

Education for All Handicapped Children Act Of 1975

CASA COLLEGE

ADVO CHAT FEBRUARY 12. 2026

starts with **Child Find**

8 VAC 20-81-50

“...maintain...active and continuing child find program designed to identify, locate and evaluate those children residing in the jurisdiction who are birth to 21, inclusive, who are in need of special education and related services...”

Public Awareness

- Annual campaign/advertise
- Make community aware of the nature of disabilities, warning signs and need for early intervention

Child Find

8 VAC 20-81-50

Screenings

- Hearing, Vision, Scoliosis
- Speech, Voice, Language,
- Fine and Gross Motor
- Failures, rescreening, parent notification
- Screening for instructional purposes
- Referral to special education administrators

Referral for Initial Evaluation

8VAC20-81-60

All children, 2-21years, **suspected** of having a disability based on data shared during the Child Study Process shall be evaluated

All children, 2-21years, with a **reason to suspect** there is a disability shall be evaluated.

*Consider Effective Principles of Learning
during Child Study:*

Teachers are responsible to support a student by:

- Activating Prior Knowledge
- Making Connections
- Honoring Working Memory
- Managing Instructional Levels
- Modeling Desired Responses
- Providing Accurate Practice
- Developing Automaticity

When to TEST?

IDEA explains a child is tested **ONLY** when

1. there is **reason to suspect** the child has a disability
2. the committee (*parent*, teacher, staff member) **suspects** there is a disability

- ❖ When a child **has not responded** to scientific based interventions
 - ❖ delivered directly to the student
 - ❖ delivered by highly qualified teachers,
 - ❖ delivered with fidelity
 - ❖ delivered over time

– **consider an evaluation**

Before a child's eligibility under IDEA can be determined, a full and individual evaluation must be conducted

❖ ***Parents may request their child's evaluation.***

If the school agrees that an evaluation is needed, *it must evaluate the child at no cost to parents.*

❖ ***The school system may ask to evaluate the child.***

The school system must ask parents for permission to evaluate the child, and parents must give their informed written permission to conduct an evaluation.

Schools may recommend evaluation

Based on school officials' recommendations, observations, data, or results from tests given to all children in a particular grade, a school **may recommend** a child receive further screening or assessment to determine if he or she has a disability and requires special education and related services to access the general education curriculum.

The school system must obtain parental permission to complete an initial evaluation of any child.

Parents may request an evaluation

Parents are often the first to notice that their child's learning, behavior, or development may be a **cause for concern**. If they're worried about their child's progress in school and think he or she might need extra additional support to access the general education curriculum, parent's may call, email, or write to their child's teacher, the school's principal, or the Director of Special Education in the school district.

Exclusionary Factors in eligibility determination

Lack of appropriate instruction

Limited English proficiency

Environmental factors

Cultural factors

Economic factors

These must be ruled out as the primary cause of academic and behavioral deficits to be eligible for Special Ed Services

Students found Eligible for Special Education are entitled to

*FAPE: Free Appropriate Public Education

*LRE: Least Restricted Environment

*IEP: development of an Individual Education Plan focusing on specialized instruction and necessary related services

*Procedure Safeguards: for parents and guardians

Students found ineligible for Special Education

Students with a § 504 Plan are NOT eligible to receive services as a SWD.

The § 504 plan sets a higher standard for students' access to ***equal opportunities***. 504 focuses on opportunity, not results.

Desired Outcomes of both

IEP: Modifications - change WHAT a student is expected to learn ensuring access to the general education curriculum, modifications adjust grade-level standards impacting diploma paths

§ 504: Accommodations – change HOW a student learns, while maintaining grade-level standards

Learning disabilities are neurologically-based processing problems

Visual and auditory processing used to recognize and interpret information taken in through sights and sounds, it adversely affects how items are processed or interpreted by the brain. Student with an auditory processing deficit has difficulty attaching meaning to sound groups that form words

Memory - Working memory, short-term memory and long-term memory are used in the processing of both verbal and non-verbal information, memory deficits impact the ability to store and retrieve information

Executive Functioning inefficiency - cognitive management systems for planning, organization, strategizing, paying attention to and remembering details, and managing time and space. Although not a learning disability, different patterns of weakness in executive functioning are almost always seen in the learning profiles of individuals wh

Struggling Limited English Proficiency Students

Use cultural liaisons with expertise in the language and culture to assist in child study and possible evaluation of LEP students for special education

- No English does not equal No intelligence/learning
- Do not Ignore time as a crucial factor in language development
- Do not Ignore the role of dominant language

An English language learner has

- a dominant language for home, family, church, shopping (usually the first language, remains at a simple level unless child receives direct instruction in this language).
- another dominant language for school and academic situations (usually the language of instruction)

Intellectual Disabilities

not a single, isolated disorder

originates between birth and age 18

significant limitations both in intellectual functioning and adaptive behavior.

intellectual functioning encompasses limitations in reasoning, learning and problem solving.

adaptive behavior includes a collection of conceptual, everyday social and practical skills.

an Intellectual Disability prevents the child from receiving reasonable educational benefit from general education due to global delays in academic and social situations

Other Health Impairment

OHI – **limited strength, vitality or alertness**

including heightened alertness to environmental stimuli that results in limited alertness in the educational environment due to chronic or acute health problems that adversely affect a child's educational performance.

asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, Tourette syndrome

Emotional behavioral disorders

the frequency, intensity or duration of maladaptive behaviors or deficits in coping skills and emotional functioning

unique personal attributes, distinctive patterns of behavior which characterize the student's personal feelings, attitudes, moods, perceptions, thought processes, and significant personality traits.

includes records review, student and parent interviews, learning history, and behavioral observations with special consideration given to evaluation of disorders of thought, memory, judgment, and /or time-place orientation as appropriate. An individual intellectual evaluation shall be given when academic or learning deficits is suspected

diagnoses

FAPE

Under IDEA, the primary vehicle for providing FAPE is the development of a thorough and appropriately **managed IEP**

IEP shall be based on the individual needs of the child

FAPE in Least Restrictive Environment

Supplementary aides and services enable education in the LRE

May not place SWD in a special class or school outside of the regular education environment solely due to the child's behavior

May only remove SWD when the nature or severity of the disability is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.

Remember, any SWD **is entitled to** IEP goals as needed to access FAPE in the LRE (regardless of his or her **disability category**)

Provisions under IDEA

Managing behavior which interferes with learning for students with disabilities (SWD) and/or their peers is a significant **responsibility** and **challenge** for schools

Responsibility to provide FAPE should be proactive and not reactive

When a SWD has behavior challenges that impede **his** or **her** learning **or the learning of others**:

IEP team must consider the use of positive behavioral interventions, and supports and strategies when necessary to provide FAPE

Failure to consider and provide needed behavioral supports through the IEP process may result in the denial of a meaningful education benefit –or- FAPE

- Consider and include **evidence-based behavioral supports** in the IEP
- IEP goals: **strategic instruction** for behavioral needs must be provided with fidelity

IDEA provides substantive and procedural due process

SWD has fundamental substantive due process rights. IDEA prevents school districts from exceeding their authority in **depriving a student with disability from receiving FAPE in the LRE**

Procedural due process ensures all IDEA rights and safeguards are granted

Removal for more than 10 days constitutes a “**change in placement**” that triggers procedural protections to ensure authorities are not removing a child with a disability in a discriminatory manner or for **behaviors manifested by a disability**.

If behavior is not a manifestation of a disability, discipline SWD as a nondisabled child, the SWD **nevertheless maintains the right** to participate in the general education curriculum and **progress toward meeting IEP goals**, although perhaps in a different setting

SWD does not lose the entitlement for special education and related services, even if excluded from school.

Potential Denials of FAPE or Placement in LRE

IDEA procedural and substantive requirements ensure SWD receives behavioral supports to attain annual goals and make progress in the general education curriculum

Failure to implement behavioral supports may cause a SWD to **not** make meaningful educational benefit

Lack of educational benefit = denial of FAPE and / or a denial of placement in LRE

Develop - Review – Revise - **Implement** IEP. Team must consider and /or provide necessary behavioral supports for SWD

IEP team must consider **when**, **whether**, and **what** aspects of the IEP, related to behavior, need to be addressed or revised to ensure FAPE

Pattern of misbehaviors is **apparent** or can be **reasonably anticipated** based on the child's present level of performance (PLOP) and individual needs

Incidents of misbehaviors; Incidents of classroom disruptions;
Violations of your school rules

Don't wait for the parent to call an IEP meeting (proactive) – best practice to call IEP meeting after disciplinary removals from school
(usually) Appropriate for the student to participate in this IEP meeting

Needed behavioral supports:

Special Education and Related Services , Supplementary aids and services, Program modifications, Supports for school personnel

Implementation of behavioral supports within the IEP could be facilitated through a school-wide, multi-tiered behavioral framework

Related services: counseling: instruction and reinforcement of expectations, violence prevention, anger management, life skills training, social skills instruction

Supplementary aids and services: items needed to support instruction with general education peers, specialized equipment

Program modifications and accommodations; content presentation and assessment, pace of instruction, environmental supports

Supports for School Personnel: training, common planning

Serious behavior / patterns of behavior resulting in removals from school

For a child with serious behavioral concerns, IEP meeting should include parents and student, and may include advocates, attorney

the IEP Team should develop and adopt a protocol of **individualized, positive** behavioral interventions and supports

Hope to avoid -except in extreme circumstances- police, juvenile court referral

Behavioral Supports

Ensures the child receives FAPE

Outline how staff will: teach predictable, contextually relevant routines and expectations – acknowledge clearly and consistently for displaying positive academic and social behavior – consistently prompted and corrected – treated by others with respect

Determine is behavioral supports should be provided through 1. SpEd, related services, 2. supplementary aids and services, 3. program modifications and supports

Which may include instruction and reinforcement in the following areas:

school expectations, violence prevention, anger management, mental health counseling, like skills, social skills

Supplementary Supports and Services

Includes aids (not aides) and services including

Supports provided in

- ❖ general education classes, or the setting determined to be appropriate placement in the LRE
- ❖ extracurricular settings
- ❖ non academic settings

School personnel may need training, coaching, tools to appropriately address behavioral needs

§ 504 plans

A 504 plan may be written for a student **after** he/she is found **ineligible** for services as a student in need of special education service (SWD)

A 504 plan may be written for a student who has not received a complete evaluation, however a testing protocol is required

Section 504 of the Rehabilitation Act of 1973 as amended

Recipients of federal monies must provide FAPE for all students

- ◆ Must provide regular or special education
- ◆ LEA must appoint a “504 Coordinator”
- ◆ LEA must develop & implement Section 504 policies and procedures

LEAs may adopt IDEA procedures for 504; however NO federal funds are provided for 504 procedures, all financial support is local money.

Schools must provide students with 504s equal opportunities to obtain the same result, to gain the same benefit, or to reach the same level of achievement