

Special Education Rule Changes Case Study Series - Wesley

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

Wesley has been a student at Agency Supervisory Union for all his schooling. During Wesley's summer break, he is involved in an accident at the pool that causes a head injury. He is diagnosed by doctors with a traumatic brain injury (TBI). Prior to Wesley's accident, teachers described Wesley as a happy, athletic, and active student who always put his best effort in. After his accident, Wesley's family notices some changes in Wesley's behavior. He is easily irritated and has a hard time holding attention. Over the summer, these changes continue to manifest, and Wesley's parents make sure the school knows of his accident and the complications that have surfaced since. When the parents reach out to the school, the principal offers to convene a section 504 to discuss the possibility of Wesley needing a plan in place. However, Wesley's parents want to see how Wesley does and the team agrees to monitor his progress and meet as needed.

In the fall, Wesley returns to school to begin eighth grade at Agency Middle School. Many of Wesley's teachers have known him from years prior and they immediately notice how deeply he is struggling. While he is still showing understanding of academic content, his ability to access the work is impacted by the irritability and attention challenges resulting from the TBI. Wesley is having outbursts, a behavior he has not displayed at school before, and is often accessing the school's Chill Zone to take breaks. However, during those breaks, he is unproductive and refuses to return to his work. He struggles to keep his work organized and is behind in all his classes.

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Wesley's teachers implement several supports during his academic classes immediately to increase Wesley's success. For larger assignments, Wesley's teachers offer him task checklists that break down the assignment into concrete tasks. They create a system for his access to the Chill Zone and his teachers begin to check in with Wesley more regularly about his work. His teachers also begin to document any supports they are implementing and the effectiveness of those supports to measure Wesley's success over time. Additionally, as these patterns increase in frequency, Wesley's homeroom teacher, Eliza, takes the lead and connects with Wesley's parents, Joe and Lisa. Wesley's parents detail the struggles they are having at home and Eliza shares many community resources with the family. Eliza also shares some additional supports the team would like to build in to better support Wesley.

Key Questions for LEAs:

- What layers of supports can students access within your school that addresses a student's functional needs?
- In what ways could Wesley's functional needs potentially be impacting his accessibility to general education?
- How is data shared and accessed by teachers when making decisions about student need?

System of Supports

Eliza shares with Joe and Lisa the classroom supports that teachers are providing and proposes that Wesley have scheduled breaks throughout his classes after completing a certain duration of work. Wesley's team of teachers work together to identify different times that he can have a scheduled break during each of their individual blocks. During this conversation, Wesley's parents indicate that keeping up with schoolwork has been a struggle at home due to his exhaustion by the end of the day. The team decides to adjust Wesley's schedule slightly so that he can join a bi-weekly study group to get support with his homework. This switch also allows Wesley to be in some classes that have paraeducator support. The paraeducator supporting these classes circles the room to check in with all students. They hope that this will help his executive functioning skills during mentally taxing classes and provide an additional adult who can check in with Wesley when he is working in the Chill Zone. Eliza meets with Wesley to discuss this plan, and Wesley seems drawn to the structure. Wesley's team, along with his parents, agree to try this out for several weeks and connect next month to discuss his progress.

Wesley initially settles into these new supports well, but after two weeks of utilizing the Chill Zone, the sign in sheet for the room indicates that Wesley is accessing it more excessively than planned. His teachers report he is missing more classroom instruction and that his behavior is still somewhat unpredictable during class time. The special educator, Dave, who leads the study group reports that Wesley sometimes needs very specialized attention during that time. Dave has developed an excellent rapport with Wesley, but the group sometimes has up to ten other students and Dave has observed increased distractibility with Wesley. Wesley's math

teacher reports that during his math class, the paraeducator support is working fantastically and Wesley is very responsive to the frequent check ins that this support offers.

Eliza and Wesley's team of teachers keep Joe and Lisa abreast of Wesley's progress as they collect data and monitors his academics. While the supports are positive, the team is noticing that the data continues to indicate that he is missing a lot of classroom instruction and is not progressing with the general education curriculum as expected. His team of teachers reports that he still seems overwhelmed and unable to really be present during class time. They sense his frustration and are concerned about his access. The team meets again, this time with the Education Support Team (EST), along with Wesley's parents, Joe and Lisa, to discuss additional parameters that can be taken to support Wesley.

Eliza, Wesley's homeroom teacher, is also a special educator for his grade level team and a member of the school-based EST. Eliza reaches out to Wesley's parents and schedules for them to come to an EST along with a couple of Wesley's team teachers. Wesley's parents meet with the team, and the team discusses Wesley's access to his grade level guidance counselor throughout the day. The team decides that the Chill Zone has not helped with Wesley's growth in the way they had anticipated. They believe a more structured time with the counselor might be more impactful. They reschedule his break times and set them up as ten-minute check ins with counselor so his executive functioning needs can be addressed in a smaller group setting. They identify the Chill Zone as an additional place to visit when there are not a lot of students, and he can access smaller group supports. He can also access the Chill Zone in a breakout space where he can work with minimal distractions.

In addition, Wesley will join a smaller study skills group that meets during homeroom time to support his attention and work completion. The team agrees to monitor his progress by tracking his work completion and time out of class for breaks. His team of teachers share some of the supports they have built in for Wesley – checklists to support task completion, weekly binder checks, and color-coded cards that Wesley can put out to let teachers know if he is struggling. The teachers report that these interventions have been effective, and they will continue to develop ways to support Wesley in the general education setting. The teaching team will continue to collect data and if the team agrees that there has been no improvement after four weeks, a special education referral will be pursued. If the team or the family feel that a special education referral should be made sooner, the team will schedule a sooner meeting. The team schedules a follow-up meeting to take place in four weeks at parent-teacher conferences.

When the team meets for parent-teacher conferences, it is evident that Wesley's entire team of teachers are continuing to grow concerned, and this is communicated to Joe and Lisa, Wesley's parents. The team reports that all the supports that have been implemented continue to be in place and are beneficial in supporting Wesley. However, the data collected since the fall indicates that his academic and functional skills are adversely impacted. His teachers report that his grades appear to be slipping and he does not seem confident. Wesley's parents agree and ask Wesley's team of teachers schedule a meeting with the Educational Support Team (EST) to discuss additional supports the school can build in for Wesley.

Key Questions for LEAs:

- What methods of data collection does Wesley's team employ to support their ongoing decision making?
- When teams decide that supports need to be adjusted, what systems are in place at individual schools to ensure timely responses?
- Who is responsible for analyzing progress monitoring data for individual students to confirm that current supports are effective? Who is responsible for monitoring when supports may need to be adjusted?

Initial Referral

Shortly after parent teacher conferences, the team reconvenes. Throughout the entire year, Wesley's team of teachers have been formally tracking his work completion, disruptions in class, and amount of time that he is not accessing the general curriculum. They bring along work samples, observational data, and email communications that the team has had with the family. The team also shares academic data that indicates that despite the supports in place, Wesley's accessibility to the general education curriculum is not improving. They share his current grades and how his grades have changed since his TBI and his return to school. They share work samples that also illustrate the concerns the team shares. Wesley's parents report that they are not seeing improvement at home. Joe and Lisa indicate that his frustrations at school impact his self-confidence and his social life. Wesley used to have better confidence and was excited to be at school. Joe and Lisa now report that they struggle to get him to school and are growing very concerned about the data the team is sharing. Joe and Lisa share with the team that they would like the school to complete some additional testing and have Wesley evaluated for special education services.

Eliza explains the process to Joe and Lisa and documents their formal request for an evaluation. Agency Middle School maintains a spreadsheet where all referrals are documented and monitored to ensure that the school's response is timely and compliant. Wesley's team teachers support Joe and Lisa's request and along with the request for an evaluation, the team submits the data they have collected to the school's secondary special education coordinator. The coordinator processes all the referrals for the middle school and works with teams to schedule the initial meeting. On the request documentation, the team identifies times that they are all available to support the scheduling process for the coordinator. From there, the coordinator reaches out to all the team members to schedule an Evaluation Planning Team (EPT) meeting for all those involved in the process. The team explains on the referral that they are concerned about Wesley's functional skill development and believe he needs more specialized support to relearn some of the skills impacted by his TBI. They also detail the academic concerns that led to the referral.

The special education coordinator agrees to reconvene the team for a meeting to discuss a special education evaluation. The evaluation planning team meeting is scheduled ten days after the referral is received, and Eliza connects with Wesley's team teachers to obtain any additional

data that best illustrates Wesley's present levels in all content areas for academic and functional skills. Wesley's parents also prepare for this meeting and invite Wesley's doctor to join so they can discuss the academic and functional impacts that might occur resulting from Wesley's TBI.

Key Questions for LEAs:

- How are parents informed of the system for requesting an evaluation at an individual school? Is this documented at the district or school level?
- Who is responsible for scheduling special education meetings and ensuring that the proper paperwork is distributed?
- What supports are employed to be certain that parents understand special education processes? How are general educators, related service providers, and other applicable staff informed about the district's special education processes?

Eligibility Determination

When the team convenes, they have a comprehensive discussion about where Wesley was before and how he is doing after his accident. The team expresses that while he can do much of the academics presented to him, his irritability and attention struggles get in the way of his work completion and capacity to attend to lengthier assignments. The team agrees to proceed with an evaluation for special education, under the basic skill area of functional needs.

The school psychologist will distribute behavior rating surveys to Wesley's family and teachers to assess impairments related to Wesley's executive functioning. The team decides not to do additional testing directly with Wesley and will instead complete a record review of academic data. The special educator will observe Wesley during structured and unstructured tasks and the BCBA will complete a functional behavioral assessment. All EPT members agree to the plan, the family signs [Consent for A Special Education Evaluation](#) (form 3a), and the special education coordinator 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.

When the team meets again, the results of the assessment process are shared. The special education teacher details the observations that were conducted, and the level of support Wesley needs to manage classroom tasks. She explained that the task analysis and color-coded cards were crucial, but Wesley is not always able to generalize these skills across environments. The results from the executive functioning rating scales indicated significant concerns around the areas of switching or alternating attention, initiating tasks, managing current and future oriented tasks, and holding information for the purpose of completing tasks. The team also shares academic data that further details the impacts Wesley's executive functioning has on his progress in the general education curriculum.

Wesley meets the criteria for a disability under IDEA. After Wesley's injury, he incurred a traumatic brain injury that was diagnosed by his doctor and evident to his family. Under IDEA,

a traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. This disability determination must occur with a licensed physician.

The team also determines that Wesley's condition adversely impacts his educational performance. To make this decision, the EPT consolidates all the assessment evidence they have collected that demonstrates that Wesley's disability has caused an adverse effect on his educational performance.

They begin by discussing results from the testing completed during the assessment process. Wesley's team summarizes their findings and reveal that his disability appears to have an impact on his working memory and overall executive functioning. They review observations of his family and team of teachers. Work samples, report cards, and school wide progress monitoring results are analyzed, and the team determines that Wesley's disability adversely impacts his access across content areas. Wesley's disability has impacted his attention and he is often spending significant amounts of time off task in the counselor's office of the Chill Zone. He completes minimal amounts of work at this time and the team agrees he needs specialized support to re-build his skills related to executive functioning. Prior to his injury, he was routinely meeting and exceeding expectations on all grade level academic and functional expectations. The team reviews the work they have done together to support Wesley since his return to school. Despite additional check-ins, opportunities to take breaks and work in quieter settings, and the classroom accommodations Wesley's teachers have built in to support him, Wesley's academic performance continues to be impacted.

The team considers academic and nonacademic aspects of Wesley's performance and use their expertise as they analyze a variety of data sources. The team discusses his grades and assignments, but they also share their concerns about his self-confidence and how his mental health was impacted by the accident. The entire team agrees that this concern was evident as soon as he returned to school. While continued access to his counselor has been helpful, the family decides to seek additional outside support from a therapist as he continues to heal from his accident. They document this impact in the report and the team reviews all the supports they have put in place thus far.

They note that despite the interventions and successes they have seen, the educational deficits Wesley experiences have continued to persist. The team is in agreement that the deficits will continue to be present without specially designed instruction to support Wesley's progress and access. During the final components of this discussion, the team revisits Wesley's educational history and determines that the adverse effect on Wesley's educational performance is not due to a lack of instruction. The team notes that he is still accessing much of his grade level content and agree that the needs associated with his functional skills and access to academics are related to the impact of his disability. Finally, the team decides that Wesley has an adverse effect in the basic skill area of functional skills. For more information on adverse effect when determining eligibility, please visit section 6.4 of the [K-12 Special Education Evaluation Implementation Guide](#).

After reviewing this comprehensive data, the team comes to the last part of their discussion – does Wesley need specially designed instruction to be involved in and make progress in the general education curriculum. The team discussed all the supports Wesley has received thus far. These current supports include classroom accommodations, access to the Chill Zone, study group support, and additional building wide supports across environments. The team considers EST and 504 plans but ultimately all members agree that Wesley needs support outside of what he is already receiving and what is offered to all students. The team shares the final [Special Education Evaluation Report](#) (form 2) with Wesley’s family, and ask that Joe and Lisa sign in agreement. They schedule a meeting for the following week to write an individualized educational program (IEP) to be implemented for Wesley.

The team decides that Wesley needs 1:1 support with a special educator to support his working memory and overall executive functioning in the classroom. He will continue to be in some classes that are supported by a paraeducator. Other supports are discussed by the team and a draft IEP is generated by the team. The team offers Wesley’s parents additional time to review the IEP and complete a form 12. Joe and Lisa review the draft at the meeting and ask that the IEP be finalized and implemented right away. They communicate that they do not have additional feedback to share and are happy with the process. Eliza documents this in the IEP and finalizes the plan. The family is asked to sign [Consent for Initial Provision of Special Education Services](#) (form 6).

Key Questions for LEAs:

- What assessments are used to analyze student’s executive functioning skills and the impact it can have on academics?
- What professional development is offered related to executive functioning skills in the general education classroom? What could be offered to support this learning?
- Who ensures that parent feedback is documented and that parents are engaged in ongoing collaboration regarding their child’s program?