writing at a second-grade level.

The school psychologist schedules to observe Mateo during his classroom reading instruction as well as during recess time. She plans to use the [Systemic Observation of Learning Form](#) to document each observation. Since the team is concerned that Mateo might have a specific learning disability in reading, at least one member of the evaluation planning team, other than the student's current teacher, who is trained in observation, must observe the student and the learning environment, including the general education setting to document academic performance and behavior in areas of difficulty. (Please see the [K-12 Evaluation Implementation Guide](#) for more information on Assessment Planning for Students Suspected of Having SLD).

The team compiles their data and the attendees at the evaluation planning team meeting are the general educators, Jessica and Alexis, Clay, the assistant principal and LEA representative, as well as the ML teacher, the school's special educator, the school psychologist, Mateo's parents, and an interpreter. Both the ML teacher and Jessica have been in touch with Mateo's parents, sharing their concerns as well as the strengths and sociability Mateo has brought to their room. Jessica and Alexis share the data they have collected with the entire team, and Clay asks the family if they would like to proceed with the assessment process. The family agrees and at the meeting, the family signs [Consent for A Special Education Evaluation](#) (form 3a), and Clay gives them a copy of the [Prior Written Notice for Special Education Evaluation](#) (form 3) and the [Special Education Evaluation Plan](#) (form 2). These documents indicate the decisions the team has made regarding the types of assessments being used, the disability category the team is considering, and the basic skills that the team will be evaluating.

The team decides they will be doing a full battery of achievement testing. Based on the data shared at the EPT, they are mainly considering the areas of reading fluency, written expression, and math problem-solving. The rule changes require LEAs to use either a model based on whether a student responds to scientific, research-based intervention or one based on other alternative research-based procedures to determine if a student has a Specific Learning Disability. Agency Elementary uses a Response to Intervention (RTI) model and will continue to collect data on Mateo's success with the interventions being used during the assessment process of the evaluation.

### **Key Questions for LEAs:**

- Are staff trained in special education processes? What is the system for submitting an initial referral? How does special education differ from the overall system of supports?



- What is your district's process for meaningfully engaging families in the supports being offered?
- How is data being shared and utilized amongst teachers to make individual educational decisions?

## Eligibility Determination

The team meets to review the assessment results and determine eligibility six weeks after the EPT. The team fills out several forms to guide their thinking for math, reading, and written expression. They utilize the following forms: [Mathematics Worksheet](#), [Reading Worksheet](#), and [Written Expression Worksheet](#). At this meeting, the team determines that when Mateo is provided with learning experiences that are age-appropriate, he does not achieve adequately in the areas of reading fluency and written expression. This impacts his math performance as well, but that is ultimately because Mateo is struggling to get the words off the page. When the evaluators read the math problems aloud, Mateo shows mastery of grade level concepts. Despite the interventions that his team has implemented, as well as the ongoing collaboration between Mateo's ML teacher and classroom teachers, Mateo is not making sufficient progress. The ML teacher's testing indicates that Mateo is below grade level reading in his native language as well. The team determines that this often erupts into off task behavior because Mateo is not accessing the content and grows frustrated. The observer noted this during the observation of Mateo in class. On the day Mateo was being observed, the class was working in small groups to pull the main idea out of a text. Mateo had a simplified text with visuals, and it was evident he relied on only the visuals to interpret the text. When he was not able to identify the main idea, he avoided the task and asked to go to the nurse. He was out of the classroom for fifteen minutes.

The team shares additional achievement testing results and concludes that the findings are not a result of any additional factors, and that Mateo has a specific learning disability. They conclude that Mateo needs specially designed instruction to help close the gap in his reading and writing skills, and that the support Mateo needs cannot solely be provided through the school's educational support system. The evaluation team recommends 1:1 reading supports with the special education teacher who specializes in reading instruction. They discuss the possibility of in class supports to help Mateo generalize his skills across content areas. They determine that Mateo will continue to work with the reading interventionist and his small group in the classroom.

The team shares the final [Special Education Evaluation Report](#) (form 2), and asks that Mateo's family sign in agreement. They schedule a meeting for two weeks later to develop Mateo's Individualized Educational Program (IEP). At the IEP meeting, the team works together to identify the supports Mateo needs to be successful. They work together to establish services, goals, accommodations, and modifications that directly address Mateo's needs. They identify the necessary specially designed instruction and decide to reconvene in two months to check in

on Mateo's progress. After the team agrees to the IEP, the family is asked to sign [Consent for Initial Provision of Special Education Services](#) (form 6).

A draft of the IEP is sent home with the family for review and the IEP is set to be implemented for Mateo in ten days. Also, the team sends Mateo's family home with a form 12 to gather additional parent feedback. If the feedback is received within ten days, the IEP will be reopened to add additional parent feedback. A follow up meeting might be scheduled if the feedback form indicates that the parents would like to discuss changes being made to the student's program.

When completing an IEP for students who are Multilingual, it is crucial that teams draft a culturally responsive IEP that addresses how the language and disability needs impact a student's access to a free appropriate public education (FAPE). While IDEA does not specifically tell teams how to embed this information into an IEP, teams must inform a parent of a multilingual student with an IEP how the language instruction education program meets the objectives of the child's IEP. This is done on an individual basis at the discretion of all the IEP team members.

#### **Key Questions for LEAs:**

- Are there layered systems of support that ensure that multilingual student can receive special education services and ML services?
- What supports are in place to ensure that IEPs are culturally responsive?
- What methods are employed to ensure that parents of multilingual learners are consistently involved in the special education process?