

Spring

April, 2018

UPDATE



New Board Members Sought

Want to serve your profession, meet new people, and expand your horizons? Consider serving on the TPED Board. Beginning January 2019 three positions will be open. These positions are for six years so you need to be prepared to make the commitment to serve. The available positions are two practicing Educational Diagnosticians that are in good standing with TPED and the Credentials Board member, who must be an Educational Diagnostician on the faculty of a university with an Educational Diagnostician certification program. If you are interested in serving, please complete the TPED Board Member Application by May 15, 2018. The election for new Board members will take place over the summer and your term and service will begin on January 1, 2019. If you have questions, please feel free to contact any of the Board. Each board member has been proud to serve and can honestly say that serving has been a very rewarding experience....so take the step and serve.

Please see the [TPED BOARD APPLICATION](#) button in our email.

End of Year & SSI

End of the Year Tips of the Trade

- ◆ Breathe! It may seem like the work is not going to end but it will get done.
- ◆ Prioritize and look at those due dates one more time and start with the most complicated and shortest timelines first.
- ◆ Block of calendar time for SSI ARDs. It is easier to delete them from the calendar when students pass than cram them in.
- ◆ Use a "to do" list and cross things off as you get them done. You will feel much more accomplished.
- ◆ When the school is outside for field day look ahead to next year's re-evaluations and ask your campus nurse to do health screenings now. It is much easier to have a parent take their student to the doctor for a hearing or vision failure in the summer versus the school year.
- ◆ Take care of yourself and put yourself first. It's fine if you don't write a report every evening, you need a break. Your mental health will thank you for it.

Changes in SSI for the 2017-2018 School Year

The 2017-2018 school year brought changes to the ARD requirement for SSI grade levels. TEA knows how much we like to ARD so they took away the option to do an Amendment to ARD to address the AIP needs after the first administration failures. The following guidance is from the Student Success Initiative Manual:

(rest of article on following page)

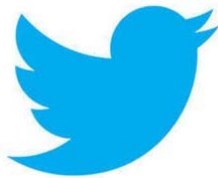
EOY & SSI (continued)

Guidance regarding what to do after a first administration failure:

According to TEC §28.0211 (i) and (i-1), an ARD committee meeting* MUST be held before the student is administered STAAR for the second time. The ARD committee MUST determine 1) how the student will participate in an accelerated instruction program and 2) whether the student will be promoted or retained based upon the ARD committee determination that the student has made sufficient progress in the measurable academic goals in the student's IEP. If promoted, retesting is not required.

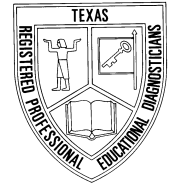
Guidance regarding what to do after a second administration failure:

If the student retests in a subsequent administration of STAAR and does not meet the passing standard, then the ARD committee must document in the IEP: additional accelerated instruction, whether the student will retest (if applicable), and whether the student will be promoted or retained. The student's IEP can be modified in an ARD committee meeting or through an agreement to amend the IEP. These decisions must follow the general rules governing ARD committee decision-making as set forth in 19 TAC, Chapter 89, Subchapter AA.



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The TPED Board of Registry's Spring meeting was held on April 5th and 6th at the Embassy Suites in Dallas. Those in attendance included:

Lisa Horton, Chairperson

Sarah Johnston, Vice Chair & Professional Visibility Chair

Leslie Flisowski, Treasurer Chair

Jennifer Vasquez, Secretary Chair

Georgene Moon, Continuing Education Chair

Stephanie Lee, Legislative Chair

Janna Brendle, Credentials

Deb Hawkins, Administrative Assistant-participated virtually

The Board was honored to host Jan Watson from Walsh Gallegos who presented a variety of timely updates on the TEA Corrective Action Plan, Endrew V, and GPS locators. Additionally, we are excited to announce the informative and popular "This Just In" Newsletter from Walsh will be distributed to TPED Members twice per year. This publication will be a great value to our members!!

The Board reviewed applicants for our Summer 2018 Exam and look forward to these dedicated diagnosticians becoming RegPeds. The exam will be given on June 9th in Houston and June 16th in Lewisville. We continue to explore adding other exam locations and welcome input from our members on where these locations should be next year. Feel free to email us at tpedregistryboard@gmail.com with recommendations.

The Board is very excited to announce the return of the TPED Symposium during the Waco TEDA Conference! Dr. Tammy Stephens will present the Core Selective Evaluation Process (C-SEP) on Sunday December 1st. Times and location to be announced. Registration is free for current members and \$30 for non-members. Follow us on Twitter @TPEDExcellence or like us on Facebook to learn the latest information on this event.

Our Board elections will be held this summer and to save postage and printing fees, we will be holding the election via a safe and secure Google ballot. Be on the lookout June 1st for an email with the link. And finally, we will continue to provide the latest information to our members on the CAP and other issues relevant to TPED members Our voices are stronger together!



TEA Corrective Action Plan

LET YOUR VOICES BE HEARD!

We will have until noon on April 18, 2018 to provide input on the second draft of the Corrective Action plan. This is our opportunity to help students with disabilities and related conditions and ensure they are afforded the services they are federally required to receive.

You may submit your input and comments via email to TexasSPED@tea.texas.gov.

History of the TEA Corrective Action Plan (CAP)

On January 11, 2018, The U.S. Department of Education (DOE) Office of Special Education and Rehabilitation Services released their findings after a 15-month investigation into Texas' performance indicator that capped special education enrollment at 8.5%. The DOE determined that Texas systematically denied students with disabilities the federally required services and supports they needed to succeed in school. Specifically, they found that:

1. TEA failed to ensure that all children with disabilities residing in the State who are in need of special education and related services were identified, located, and evaluated, regardless of the severity of their disability, as required by IDEA section 612(a)(3) and its implementing regulation at 34 CFR §300.111.
2. TEA failed to ensure that FAPE was made available to all children with disabilities residing in the State in Texas's mandated age ranges (ages 3 through 21), as required by IDEA section 612(a)(1) and its implementing regulation at 34 CFR §300.101.
3. TEA failed to fulfill its general supervisory and monitoring responsibilities as required by IDEA sections 612(a)(11) and 616(a)(1)(C), and their implementing regulations at 34 CFR 300.149 and 300.600, along with 20 U.S.C. 1232d(b)(3)(A), to ensure that ISDs throughout the State properly implemented the IDEA child find and FAPE requirements.

TEA CAP (continued)

The U.S. Department of Education Office of Special Education and Rehabilitative Services has since directed TEA to develop a Corrective Action Plan to help the students of the denied class, provide professional development for educators and school district leadership about federal IDEA and 504 requirements and put a system in place to ensure this never happens again.

To review the draft strategic plan, visit the TEA website at <https://tea.texas.gov/TexasSPED>

Sooo, what does all of this mean?

In response to the findings, TEA drafted an \$84.5 million plan to overhaul special education, promising to train school administrators on how to find and educate students with disabilities and promising to find the students who have been denied specialized services and tools over the last decade.

TEA reportedly will contract with an outside entity to create a suite of resources for parents of children suspected of having a disability that will describe the differences between RTI, the state Dyslexia Program, Section 504 and IDEA. The resources will be developed in conjunction with extensive stakeholder feedback and will include how and when school staff and parents may request interventions and/or services under these programs.

Sooo, what does this mean to evaluators???? We will have to wait and see what the second draft of the Corrective Action Plan presents.

Contact Us

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Visit with Our Attorney

Talking Points with Attorney Jan Watson

Once per year, TPED Board of Registry has the opportunity to receive legal updates and reminders for best practices from Walsh Gallegos. This year, we had the privilege of hearing from Jan Watson. Based on recent issues that are rising around the state, she encouraged diagnosticians to remember these best practices:

Diagnosticians must ensure accurate record keeping. Protocols should be filled out completely, including student and evaluator information. Following the basal and ceilings is essential for valid assessment.

Electronic records must reflect precise data. Be sure to pay attention to details when entering data and remind your counterparts when using electronic systems for data collection to be mindful of accuracy.

Diagnosticians are encouraged to participate in in-district audits. According to Vygotsky, community plays a central role in the process of "making meaning." As evaluators, we should review each other's work. As it is said, iron sharpens iron.

Parents use of a GPS device for their student is increasing. Many of these have listening devices incorporated. Educate yourself. Remember that listening devices on a student in the school setting will violate the Family Educational Rights and Privacy Act (**FERPA**), the federal privacy law that gives protects student's education records. A popular brand is Angel Sense. Check out www.angelsense.com.

Mrs. Watson also provided best practices for ARD meetings.

Have your administrator keep a "promise sheet." Administrators keeping track of parent concerns and requests will assist you in completing the Prior Written Notices, as all parent concerns and requests should be addressed in "Options Considered" in the PWN.

Reiterate to staff that determined accommodations in the ARD are not an "ingredient list." All accommodations are required. At any time, teachers can be asked to show that these accommodations have been implemented. Encourage them to document their implementation.

Provide copies of drafted goals and objectives prior to ARD meetings. In the deliberations of the ARD meeting, note that drafted goals were provided to parents prior to the ARD meeting. Also indicate that the ARD committee reviewed and revised with input from ARD committee, including parents

Recent court cases provide guidance to evaluation staff and ARD committees:

Andrew F. v. Douglas County Sch. Dist., 69 IDELR 174, 137 S.Ct. 988 (2017)	Cypress Fairbanks Indp. Sch. Dist. V. Michael F., 26 IDELR 303 (5th Cir. 1997)
<p>This is a hallmark case where the courts determined that minimal progress is no longer sufficient., IEPs should be developed with expertise from schools and input from parents. The ARD committee must answer these questions:</p> <p>Is the IEP reasonably calculated to enable the child to make progress "appropriate in light of the child's circumstances?"</p> <p>Does the IEP indicate educational programming that is "appropriately ambitious?"</p> <p>Furthermore, ARD committee members will be expected to give a cogent and responsive explanation for their decisions that show that the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances.</p>	<p>Each time an ARD is held, the following 4 questions should be able to be answered:</p> <p>Was the IEP:</p> <ol style="list-style-type: none"> 1. Individualized based on assessment and performance 2. Administered in the Least Restrictive Environment 3. Provided in a coordinated and collaborative manner by key stakeholders; and 4. The student demonstrated positive academic and nonacademic benefit.

Making Sense of Identification of a Learning Disability

A brief discussion of the nuances of identifying a learning disability is warranted due to the important educational and legal implications educational diagnosticians face every day in public school.

Educational Diagnosticians are charged with the difficult task of evaluating students for learning disabilities and providing eligibility determinations daily based on current definition, current models of identification and current legislation which have seen many changes in requirements over the years. Keeping abreast of research and current evaluation and identification practices to meet legal requirements can be overwhelming!

Historically, the construct of a learning disability was derived from the need to separate the children who did not exhibit significant mental deficits or other disorders by definition but experienced unexpected achievement difficulty that significantly interfered with learning based on the assumption that neurobiological factors were the basis of learning disabilities. The construct and classification has been difficult to define due to significant disagreement among researchers, educators and other professionals in addition to discrepancies in valid and reliable research related to the models of identification and classification. This has resulted in multiple definitions of a learning disability in the past and has led to various identification models. Regardless of changes in definition and practices for identification, the fact remains there are students who require significant assistance to make progress in the general education curriculum.

Issues to keep in mind as we evaluate and make decisions for students:

- 1) The models of identification vary – IQ-discrepancy, RTI, Intra-individual Differences, patterns of strengths and weaknesses using XBA, C/DM, C-SEP. Noting that public policy has led to an industry that develops IQ and achievement tests, produces their own research, and provides training to a large cadre of personnel who administer tests to evaluate and identify needs.
- 2) The key to determining the method you use for LD identification should demonstrate improvement in the effectiveness of the specific treatment/intervention required and ensure the availability of high-quality academic instruction, not to merely identify a student as disabled.
- 3) Be able to defend your evaluation and decisions based on the model used - Identification segregates the student to a disabled and protected status instituting legal remedies that has led to a litigation industry.

Even though there have been discrepancies in research and methods of identifying LD, the fact remains that due to the disability category of learning disabilities, struggling students are receiving instructional services and that is the important point to remember as you continue to be the advocates for students with disabilities.



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