

Chapter 7



Special Education Policy and Procedures for Social Work Services in Schools

This chapter looks at:

- IDEA
- Due process
- SSW as a related service on an IEP
- Section 504 of the Rehabilitation Act
- MDE Resources

Chapter 7: Special Education Policy and Procedures for Social Work Services in Schools

Objective

To describe the special education mandates that guide the provision of social work services to children and youth with disabilities.

To appropriately provide special education services within educational settings, it is critical to understand laws (both federal and state) and regulations that guide the provision of social work services for children and youth with disabilities. It is important that social work services in schools meet the established regulations (both federal and state) as well as meet the professional standards of practice as stated in Chapter II School Social Work Practice in this manual.

This manual references federal and state regulations that were current at the time of publication. Therefore, information shall not reflect changes to state and federal regulations or further interpretations which occur after this manual's publication date.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) (34 C.F.R. Parts 300, 301, and 304) is the nation's special education law. First enacted in 1975, IDEA ensures that all children with disabilities have available to them a free appropriate public education (FAPE) in the least restrictive environment (LRE) that emphasizes special education and related services designed to meet their unique needs. IDEA requires states to provide an education for children with disabilities if they provide an education for children without disabilities. The statute also contains detailed due process provisions to ensure the provision of FAPE.

What is Special Education?

Special education is specially designed instruction intended to meet the unique needs of children who have disabilities, provided at no cost to parents/guardians. Special education may include special instruction in the classroom, at home, in hospitals or institutions or in other settings. Specially designed instruction meets the child's unique needs (that result from having a disability) and to help the child learn the information and skills that other children are learning. Statute requires that there be a link between the needs of the child and the services provided and that there be an education-related outcome. School personnel must show the linkage between the planned instruction or intervention and the educational outcome and provide evidence of direct or indirect benefit.

Who is Eligible for Special Education?

According to the IDEA, the disability must affect the child's educational performance. Then the question of eligibility comes down to a question of whether the child has a disability that fits in one of the disability categories and whether that disability affects how the child does in school. The disability must cause the child to need special education and related services.

What is Specially Designed Instruction?

Specially designed instruction means adapting, as appropriate, the content, methodology,

or delivery of instruction to address the unique needs of the child that result from the child's disability. Specially designed instruction ensures the child's access to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children (34 C.F.R. § 300.39(b)(3)).

What are Related Services?

The term related services means the developmental, corrective and other supportive services required to assist a child with a disability to benefit from special education and receive FAPE. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist the child with a disability to benefit from special education in order for the child to receive FAPE. Therefore, if it is determined through the evaluation and IEP requirements that the child with a disability requires a particular supportive service in order to receive FAPE, regardless of whether that service is included in these regulations, that service can be considered a related service under IDEA and must be provided at no cost to the parents [34 C.F.R. § 300.24 and discussion on page 12548 (IDEA 1997)]. Related services include:

- transportation
- speech-language pathology and audiology services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in children
- Mental Health services, including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes

The term also includes school health services, social work services in schools, and parent counseling and training [34 C.F.R. § 300.34(a)].

How Does IDEA Define Social Work Services in Schools?

Issues or problems at home or in the community can adversely affect a student's performance at school, as can a student's attitudes or behaviors in school. Social work services in schools may become necessary in order to help a student benefit from his or her educational program.

Social work services in schools includes:

- (i) Preparing a social or developmental history on a child with a disability;
- (ii) Group and individual counseling with the child and family;
- (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school and community) that affect the child's adjustment in school;
- (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (v) Assisting in developing positive behavioral intervention strategies [34 C.F.R. § 300.34(c) 14].

Due Process Procedures

The role of the school social worker can be an essential component in the special education due process from identification to transition planning. IDEA describes due process as the safeguards

and rights designed to assure children's educational interests are protected and parents are afforded rights.

Identification

Identification means the continuous and systematic effort by the district to identify, locate, and screen students, birth through age 21 or 22 depending on birthdate in need of special education services. Identification encompasses the district's public awareness efforts within the community; efforts to identify children in private schools; and comprehensive child find efforts that include programs to identify homeless and migratory children and children who may need special education even though they are advancing from grade to grade.

Multi-Tiered Systems of Support (MTSS)- Previously Known as Response to Intervention (RTI)

An MTSS model is a collaborative general and special education process which provides increasingly intensive interventions in a three-tier system to students who are not achieving to expectations in general education. School social workers are involved in all tiers of MTSS. School social workers have the skills and training to work with whole school interventions, as well as, small group/individual more intensive interventions.

MTSS is a school-wide process designed to identify skill-specific deficits and to provide a system of ever intensifying interventions for students. The goals of this system are to:

- improve the achievement level of students who are not making sufficient progress in the general education curriculum;
- include a progress monitoring system; and,
- check on the fidelity of implementation of the program.

Prereferral Intervention

Before a pupil is referred for a special education assessment, the district must conduct and document at least two instructional strategies, alternatives, or interventions while the pupil is in the regular classroom. The pupil's teacher must provide the documentation. A special education assessment team may waive this requirement when they determine the pupil's need for the assessment is urgent. This section may not be used to deny a pupil's right to a special education assessment [Minn. Stat. § 125A.56(a)].

Referral

Referral is a formal, ongoing process for receiving and responding to requests when a student shows signs of potentially needing special education and related services. The referral process includes a review of screening and other information on referred students and the team decision about whether to conduct a formal special education evaluation.

Evaluation or Reevaluation

Evaluation or reevaluation is the process of utilizing formal and informal procedures to determine specific areas of a child's or student's strengths, needs and eligibility for special education services. Each district must conduct a full and individual evaluation of a child or student for the purposes of special education that meets all state and federal requirements. Such an evaluation includes, but is not limited to: providing the parent(s) with prior written notice of each proposed evaluation; ensuring tests or evaluation tools are administered by trained and

knowledgeable personnel; assessing the child or student in all areas related to the suspected disability; presenting all evaluation results to the parent(s) in writing within state and federal timelines; determining whether the child or student meets state eligibility criteria; and, in evaluating each child with a disability, ensuring the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Functional Behavioral Assessment (FBA)

Functional behavioral assessment or "FBA" means a process for gathering information to maximize the efficiency of behavioral supports. An FBA includes a description of problem behaviors and the identification of events, times and situations that predict the occurrence and nonoccurrence of the behavior. The FBA identifies antecedents, consequences and reinforcers that maintain the behavior, possible functions of the behavior and positive alternative behaviors.

An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns (Minn. Rule 3525.0210, subp. 22).

Eligibility

Children with disabilities are eligible for special education and related services. According to IDEA, a "child with a disability" is a child that has been evaluated and meets criteria in one of the following disability categories:

- autism spectrum disorder
- deaf-blind
- emotional or behavioral disorder
- deaf and hard of hearing
- developmental cognitive disability
- other health disabilities
- physical impaired
- severely multiply impaired
- specific learning disability
- speech or language impaired
- visually impaired
- traumatic brain injury
- developmental delay (Birth to age 7)

[34 C.F.R. § 300.8(a)(1)(i) and Minn. Rule 3525.1325-1350 for state criteria for each disability area and; 34 C.F.R. §§ 300.304-300.324 for federal procedures for evaluation and reevaluation].

Criteria Checklists can be found :

(<http://education.state.mn.us/MDE/SchSup/ComplAssist/Monitoring/Checklists/index.html>)

IEP/IFSP/IIIP

Individualized education program (IEP) planning and individualized family service plan (IFSP) planning are the processes of determining a child's or student's educational needs based on assessment data and then completing a written statement, such as an IEP or IFSP, that is developed, reviewed and revised by a team of individuals. The team must consist of the required individuals as specified in state and federal law.

Each IEP or IFSP describes the educational program designed by the team to meet the child's or student's unique needs and must contain specific information about the child or student, as required by state and federal law. The district has a responsibility to ensure an IEP or IFSP is in effect for each eligible child or student and that it is implemented as soon as possible after the team meeting. The IEP and IFSP must be reviewed at least annually to determine whether the annual goals for the child or student are being achieved.

The district must also provide special education and related services to an eligible child or student in accordance with the IEP or IFSP and make a good faith effort to assist the child or student to achieve the goals and objectives listed in the IEP or IFSP.

Individual Interagency Intervention Plan (IIIP)

Individual interagency intervention plan (IIIP) means a standardized written plan describing those programs or services and the accompanying funding sources available to eligible children with disabilities [Minn. Stat. § 125A.023, subd. 3(c)].

A standardized written plan means those individual services or programs available through the interagency intervention service system to an eligible child other than the services or programs described in the child's individual education plan or the child's individual family service plan [Minn. Stat. § 125A.023, subd. 3(f)].

Goals and Objectives

The individualized special education program plan for each child with a disability must include a statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability [34 C.F.R. § 300.320(a)(2) and Minn. Rule 3525.2810, subp.1A(2)].

Adaptations and Accommodations

The IEP must also include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable to be provided to the child or on behalf of the child. The IEP must also include a statement of the program modification or support for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals. Adaptations and accommodations should enable the child to be involved and make progress in the general curriculum, to participate in extracurricular and other nonacademic activities and to be educated and participate with other children with disabilities and nondisabled children [34 C.F.R. § 300.320(4)]. The term supplementary aids and services means aids, services and other supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with LRE and placement regulations (34 C.F.R. § 300.42). Aids means equipment, devices and materials, and curriculum adaptations, which enable a child to achieve satisfactorily in the general classroom (Minn. Rule 3525.0210, subp. 3).

Indirect Services for a Pupil With a Disability in the General Education Classrooms or

Settings

“Indirect services” means special education services which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a teacher or related services professional to another regular education teacher, special education teacher, related services professional, paraprofessional, support staff, parents, and public and non-public agencies to the extent that the services are written in the pupil’s IEP or IFSP (Minn. Rule 3525.0210, subp. 27).

Direct Services for a Pupil With a Disability in the Special or General Education Classrooms or Settings

“Direct services” means special education services provided by a teacher or a related service professional when the services are related to instruction, including cooperative teaching (Minn. Rule 3525.0210, subp. 14).

Service Coordination

The district shall assign a teacher or licensed related service staff who is a member of the child’s IEP team as the child’s IEP manager to coordinate the instruction and related services for the child. The IEP manager’s responsibility shall be to coordinate the delivery of special education services in the child’s IEP and to serve as the primary contact for the parent.

A district may assign the following responsibilities to the child’s IEP manager: assuring compliance with procedural requirements; communicating and coordinating among home, school and other agencies; coordinating general and special education programs; facilitating placement; and, scheduling team meetings (Minn. Rule 3525.0550).

School Social Work Services for students With Disabilities

The purpose of this section is to provide guidance to the school social worker when participating as part of the team that delivers special education and related services to children with disabilities. School social workers who work with children and youth with disabilities must know and understand special education laws and regulations in order to provide effective social work services to children with disabilities and their families.

The Individuals with Disabilities Education Improvement Act (IDEA 2004) states that social work services in schools include:

- (i) Preparing a social or developmental history on a child with a disability; (ii) Group and individual counseling with the child and family;
- (iii) Working in partnership with parents and others on those problems in a child’s living situation (home, school, and community) that affect the child’s adjustment in school;
- (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (v) Assisting in developing positive behavioral intervention strategies (34 C.F.R. § 300.34(c) 14).

There are three essential social work functions evident in this definition: evaluation and assessment; individualized program planning and intervention; and, service coordination and case management.

Evaluation and Assessment

A comprehensive educational evaluation is a process that is designed to provide decision-makers with the information they need to determine:

a) if the student has a disability and needs special education and related services, and, if so, b) an appropriate educational program for the student.

The evaluation process involves gathering assessment data that is relevant to the child's functioning and development from multiple sources and in all areas of suspected disability.

The evaluation is the foundation upon which appropriate special education programming can be designed. It also identifies the related services a student will need in order to benefit from the specialized instruction provided by special education. The assessment data helps determine the instructional strategies that are most effective and provides baseline information upon which future progress is measured.

The School Social Work Role in Evaluation and Assessment

Social Developmental History

IDEA describes the social developmental history as a core function for a school social worker in the evaluation process for a child with a disability. School social workers conduct a developmental and social history with the child and family to gather information needed to determine whether the child is eligible for special education services.

(Chapter V: Student Evaluation and Assessment Procedures in this guide provides an overview of the assessment and evaluation processes used by school social workers. p. 37)

Family Engagement

School social work assessment that includes a social history interview with the family produces significantly more data about a child's strengths and special needs from the family perspective. School social workers are professionally trained to engage with families in problem-solving. The school social worker often acts as the liaison between the school and family. The school social worker supports and empowers families to ensure that family information is included in the decision-making process.

Functional Behavior Assessment

Research has demonstrated the effectiveness of special education program planning when data from a functional behavioral assessment is used. NASW's Standards for Social Work Services promote the use of a functional approach to assessment from an ecological perspective. School social workers use a functional approach to analyzing a child's behavior as a strategy for understanding and determining student needs.

(Chapter II: School Social Work Practice in this guide provides a link to the NASW Standards for Social Work Services; page 18) (Chapter V: Student Evaluation and Assessment Procedures in this guide provides an overview of the FBA procedures used by school social workers; page 40)

Individualized Program Planning and Intervention

The IEP is a written statement of the child's present levels of academic achievement, functional performance and developmental level. The IEP team determines how the child's disability

affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) [34 C.F.R. § 300.320(a)(1)].

Part of developing the IEP includes specifying "the special education and related services and supplementary aids and services... to be provided to the child or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child." [34 § C.F.R. 300.320(a)(4)].

Based on the evaluation results, the IEP team discusses, decides upon and specifies the special education and related services that a child needs. Making decisions about how often a related service will be provided, where and by whom is also a function of the IEP team. The IEP team looks carefully at the evaluation results and decides which measurable goals, adaptations and accommodations are appropriate for the child.

Once the IEP team has determined which related services are required to assist the student to benefit from his or her special education, these services must be listed on the IEP. The IEP must also specify when the services will begin, the anticipated frequency, location and duration of the services and modifications [34 C.F.R. § 300.320(a)(7)].

Needed adaptations are written into a child's IEP. Adaptation refers to both accommodations and modifications needed to help a child benefit from specialized instruction. Adaptations vary depending upon the individual needs of the child and circumstances such as age, disability and setting. For a child with a disability, both accommodations and modifications must be available. The accommodations or modifications are chosen based on the evaluation data regarding the child's individual learning style and how the disability affects the child's school performance.

An accommodation allows the student to complete the same assignments or test as other children, but with changes in time, format, setting and/or presentation. The adjustment does not change the rigor of the work. The child's scores would be comparable to the rest of the students.

A modification is an adjustment to the assignment or test that changes the standard for a child. A modification alters what is expected of the student. The child may do part of the required assignment or use a text that is at the student's reading level. The IEP is a written commitment for the delivery of services to meet a student's educational needs.

The Role of the School Social Worker in Developing an IEP

School social workers provide many of the related and supportive services that are necessary to help a child with a disability benefit from their special education program. When the school social worker provides a direct or indirect service to the child, it is important that the social work services be tied directly to an IEP goal and need identified in the evaluation report (ER). Goals and objectives in a student's IEP focus on the skills and behaviors the student needs to learn in order to be involved and progress in the general curriculum. Goals are broad statements which describe what a student can reasonably be expected to accomplish within a twelve-month period of time in a special education program. The need for a related service is determined on a case-by-case basis.

IDEA specifically assigned these duties to school social workers:

- Group and individual counseling with the child and family;
- Working in partnership with parents and others on those problems in a child's living situation (home, school and community) that affect the child's adjustment in school;
- Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and,
- Assisting in developing positive behavioral intervention strategies [34 C.F.R. § 300.34(c)14].

School Social Work Services on the IEP

School social workers provide direct services to a child with a disability if it is determined to be a necessary service related to the students' disability and needed for the child to make progress on the IEP. Direct services are tied directly to an IEP goal and are measurable in order to determine student progress toward achieving the goal. Counseling services and positive behavior interventions and supports are examples of direct services that school social workers provide to students in the educational setting. Social work services in schools should be reflected on the services grid on the IEP document.

Counseling Services are services provided by a qualified social worker, psychologist, guidance counselor or other qualified personnel (34 C.F.R. § 300.34).

(Chapter VI: School Social Work Services in this guide defines and provides resources for counseling services; page 59)

Positive Behavior Interventions and Supports (PBIS)

The IEP team shall, in the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior [34 C.F.R § 300.346(a)(2)(i) and Minn. Rule 3525.2810, subp. 2B(1)].

(Chapter VI: School Social Work Services in this guide defines and provides resources for PBIS; page 80)

Adaptations

The indirect school social work services provided to a child with a disability can be listed as part of the Adaptations in General and Special Education section of the IEP. Listed are a few examples of adaptations commonly listed on a student's IEP.

Social work services such as:

- Crisis Intervention;
- Family Support Services (see parent counseling and training below); and,
- Brief, solution-focused intervention (social problem-solving, anxiety reduction support, etc).

Parent counseling and training means assisting parents in understanding the special needs of their child:

- Providing parents with information about child development; and

- Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

Parent counseling and training is an important related service that can help parents enhance their ability to support and understand their child with a disability.

Service Coordination and Case Management

The process of finding and accessing appropriate and available services in the community for a child and family with needs is a specialty of the school social worker.

IDEA states that "the district shall assign a teacher or licensed related service staff who is a member of the pupil's IEP team as the pupil's IEP manager to coordinate the instruction and related services for the pupil. The IEP manager's responsibility shall be to coordinate the delivery of special education services in the pupil's IEP and to serve as the primary contact for the parent. A district may assign the following responsibilities to the pupil's IEP manager: assuring compliance with procedural requirements; communicating and coordinating among home, school and other agencies; coordinating regular and special education programs; facilitating placement; and scheduling team meetings (Minn. Rule 3525.0550)."

The School Social Work Role as a Service Coordinator and Case Manager

School social workers are professionally trained to identify, mobilize and coordinate community resources and services to help a child and family receive the services that are needed to help a child and his or her family.

Service Coordination and case management are similar functions:

- Assisting and educating individuals and families in identifying available services and making informed decisions about the services they want and need;
- Coordinating services across multiple programs, agencies, case managers and assessments;
- Supporting the overall system in meeting the needs of the child and family; and,
- Assuring that the families have information regarding services, advocacy and rights.

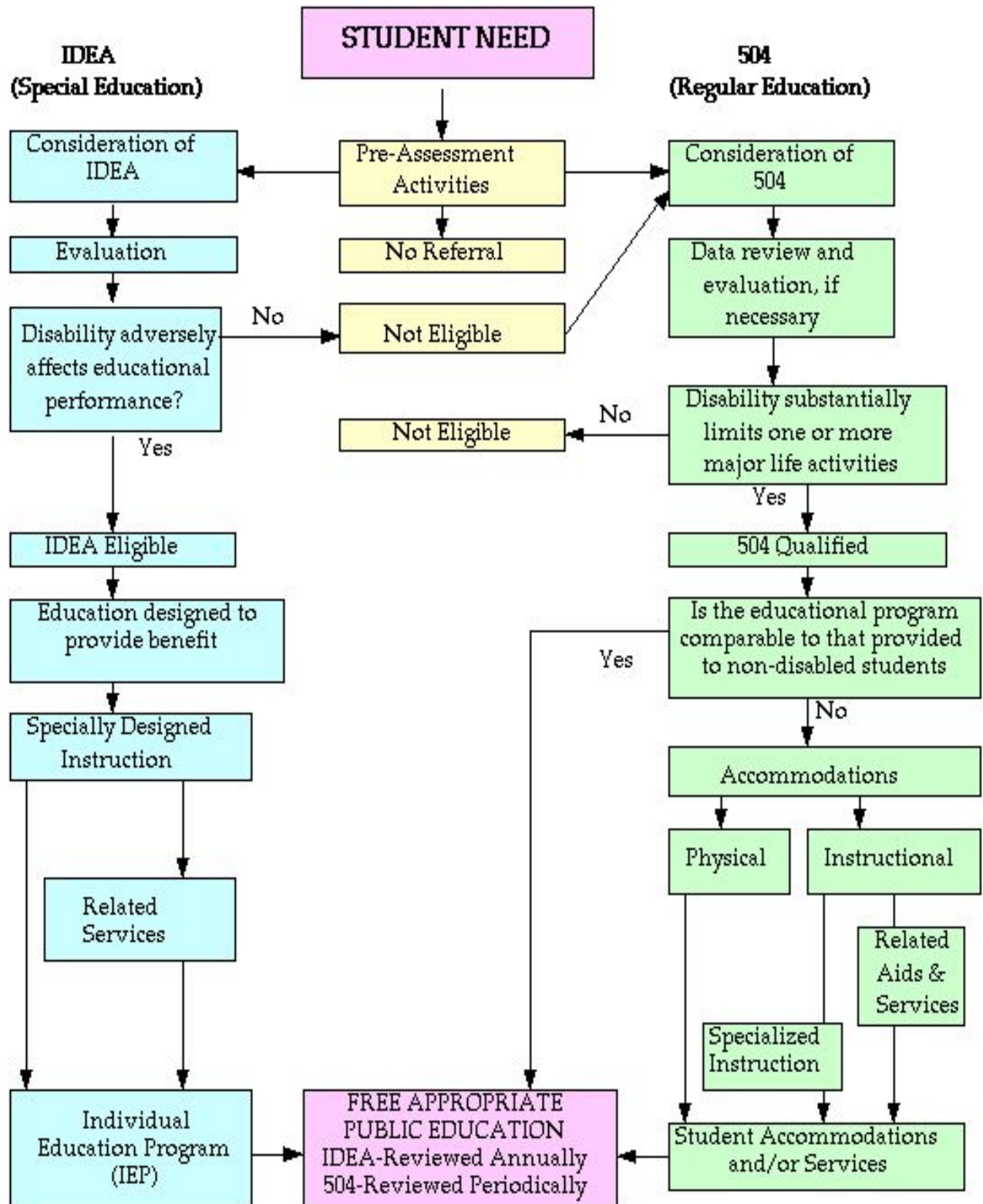
School social workers are trained in a strengths-based ecological model to help children and families reduce the barriers that are causing problems in their lives. The primary goal of service coordination is to make services more effective for the child and family (MNSIC Fall Newsletter, 2001).

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act is a federal civil rights statute that assures individuals that they will not be discriminated against based upon their disability. Any learner with a disability is protected, whether or not they receive special education services. Because all school districts receive federal funding, they are responsible for implementation of this law.

Section 504 Manual "Meeting the Needs of Learners" is available at:
<http://www.education.state.mn.us/MDE/StuSuc/StuRight/Sect504/>

IDEA/504 FLOW CHART



Minnesota Department of Education (MDE) Resources

Due Process Forms

Due process forms are used to help school districts stay in conformance with federal and state laws and regulations by providing forms that reflect all of these requirements. The recommended special education due process forms include: information on parents' and students' rights and due process options, as well as documents a district may choose to use to communicate with the parent, track a student's progress and create and maintain Individualized Education Programs. Forms in different languages are also available
<http://education.state.mn.us/MDE/SchSup/ComplAssist/Forms/>

Discipline

The Pupil Fair Dismissal Act sets out the procedures for districts to follow when suspending or expelling/excluding students from school
<http://education.state.mn.us/MDE/StuSuc/StuRight/StuDisc/StuFairDisAct/index.html>

Cultural and Linguistic Diversity

MDE has developed several resources to assist parents and special educators in working with students who are culturally, linguistically and/or racially diverse and who may be in need of special education services:

- Reducing Bias in Special Education Assessment for American Indian and African American Students
<http://education.state.mn.us/MDE/SchSup/SpecEdComp/DispropRes/>
- The ELL Companion to Reducing Bias in Special Education Evaluation
<http://education.state.mn.us/MDE/SchSup/SpecEdComp/EngLearnDisabiRes/index.html>

Statewide Assessment for Students with Disabilities

To comply with the federal requirements of the Individuals with Disabilities Education Act '04 and the No Child Left Behind Act, all Minnesota students, including students with disabilities, must participate in statewide assessments: Minnesota Comprehensive Assessments (MCA-II) and/or the Minnesota Comprehensive Assessments- Modified.

Determinations about how an individual student with a disability will participate in statewide testing must be made by the Individual Education Program (IEP) team. The determinations will vary by student and may include a combination of the two tests. For example, a student may take the Minnesota Comprehensive Assessment (MCA-II) in math – with or without accommodations – but take the MCA- Modified in reading.

Directions and report forms for the Minnesota Alternate Assessments and guides, by subject and grade level (including individual decision making process) to assist IEP teams in determining the most appropriate assessment for each student including the MTAS Eligibility Requirements <http://education.state.mn.us/MDE/SchSup/TestAdmin/MNTests/index.html>

Secondary Transition

Access information to enhance, develop and support effective secondary transition programs and services for youths with disabilities ages 14-21. For current Minnesota rule language regarding secondary evaluation, planning and services, see Minnesota Rule 3525.2900.

Third Party Reimbursement

Minnesota Department of Education offers parents and educators information, forms, tools and data about accessing third party revenue for Individual Education Program health-related services and the Health Insurance Portability and Accountability Act (HIPAA) as it relates to schools. The Minnesota Legislature has mandated that all schools in Minnesota must seek payments from “third parties” when the cost of services given by the district are covered by a student’s public or private health plan. A key resource for school administrators about these changes can be found on

<http://education.state.mn.us/MDE/SchSup/SchFin/SpecEd/StateFund/index.html>

References

National Dissemination Center for Children with Disabilities. (1999, September). *Questions Often Asked by Parents About Special Education Services Briefing Paper*. www.nichcy.org