

Understanding Special Education Law and How it Applies to Classified Staff

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PSE Leadership Training Expo 2016

Introductions

- * Who am I?

- * Who are you?

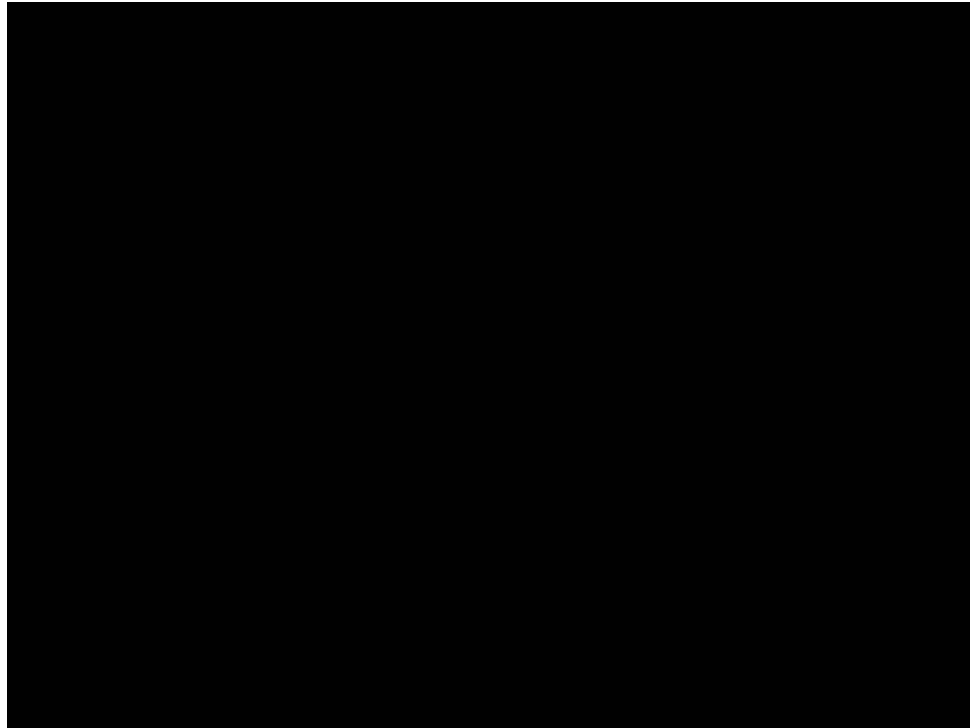
Agenda

- * Overview
- * Individuals with Disabilities Educational Improvement Act (IDEA)
- * Every Student Succeeds Act (ESSA)
- * Washington Law
 - * Personnel Qualifications
 - * Isolation and restraint
 - * Prohibited practices
- * Questions?

Special Ed. Law Overview

- * Public Law 94-142: The Education for All Handicapped Children Act of 1975
- * Individuals with Disabilities Educational Improvement Act 2004 (IDEA)
- * No Child Left Behind (NCLB)

Individuals with Disabilities Educational Improvement Act 2004



IDEA: Implications for Paraprofessionals

- * Referred to as paraprofessionals
- * Recognized as “personnel who may assist in the provision of special education and related services to students with disabilities”
- * Acknowledges the important role of paraprofessionals play in helping students with disabilities maximize their achievement
- * Requires states to have policies around certification and proper training

Every Student Succeeds Act (Formerly NCLB)



ESSA: Implications for Paraprofessionals

- * Title 1 definition: *a paraprofessional is an employee who provides instructional support in a program supported with Title I, Part A funds.*
- * Effective January 8th, 2002

ESSA: Implications for Paraprofessionals

- * Must meet federal NCLB requirements if you plan to work in program/school funded with Title 1 funds.
- * High school diploma or GED
 - * Two years study at higher education agency-classes must be 100 level or higher
 - * Associates degree or higher
 - * Pass ETS parapro assessment
 - * Washington paraeducator portfolio or apprenticeship (completed previously)

ESSA: Implications for Paraprofessionals

- * Qualifications vary by district
- * Many districts require ALL paraeducators to meet Title 1 standards

Washington Law

*Special Education
... a service, not a place.*

Rules for the Provision of Special Education

Chapter 392-172A WAC



Randy I. Dorn
State Superintendent of
Public Instruction

Effective January 29, 2016

Washington Law Personnel Qualifications

- * Providing instruction in braille
- * 14 core competencies (document)
- * Paraeducators must be under supervision of a certificated special education teacher or other certificated staff associate (SLP, OT, PT, etc.)
 - * Instruction must be designed and supervised by sped certificated staff
- * Student progress must be monitored and evaluated by certificated staff

Isolation and Restraint



Likelihood of Serious Harm

- * Isolation and restraint procedures may only be used when the student's behavior poses imminent likelihood of serious harm
- * Physical harm will be inflicted by a person upon his or her own person , as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself
- * Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm
- * Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others
- * The person has threatened the physical safety of another and has a history of one or more violent acts

Washington Law Isolation

- * Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area in an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan.

Isolation continued

- * Only to be used when student's behavior poses imminent likelihood of serious harm
 - * Must be discontinued as soon as likelihood of serious harm is dissipated
 - * Isolation area must provide continuous visual monitoring of student
 - * **MUST** be trained and certified to perform

Washington Law Restraint

- * Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely.

Restraint continued

- * Only to be used when student's behavior poses imminent likelihood of serious harm
 - * Must be discontinued as soon as likelihood of serious harm is dissipated
 - * Shall not interfere with breathing
 - * **MUST** be trained and certified to perform

Reporting of Isolation and Restraint

- * Must report to building admin./designee as soon as possible
- * Submit written report to district office within 2 days
 - * Date and time
 - * Name and job title of all involved
 - * Description of activity that led to isolation or restraint
 - * Type of restraint or isolation including duration
 - * Whether student or staff were physically injured and any medical care provided
 - * Recommendations for changing the nature or amount of resources available to the student and staff in order to avoid similar incidents
 - * Principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within 24 hours and written documentation within 5 days

Prohibited Practices

- * Electric current
- * Food services – unreasonable delay
- * Force and restraint deemed to be unreasonable corporal punishment
- * Hygiene care – unreasonable delay
- * Medication – unreasonable delay
- * Noise
- * Noxious sprays
- * Taste treatment
- * Water treatment

Resources

- * NEA Paraeducator Handbook
- * Rules for the provision of Special Education
- * Idea.ed.gov
- * www.ed.gov
- * Office of Superintendent of Public Instruction
 - * K12.wa.us/specialed

Questions

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