

A woman with glasses and a young boy are sitting at a table, looking at a laptop screen. The woman is on the left, and the boy is on the right. They appear to be in a home setting, possibly a study or living room. The background shows a bookshelf with several books. The overall lighting is dim, and the image has a dark overlay.

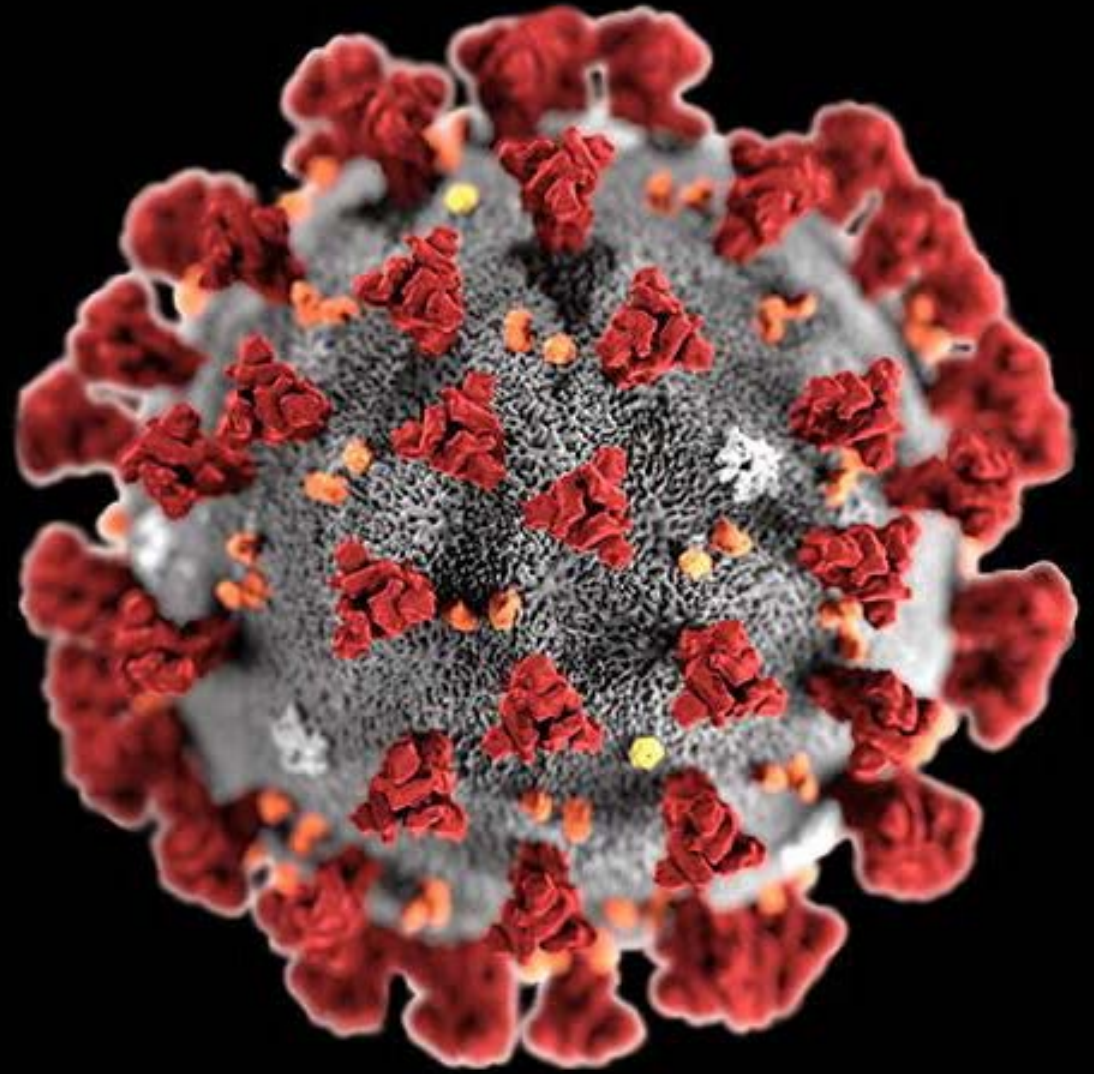
Disability Concerns Subcommittee

Thursday, September 17, 2020

**EDUCATIONAL
CHALLENGES
FOR CHILDREN
WITH
DISABILITIES
IN TODAY'S
WORLD**

COVID-19 CHALLENGES:

- ❖ Remote Learning—
Beyond Bandwidth
Problems
- ❖ In-person Learning



REMOTE LEARNING IS NOT “FREE”

- Students with Disabilities are entitled to a Free, Appropriate Public Education (FAPE).
- Many children with disabilities cannot access remote learning at all without constant, steady parent support, several hours a day.
- Parents are not trained as educators, much less special educators.
- They are not paid to act as their children’s teacher or EA.
- In fact, they are commonly taking hours away from their jobs to do this work.



FOR MOST STUDENTS WITH DISABILITIES, REMOTE LEARNING IS NOT “APPROPRIATE” AT ALL, OR AS CURRENTLY IMPLEMENTED.

SOME OF THE PROBLEMS:

- Student and family lack of computer literacy and unfamiliarity with technology.
- Inability to access and benefit from online curriculum.
- Lack of individualized instruction—straight general education offerings.
- Difficulty paying attention.
- Sensory and self-regulation issues.
- Social communication deficits.





REMOTE LEARNING NOT APPROPRIATE AT ALL OR AS IMPLEMENTED (continued)

- Not receiving ancillary services online
- Inability to receive direct, in-person therapies (particularly physical therapy) leading to actual harm
- Not receiving accommodations
- Not receiving appropriate assistive technology
- Impact on mental health
- Impact on behaviors
- Initial evaluations and re-evaluations not happening, or happening very incompletely
- Districts not offering in-person services in the home

WHILE REMOTE LEARNING IS IN PLACE, FAMILIES CAN ADVOCATE FOR WHAT THEIR CHILDREN NEED TO ACCESS AND BENEFIT FROM THE CURRICULUM.

SOME SUGGESTIONS:

- Asking for office hours and individual check-in's from teachers, and helping their children access these.
- Asking for delivery of remote ancillary services whenever feasible and appropriate.
- Asking for delivery of in-home services whenever feasible and appropriate.
- Asking for accommodations for remote learning, and for help identifying such accommodations.
- Asking for in-person instruction at school (exception for students with disabilities) for particular instruction or ancillary services which cannot be delivered remotely, whenever feasible and appropriate.



CHALLENGES OF IN-PERSON LEARNING

- Medically fragile or otherwise vulnerable students with disabilities cannot attend at all (and may also not be able to access and benefit from remote learning).
- Sensory and self-regulation issues
- Difficulty of mask-wearing and social distancing
- Over-disciplining of students who cannot observe COVID-safe practices.
- Physical restraint by definition does not adhere to COVID-safe practices—need for a moratorium.



An empty classroom with rows of wooden desks and blue chairs. The desks are arranged in a grid pattern, and the chairs are tucked under them. The room is brightly lit, and the floor is a light-colored tile. In the background, there are bookshelves and a whiteboard.

DISPROPORTIONATE LEARNING LOSS, AND THE WIDENING GAP

How will districts measure and appropriately compensate for regression, lost skills and learning?

STUDENTS WITH DISABILITIES SUFFER—BEFORE,
DURING, AND AFTER THE PANDEMIC, WHEN THEIR
EDUCATION FAILS TO:

UNDERSTAND THEIR DISABILITY

ANTICIPATE AND SUPPORT THEIR
BEHAVIOR

NEED FOR DISABILITY-SPECIFIC KNOWLEDGE

Often, school administrators, teachers and staff have not been provided adequate training to properly understand how specific disabilities impact their students' learning.

They lack training in specialized, evidence-based teaching strategies necessary for the success of these students in school.

This is true throughout New Mexico, but especially in small, remote, rural school districts.





ACCORDING TO NATIONAL DATA:

- 15-20% of kids struggle with reading and have symptoms of dyslexia. (Int'l Dyslexia Ass'n)
- 1 in 20 kids has a Fetal Alcohol Syndrome (Proof Alliance)
- 1 in 59 kids has Autism Spectrum Disorder (CDC)
- 1 in 100 kids has a Tic Disorder, including Tourette Syndrome (Tourette Ass'n)
- 9.4% of kids have Attention Deficit Hyperactivity Disorder (CDC)

CONSEQUENCES OF THIS LACK OF KNOWLEDGE AND UNDERSTANDING

Students having these disabilities are not identified for special education, or initial evaluation is delayed.

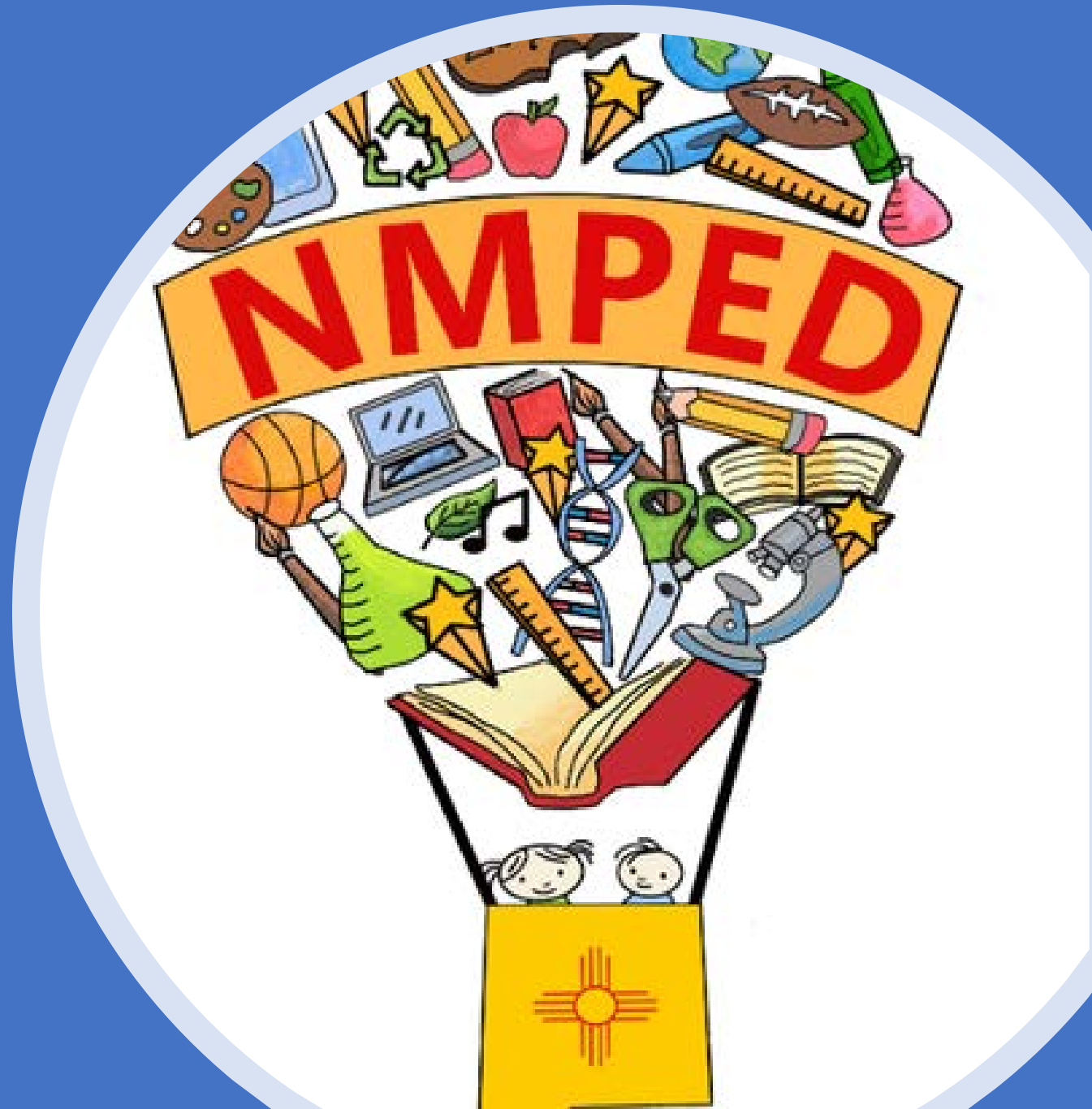
Appropriate, specialized instruction and strategies are not consistently implemented across settings.

Students having these disabilities are misunderstood and blamed for their own inability to perform or conform.

Students having these disabilities are subjected (often repeatedly) to discipline, physical restraint, seclusion, etc.

POTENTIAL SOLUTION

NMPED should build infrastructure at the department level, employing people with expertise in specific disability areas or IDEA eligibility categories (such as autism spectrum disorder, specific learning disability/dyslexia, tic disorder/Tourette Syndrome, fetal alcohol syndrome, other health impairment/ADHD, etc.). This would enable NMPED to provide technical assistance, training, professional development, and other supports for districts lacking the knowledge and skill to provide appropriate special education and related services to students having those disabilities.



STUDENTS WITH DISABILITIES AND BEHAVIOR AT SCHOOL



“The essential function of challenging behavior is to communicate to adults that a kid doesn’t possess the skills to handle certain demands in certain situations.”

— Ross W. Greene, [Lost at School: Why Our Kids with Behavioral Challenges are Falling Through the Cracks and How We Can Help Them](#)

STUDENTS WITH DISABILITIES FREQUENTLY FACE OBSTACLES RELATED TO THEIR BEHAVIOR:

Disability-related behavior can impact the student's learning and their ability to make progress and succeed in the curriculum.

Increased likelihood of being subjected to exclusionary discipline (suspension, expulsion) from school.

Potentially subjected to traumatic behavioral interventions such as physical restraint and seclusion or needlessly involving law enforcement.



Low income children, students with disabilities, and students of color are all significantly more likely to be referred to school administrations for discipline problems than students with other backgrounds.

These students are more likely to receive out-of-school suspensions, expulsions, or otherwise be referred to law enforcement as punishment.

They are more likely to be punished more harshly than other students for the same behaviors, and they are less likely to have access to opportunities to develop social and emotional skills valued by schools.

Anyon, et. al. (2014)

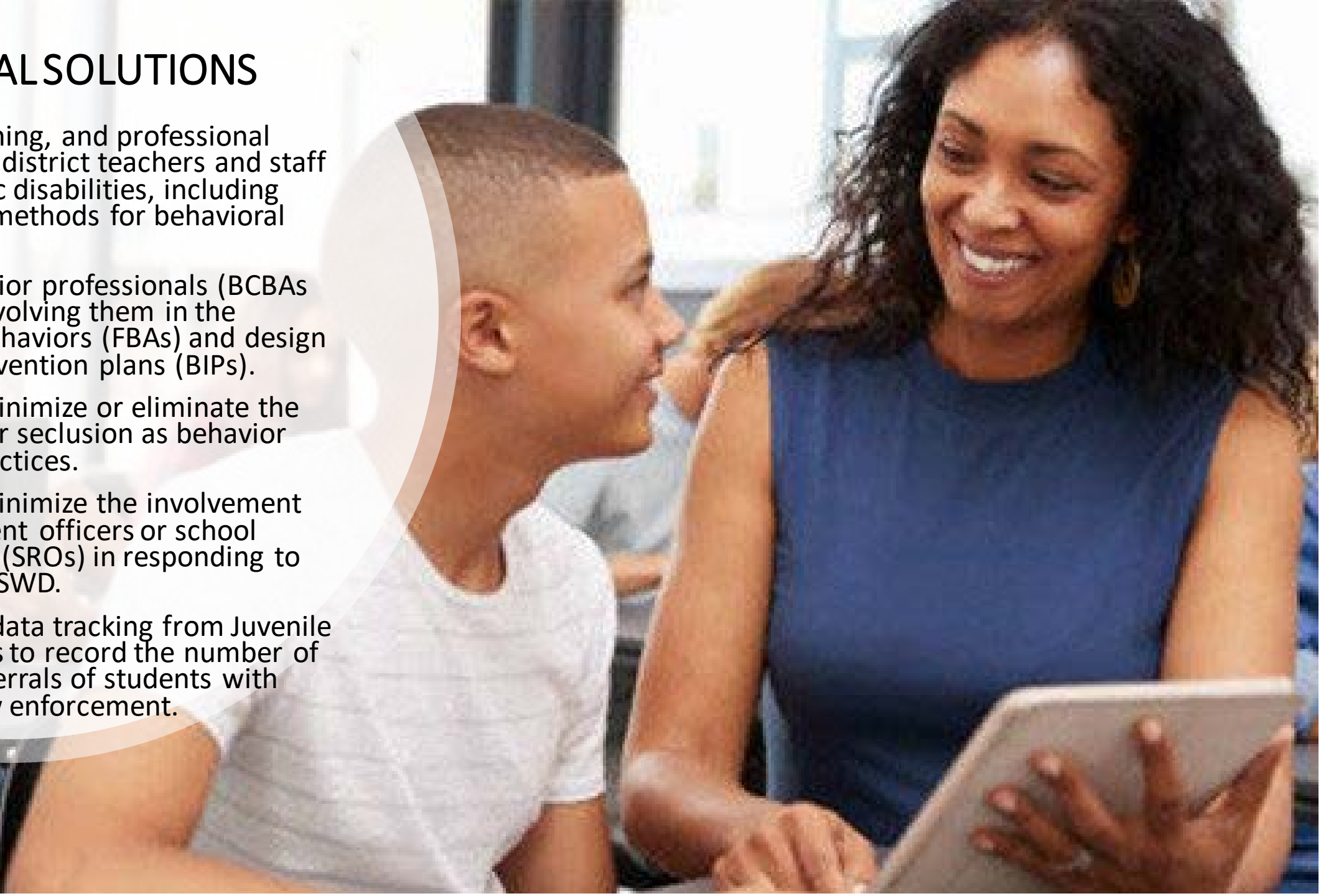
WHAT IS NEEDED FOR CHANGE?

A foundational understanding that children's challenging behaviors typically result from a lack of functional and adaptive skills needed to meet demands and expectations—skills which can be taught. Too often, we tend to assume these behaviors are the result of performance or motivational deficits, finding purposes in the behaviors like attention-seeking, limit-testing, or manipulating.



POTENTIAL SOLUTIONS

- Preparation, training, and professional development for district teachers and staff regarding specific disabilities, including evidence-based methods for behavioral skill building.
- Employing behavior professionals (BCBAs and RBTs) and involving them in the assessment of behaviors (FBAs) and design of behavior intervention plans (BIPs).
- Measures that minimize or eliminate the use of restraint or seclusion as behavior management practices.
- Measures that minimize the involvement of law enforcement officers or school resource officers (SROs) in responding to the behaviors of SWD.
- CYFD to require data tracking from Juvenile Probation Offices to record the number of school-based referrals of students with disabilities to law enforcement.



Laurel Nesbitt

Staff Attorney

Disability Rights New Mexico

3916 Juan Tabo Blvd. NE

Albuquerque, NM 87111

(505) 256-3100

www.DRNM.org

