



Autism Society of America
Autism Society of Pennsylvania

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The Voice of Autism.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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PA. STATE BOARD
OF EDUCATION

March 2, 2007

Mr. James Buckheit
Pennsylvania State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

We appreciate the opportunity to attend the State Board of Education Roundtables and to give input for revisions to the state education regulation Chapters 14, 16, and 711.

This submission constitutes consensus of the Pennsylvania chapter of the Autism Society of America, representing local Autism Society chapters statewide and participating autism support groups, comprised of families in Pennsylvania living with autism spectrum disorders, and professionals who work with them.

In addition to our recommendations for Chapters 14, 16 and 711, we have also offered a relevant curriculum suggestion for Chapter 4, and supportive comments on the Chapter 49 revisions. It is axiomatic that awareness and understanding of developmental disabilities by neuro-typical children benefits all students. And with 1 in 150 children diagnosed with an autism spectrum disorder, educators trained in this disability are urgently needed. Many Pennsylvania school districts lack even one professional knowledgeable in autism.

Again, we are gratified to have been invited to provide these recommendations.

The ASA-PA Special Education Workgroup

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Cc: Dr. Linda Rhen
ASA-PA Chapters
Participating Groups

**Autism Society of America
- Pennsylvania Chapter -**

**Recommended Changes and Revisions
State Board of Education
Special Education Regulations**

**Based on
State Board of Education Roundtables
2006-2007**

ASA-PA Recommendations for State Education Regulation Revisions

Definitions

- **“Twice Exceptional”** – include the definition for students who are gifted and have a disability
- **“Appropriate program”**– define and clarify, include the Oberti standard, define meaningful benefit to include age appropriate skill development and content, and (moving the child ahead academically with a goal of one year’s progress for each year of instruction.)
- Definition of autism needs to include the entire spectrum: autism, PDD-NOS, Asperger’s Syndrome, HFA, Rhett Disorder.

14.101 Purpose

- Lower age of transition to 12, or lower as decided by the IEP team
- Maintain family-centered focus of Early Intervention services
- Keep full continuum of educational placements and emphasize their use as appropriate for given students, in line with IDEA mandates [under 20 USC 1412 Section 612(a)(s) and CFR 300.114 (a)]
- The least restrictive environment appropriate to a student’s needs must be provided, however, school districts shall not be penalized for not meeting arbitrary inclusion percentage goals, nor may inclusion be forced upon a student against the will of the parent or guardian.
- Build IEPs around PA academic standards while emphasizing functional skills

14.102 Educational Plans

- Add professional development for every professional who works with students with disabilities. This training must be disability specific and occur prior to the beginning of the school year, or within 20 school days of a new diagnosis. The bulk of the training must include training of the type of modifications and/or adaptations which may be required within the environment and/or the curriculum (vs. general disability awareness or a symptoms overview,) school accommodations, communication systems, and positive behavioral supports.

Disability specific training refresher courses must be provided annually;
Additional professional development must be provided if academic progress is hindered, or if challenging behavior is not responding to current interventions.

14.122 Screening

- Autism Spectrum Disorder screening will be conducted in conjunction with hearing and vision screenings;
- Response to Intervention will include parents in the process, including parental presence at all meetings of the RTI team and for all evaluations of RTI data;
- RTI will include the school psychologist

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- RtI will be conducted concurrently and will not be “added onto” the evaluation timeline.
- 60 calendar days shall be the limit to both RtI and the evaluation process, as per IDEIA 2004.

14.123 Evaluation

- 60 calendar days shall become the required timeline for completion of evaluations, as per IDEIA 2004
- Restore the requirement that when parents make a verbal request for evaluation, that they be told their request must be in writing
- Districts should be required to give a Permission to Evaluate form to parents within 5 days of a parent or guardian’s oral request to evaluate;
- IDEA regulations limit independent educational evaluations to one per district evaluation 502(a)(4). Chapter 14 should clarify this is one IEE per particular type of evaluation (i.e. a student who had an IEE for reading can still obtain an IEE for behavioral concerns if the parent disagrees with both.)
- Parents and guardians should be assisted with the completion of the Permission to Evaluate form, and the process should be explained to them in the cases of low literacy parents or guardians, or ESL families.
- Students placed out of school (i.e. suspended,) must have an evaluation completed within 30 calendar days of removal from school.

14.131 IEP

- For students eligible for a GIEP in accordance with chapter 16 and an IEP in accordance with this chapter, a single IEP will be created as defined in both this chapter and in chapter 16, with goals and short-term learning outcomes, as defined in Title 22 16.32.
- IEPs must be built around PA academic standards with goals, supports, and accommodations that are age appropriate and teach functional skills;
- Parents must receive a copy of the entire IEP if it is amended;
- Professionals working with a student must receive and review a copy of the IEP (and amended IEPs;)
- LEA representative must be present, have authority to make decisions, be knowledgeable of district resources, special education programs, and the specific disability;
- An IEP meeting must be convened if the student injures himself or others;
- An OVR representative must be part of the IEP team for students of transition age;
- Transition services need to be offered in real world, competitive employment and volunteer settings in the community;
- Professional development listed in an IEP must be delineated as to topic of training needed, duration, frequency, instructional content, and timeline for completion;

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- Instructional supports must be defined by hours per day or class, intensity (i.e. one full time aide, ½ time aide, check in with support person once per day, etc.)
- IEPs should contain a description of measurable short term learning objectives or progress benchmarks to monitor progress toward annual goals throughout the year.
- Parents or students may audio-tape IEP meetings.

[it is urged that the following paragraph from the Massachusetts regulations be incorporated into the PA code]: For all eligible children diagnosed as having autism, the IEP team shall consider and shall specifically address the following: the verbal and nonverbal communication needs of the child; the need to develop social interaction skills and proficiencies; needs resulting from the child's unusual responses to sensory experiences; needs resulting from resistance to environmental change or change in daily routines; needs resulting from engagement in repetitive activities and stereotyped movements; need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.]

14.132 Extended School Year

- Incorporate the language in the ESY BEC into Chapter 14 regulations.
- Require that ESY NOREP be issued each year by February 28th for students with severe disabilities such as autism spectrum disorders.
- All students with autism spectrum disorder must be ESY eligible.
- ESY goals must be age appropriate, and must address functional, social and academic needs of students, as based on the PA academic standards and the IEP.

14.133 Behavior Support

- "Behavior Specialists" must complete coursework or pass a certification exam, and be qualified by same when working with complex disorders such as autism spectrum, mental illness, and other related neurobiological conditions;
- Districts must conduct a Functional Behavioral Assessment if serious injury has occurred, if repetitive injuries take place; or if a student is subjected to disciplinary action involving removal (suspension),
- Eliminate the use of restraints or seclusion as a technique or sanction in Behavioral Support plans; retain the use of restraints as needed only the case of imminent harm to the student or others;
- Emphasize positive approaches, and provide regular annual professional development training on these;
- Grant access to BHRS behavioral and mental health support personnel as per the BHRS plan;
- Require disability specific training in the area of behavioral supports for all staff;
- Require a FBA, IEP meeting and manifestation determination any time a student is referred to the police.

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- Parents must be invited to any team training or consultations involving behavioral support planning.

14.141 Terminology Related to Educational Placement

- Define part-time, full-time, resource and itinerant in more contemporary and measurable terms;
- Address ratio of students with IEPs to typical students in regular education settings;
- Decrease speech and language caseloads to 45;
- Decrease Learning Support caseloads to 30;
- Address ratio of support staff: student (ensuring minimum required coverage per day per student, and defining amount of support required per student for specific courses or school environment, i.e. lunch or recess.)
- Create Asperger Support classroom with a maximum of 12 students whose learning and behavior are hampered by sensory challenges and transition issues, (moving from class to class for each subject.)
- Emphasize that inclusion in regular education classrooms should only occur if it is beneficial to the student's overall performance, behavioral, and social experience. Inclusion should be a considered, not forced, placement.
- Include language from the most recent BEC discussing Least Restrictive Environments

§ 14.143. Disciplinary placements.

- Add autism as a category where any removal is a change of placement, as follows:
§ 14.143.(b) A removal from school is a change of placement for a student who is identified with mental retardation or autism, except if the student's actions are consistent with 34 CFR 300.520 (a)(2)(i) and (ii) (relating to authority of school personnel).

14.151 Early Intervention

- Allow family choice to determine most appropriate placement between Part B and Part C programming;
- Maintain family-centered focus

14.161 -162, Procedural Safeguards

- Direct state appropriation to support Office of Dispute Resolution;
- PA should provide publicly accountable governing board of directors;
- Mandate training and compensation of hearing officers, with certification exam required;
- Enforce mediation and dispute resolution agreements via Compliance Division

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- Parents or parent's representatives shall be offered copies of records at least 10 days prior to a due process hearing, or within 10 days of a written request.
- Parents or their representatives shall be allowed reasonable access to observe the child's placement or the child's proposed placement options.

Chapter 16 suggestions

- Assessments for the purpose of determining gifted eligibility for a student who manifests a potential disability are selected and administered so as best to ensure the assessment results accurately reflect the child's aptitude, skills and achievement level. Alternative IQ tests, including the GAI under the WISC-IV, the verbal and nonverbal gifted indexes under the SB-V, and nonverbal IQ tests such as the Leiter-R or Raven's Progressive Matrices will be used when appropriate to accurately measure a student's intellectual potential.
- Students will not be denied access to gifted programming or accelerated or enriched placements owing to a disability.
- Any review determining whether a mentally gifted child is eligible under 34 CFR § 300.306. (relating to determination of eligibility) and/or if a child with a disability is also mentally gifted under 16.22 and 16.23 shall include a joint meeting of the gifted and disability related multidisciplinary evaluation team, including the student's parents.

NEW SECTION for dually exceptional students under chapter 14 & 16

- Gifted mental ability and/or gifted educational placement will not be used to limit the identification of the student or the provision of services under chapter 14.
- For students eligible for a GIEP in accordance with chapter 16 and an IEP in accordance with this chapter, a single IEP will be created, as defined in both this chapter and in chapter 16, with goals and short-term learning outcomes as defined in Title 22 §16.3
- Single plan IEP/GIEPS will be fully subject to state complaints as set out under 300.151-153.
- For a student who, in accordance with 34 CFR § 300.502 is entitled to an independent evaluation at public expense and who is suspected of being gifted or eligible under chapter 16.

711 suggestions

- Incorporate disciplinary protections, ESY, updated definition of autism, etc. from above Chapter 14 and 16 suggestions into charter school regulations.

Chapter 49 suggestions

- We agree with the chapter 49 revisions, and additionally urge that the Board of Education develop an autism specific certification to address the intense need for

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properly trained individuals to teach the increasing population of students with autism.

- We urge the development of certification for behavior specialist, based on the national standards developed by the Behavior Analyst Certification Board (<http://www.bacb.com/>).
- In addition to supporting the revisions to Chapter 49, we urge consideration of additional legislative measures to increase autism training in schools of higher education preparing individuals for careers in education, speech pathology, occupational and physical therapy, psychology, and related disciplines.

[Note: the Autism Society of America-Pennsylvania chapter supports the revised **Chapter 49** regulations especially regarding teacher certification and training in that amendments and changes increase mandatory special education and inclusion training for all teachers allowing them to better serve diverse learners. Chapter 49 also provides that teachers obtain an optional “endorsement” in autism. *With 1 in 150 children diagnosed with an autism spectrum disorder, educators with expertise in this disability are urgently needed. Many Pennsylvania school districts lack even one professional knowledgeable in autism.*]

Chapter 4 suggestion

- We urge that all schools be required to create awareness among all neurotypical students of the characteristics of disabilities affecting their fellow students with disorders of behavior and communication, including autism. This requirement should be linked to the regular curriculum regulations in Chapter 4.