



MAINE DEPARTMENT
OF EDUCATION

Special Education Law for General Education Teachers

Presented by: The OSSIE Monitoring and Support Team



Meet The Team



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- Brief History of Special Education
- The Basics
- IEP team and meetings
- Accommodations and Modifications
- Implementing the IEP
- Discipline
- Open Q & A

Brief History of Special Education



Before 1900 and beyond

- People with disabilities were placed in “lunatic asylums” or hidden from public view. Some clinical terms that were used:
 - “idiot”
 - “feebleminded”
 - “mentally retarded”

1900-1950

- States began to pass laws making education compulsory.
- Students with disabilities were placed in isolated classrooms away from their peers and often not educated at all.



George Edward Shuttleworth collection

Callie



- Born in Connecticut in 1955
- Down Syndrome
- Recommendation to institutionalize
- Projected twenty-year life span



- Trainable or Educable?
- Residential Training School

["Southbury" - a 60 Minutes segment](#)

The Institution

1908 – Maine School for the Feeble Minded

1925 – Pownal State School

1957 – Pineland Hospital and Training Center

1973 – Pineland Center

1980 – Pineland: A Comprehensive Center for the Developmentally Disabled

Maine - Pineland

<https://shadowsofpineland.org/>



- 1971 Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania
 - PARC sued Pennsylvania for failing to provide an education for students with intellectual disabilities.
 - [The court found](#) in favor of PARC, stating that the more desirable place to educate students with disabilities is with their non-disabled peers rather than in segregated classrooms or schools.
- 1975 The Education for All Handicapped Children Act was passed
 - Required all public schools to educate students with disabilities.

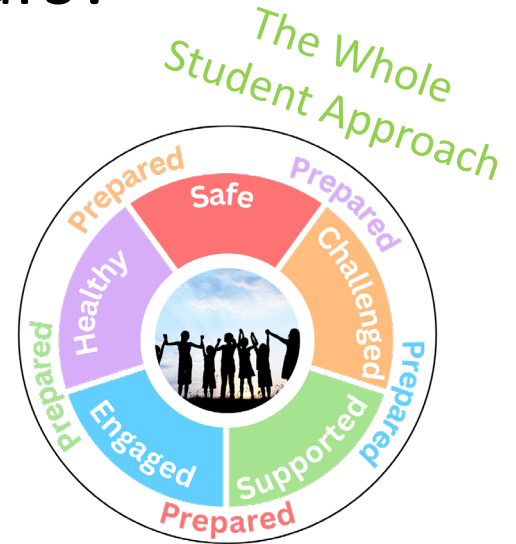
- 1990 The Education for All Handicapped Children Act was changed to the Individuals with Disabilities Education Act ([IDEA](#))
 - US Department of Education periodically issues [revised regulations](#) to address implementation of the IDEA.
- 2004 IDEA was last reauthorized
- 2017 [Andrew F. v Douglas County School District](#)
 - The US Supreme Court ruled that:
 - “...a school must offer an Individualized Education Plan (IEP) that is reasonable calculated to enable a child to make progress appropriate in light of the child’s circumstances.”
 - “...every child should have the chance to meet challenging objectives.”



How far have we come in the last 50 years?

**SPECIAL
EDUCATION
IS A SERVICE
NOT A PLACE.**

SCHOOLPOSTERS.COM



How far can we go?

Callie

- As an adult, Callie lived in a variety of group homes and had a variety of jobs.
- Due to a changing climate and the advocacy of her family, Callie was able to live in an apartment with a roommate and work a full-time job at Ames.



The Basics



U.S. Office of Special
Education Programs

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Acronyms

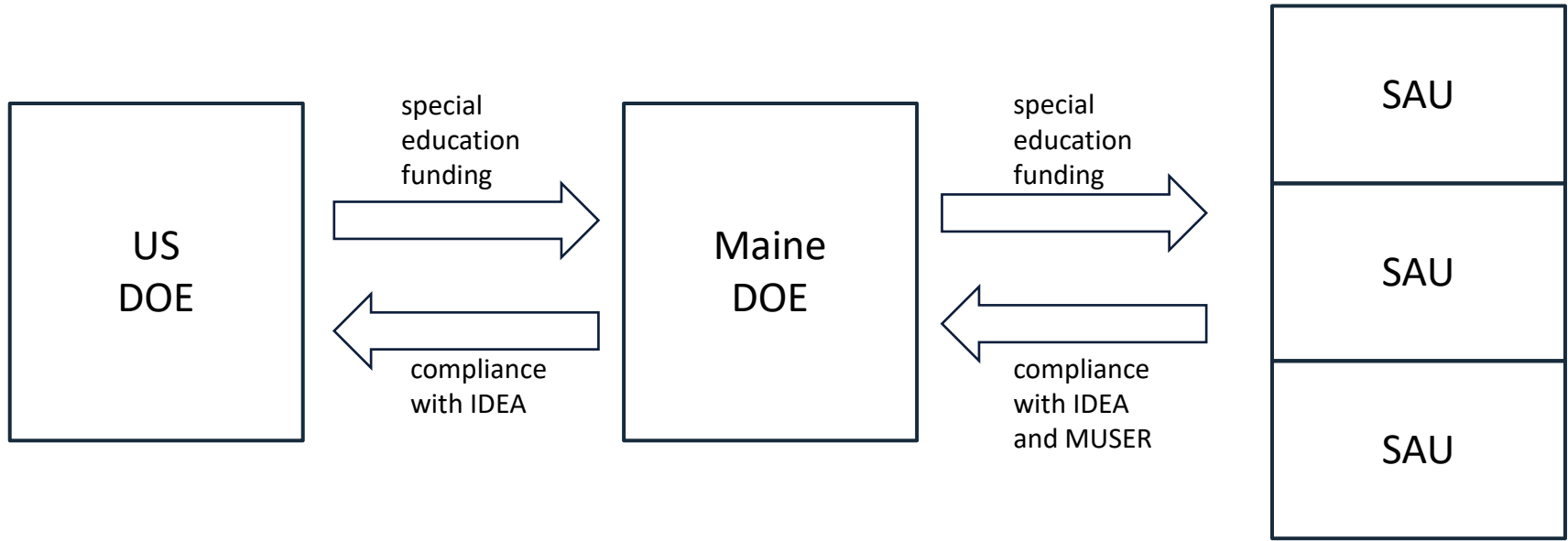
Federal

- USDOE – United States Department of Education
- OSEP – Office of Special Education Programs
- IDEA – Individuals with Disabilities Education Act
- LEA – Local Education Agency
- SEA – State Education Agency
- IEP – Individualized Education Program

Maine

- Maine DOE – Maine Department of Education
- OSSIE – Office of Special Services and Inclusive Education
- MUSER – Maine Unified Special Education Regulations
- SAU – School Administrative Unit
- CDS – Child Development Services

How does IDEA work?



The core of special education law and regulations is that students with disabilities must be provided FAPE in the LRE.

What does that mean?

Free Appropriate Public Education (FAPE)

Least Restrictive Environment (LRE)



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Free Appropriate Public Education

IDEA [34 CFR §300.17](#)

Free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§[300.320](#) through [300.324](#).

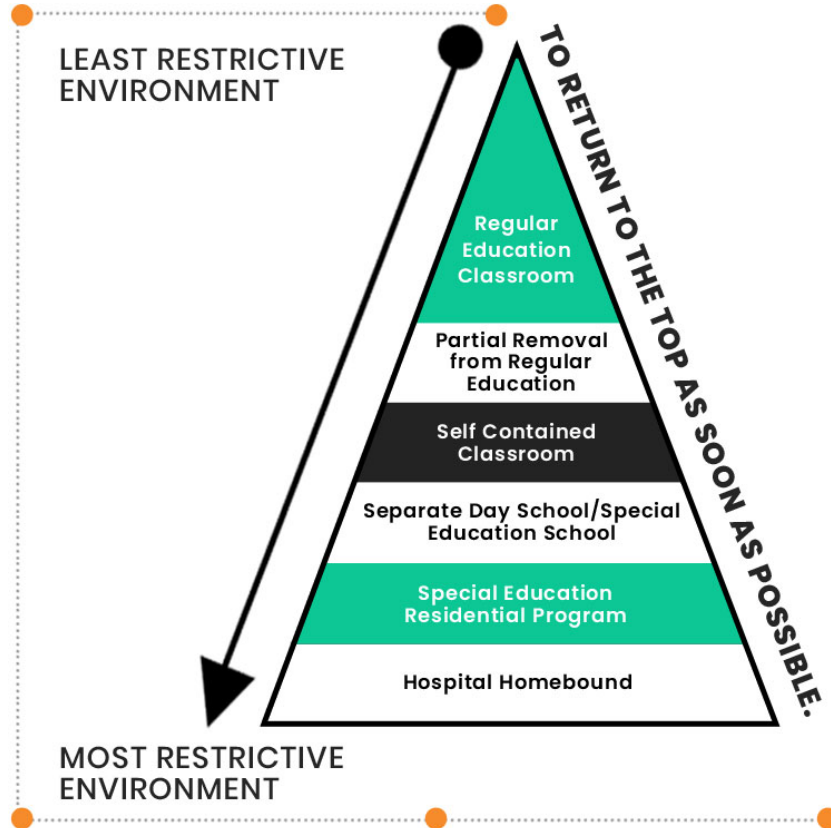
Least Restrictive Environment

IDEA [34 CFR §300.114](#)

Each public agency must ensure that—

- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
- (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if 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 satisfactorily.

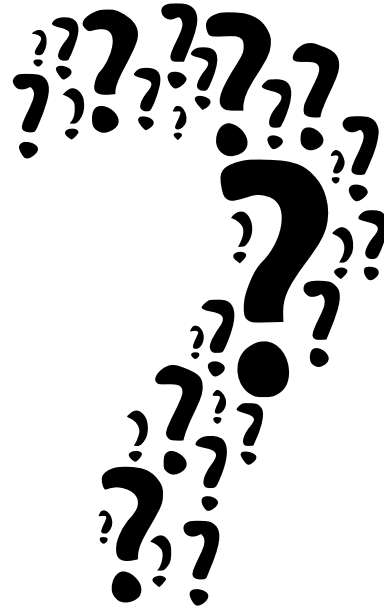
Least Restrictive Environment



Special Education and Related Services

IDEA [34 CFR §300.34](#)

- Special education services are services that are required to assist the child to benefit from the general education curriculum.
- Related services are services that are required to assist the child to benefit from special education.



Where do I fit in?

IEP Team and Meetings



Who makes up the IEP Team?

MUSER VI.2.B and [34 CFR §300.321\(a\)](#)

The IEP team **shall** include the following members:

- Parents
- No less than one general education teacher
- No less than one special education teacher
- An SAU representative who has written authorization to obligate the SAU
- At the discretion of the parent or SAU:
 - Other individuals who have knowledge or special expertise regarding the student
- Someone who can interpret evaluation results (can be one of the above)
- Whenever applicable, the child

Why is it important for general education teachers to participate in IEP meetings?

IDEA [34 CFR §300.324](#)



(3) Requirement with respect to regular education teacher. A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of—

(i) Appropriate positive behavioral interventions and supports and other strategies for the child;

and

(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with § 300.320(a)(4).

Why is it important for general education teachers to participate in IEP meetings?



Who knows better than you:

- How does the student interact with peers?
- How much support does the student need to:
 - Begin and complete tasks? Does the task itself make a difference?
 - Transition between activities?
 - Follow social cues?
- Is the student independent with their belongings?
- Can the student independently gather materials for tasks?



What should I bring to IEP meetings?

- Work samples
- Grades
- State / District assessment data
- Anecdotes

Why is it important for general education teachers to participate in IEP meetings?

Anecdotes lead to discussion

General Education Teacher: I had a few Hokki stools in the classroom and Jimmy asked if he could use one. I thought it might be distracting but I let him try it. He was more engaged in that lesson and didn't wander around the classroom as he often does.

Parent: You know, he likes to sit in the rocking chair to do his homework.

Special Education Teacher: That's great. What does the Team think about putting that in Jimmy's IEP as an accommodation?



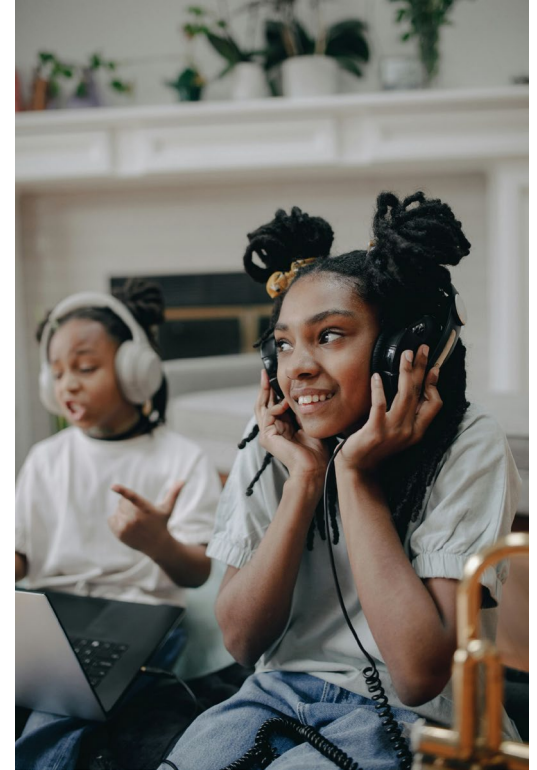
Accommodations and Modifications (IEP Section 6)



Accommodations

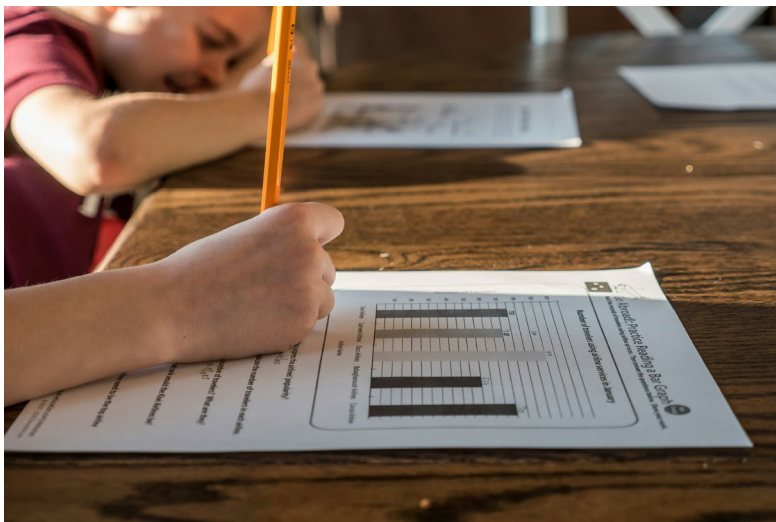


Accommodations mean changes in the manner in which instruction and assessment is delivered that does not alter the curriculum level expectation being measured or taught.



Modifications

Modifications mean changes in the regular education curriculum and/or assessment that lower the standards of the curriculum.



Examples of Accommodations (How)

- Preferred seating
- Breaks
- Chunk reading (not reducing total amount to be read)
- Calculator or manipulatives
- Text-to-speech and/or audio books
- Scribe or speech-to-text

Examples of Modifications (What)

- Reduce number of questions on test
- Write one paragraph instead of multiple
- Read summary instead of entire text
- Change essay question to multiple choice or short answer
- Alter curriculum to below grade level

Implementing the IEP



Implementing the IEP

MUSER IX.3.B(4) and [34 CFR §300.323\(d\)](#)

Accessibility of child's IEP to teachers and others.

Each SAU must ensure that

- (a) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- (b) Each teacher and provider described in paragraph (a) of this section is informed of
 - (i) His or her specific responsibilities related to implementing the child's IEP; and
 - (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP



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Discipline



Services during Removal

- After a child has been removed from current placement for 10 school days (MUSER does **not** specify consecutive days here) in the same school year, services must be provided during any subsequent days of removal. (MUSER XVII.1.B(2))
- Education services to enable the child to continue to participate in the general education curriculum and progress in IEP goals. (MUSER XVII.1.D(4))
 - School personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed. (MUSER XVII.1.D(4))
- If the SAU provides services to all children who have been removed for 10 school days or less, those services must also be provided to a child with a disability removed for 10 school days or less. (MUSER XVII.1.D(3))

Change in Placement

MUSER XVII.1.H

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the SAU must notify the parents of that decision, **and** provide the parents the procedural safeguards.

Manifestation Determination Review (MDR)

MUSER XVII.1.E

- Within 10 days of removal that results in change of placement, MDR team must review all relevant information in student's file and determine if conduct was caused by, or had a direct and substantial relationship to, the child's disability or was the direct result of the SAU's failure to implement the IEP.
- If direct result of failure to implement the IEP, the SAU must take immediate steps to remedy those deficiencies.

If determined to be a manifestation

MUSER XVII.1.F

- SAU must conduct a functional behavioral assessment and implement a behavioral intervention plan, **or**
 - If an FBA was already conducted prior to change of placement (MUSER XVII.1.F(1)(a)) and behavioral intervention plan has been developed, plan must be reviewed and modified, as necessary, to address the behavior.
- Child must be returned to placement from which they were removed, unless parent and SAU agree to change of placement as part of modification of behavioral intervention plan.



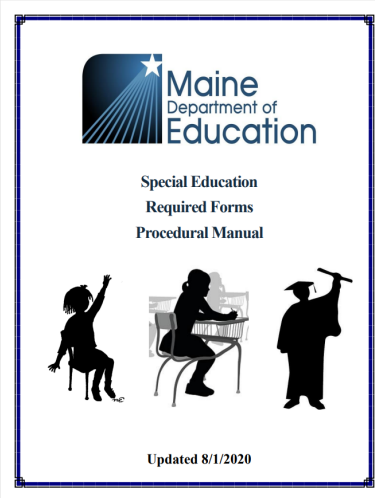
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Resources



Resources

Procedural Manual



Maine
Department of
Education

**Special Education
Required Forms
Procedural Manual**

Updated 8/1/2020

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The IEP Committee:
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Mary Adley, Maine DOE
Laurie Lemieux, Winthrop School Dept.
Roberta Lucas, Maine DOE
Keri Michael, CDS
Shelby Thibodeau, Augusta School Dept.
Dan Hensdal, Maine DOE
Ryan Meserve, RSU #38
Riley Donovan, RSU #64



Resources

Annual

Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

**Maine Unified Special Education Regulation
Birth to Age Twenty**

Effective Date:

August 25, 2017



Resources

(MUSER)

2023-24 Cohort IEP Quick Reference Document

2023-2024 Cohort – Tips and Tricks for Writing a Compliant [IEP](#)

[For more information, click here for the Special Education Required Forms Procedural Manual](#)

<u>Finding</u>	<u>Location</u>	<u>MUSER Citation</u>	<u>Criteria</u>
RAE1	Section 4A	Results of initial or most recent evaluations of the child. 34 CFR 300.324(a)(1)(iii) MUSER IX.3.C(1)(c)	<ul style="list-style-type: none"> - Include evaluations that support the eligibility discussion - Include evaluation name - All evaluations must be dated
AFS1	Section 4B	Academic, Functional, and/or Developmental strengths of the child 34 CFR 300.324(a)(1)(i) MUSER IX.3.C(1)(a)	<ul style="list-style-type: none"> - Based on observations - Include areas of strength and relative strengths - NOT a restatement of evaluations
APG2	Section 4C	Academic needs (distinctly measurable and persistent skill gap) of the child. 34 CFR 300.324(a)(1)(iv) MUSER IX.3.C(1)(d)	<ul style="list-style-type: none"> - Academic - Distinctly Measurable and Persistent Skill Gaps - Best documented in a bulleted list - Make sure to include specific skill deficits <ul style="list-style-type: none"> - Fluency, Comprehension, etc. instead of Reading



Resources



[Professional Development Calendar](#)

[Link for Recordings and Power Points](#)



[Special Education Resources](#)

[Special Education Laws and Regulations](#)



[Special Education Forms and Reporting](#)



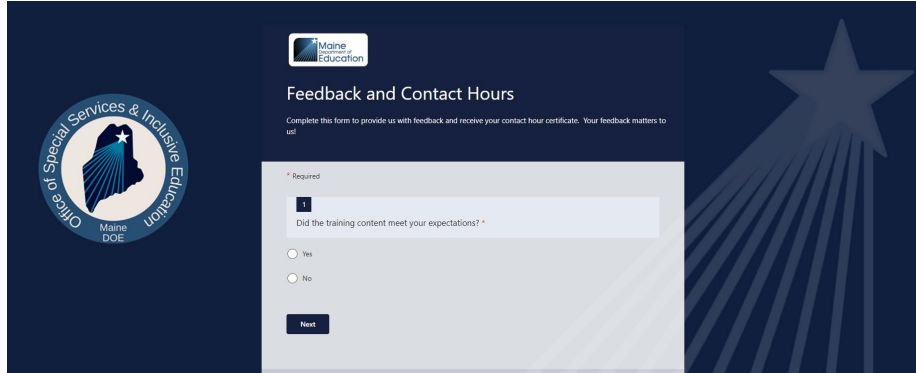
2023-24 Professional Development

<u>DATE</u>	<u>TOPIC/DESCRIPTION</u>
Wednesday 9/13/23	Resources
Wednesday 9/27/23	Transition from CDS to Public School
Friday 9/29/23	<u>Q&A Session</u>
Wednesday 10/11/23	Abbreviated Day
Tuesday 10/24/23	Fall All District IEP Training
Tuesday 10/24/23	Fall All District B-13 Training
Wednesday 10/25/23	Discipline & Manifestation Determination
Friday 10/27/23	<u>Q&A Session</u>
<i>*Wednesday 11/8/23*</i>	*Alignment and DIB1 (Disability Alignment)*
Wednesday 12/13/23	Orientation and Mobility
Wednesday 12/20/23	Compliant Transition Plans
Tuesday 1/9/24	Winter All District B-13 Training
Tuesday 1/9/24	Winter All District IEP Training
Wednesday 1/10/24	Advanced Written Notice & Written Notice

2023-24 Professional Development (cont.)

<u>DATE</u>	<u>TOPIC/DESCRIPTION</u>	<u>REGISTRATION LINK</u>
Wednesday 1/24/24	Present Level of Performance	
Friday 1/26/24	<u>Q&A Session</u>	
Wednesday 2/14/24	Writing Measurable Functional Goals and Avoiding Outcomes	
Wednesday 2/28/24	Transition from CDS to Public School	
<i>*Wednesday 3/13/24*</i>	<i>*Least Restrictive Environment*</i>	
Wednesday 3/27/24	Forms – (AE attached to WN)	
Friday 3/29/24	<u>Q&A Session</u>	Q & A Registration Link
Wednesday 4/10/24	Special Education Law for General Education Teachers	Special Education Law for General Education Teachers Registration Link
Wednesday 4/24/24	IEP Essentials	IEP Essentials Registration Link
Friday 4/26/24	<u>Q&A Session</u>	Q & A Registration Link
Thursday 5/2/24	Spring All District IEP Training	IEP Training Registration Link (5/2/24)
Thursday 5/2/24	Spring All District B-13 Training	B-13 Training Registration Link (5/2/24)
Wednesday 5/8/24	Consultation/Related Service Goals	Consultation/Related Service Goals Registration Link
Wednesday 5/22/24	Data Collection	Data Collection Registration Link
Friday 5/24/24	<u>Q&A Session</u>	Q & A Registration Link

Professional Learning Feedback and Contact Hour Form.



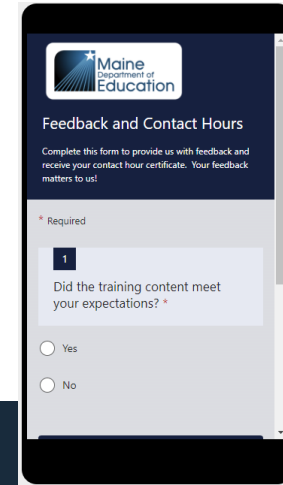
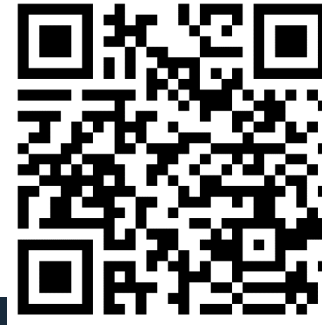
The screenshot shows a desktop view of the 'Feedback and Contact Hours' form. On the left is the 'Office of Special Services & Inclusive Education' logo. The main content area features the Maine Department of Education logo at the top, followed by the title 'Feedback and Contact Hours' and a sub-header: 'Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!'. Below this is a 'Required' section with a question: '1 Did the training content meet your expectations? *'. There are two radio button options: 'Yes' and 'No'. A 'Next' button is located at the bottom of the form.

Use the link to complete the form
on your computer

OR

Use the QR code to complete the
form on your mobile device

<https://forms.office.com/g/by472QQLDJ>

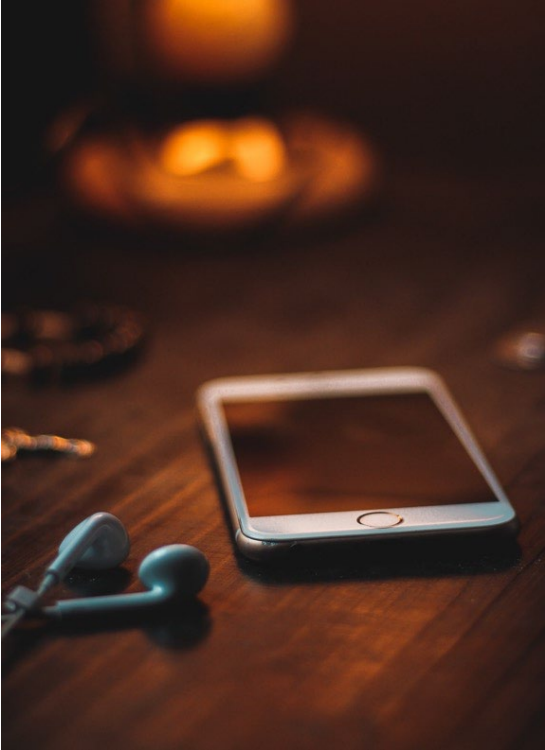


The screenshot shows a mobile view of the 'Feedback and Contact Hours' form. It includes the Maine Department of Education logo, the title 'Feedback and Contact Hours', and the sub-header: 'Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!'. The 'Required' section contains the question: '1 Did the training content meet your expectations? *'. There are two radio button options: 'Yes' and 'No'.



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Open Q & A



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THANK YOU!

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