

# SPECIAL EDUCATION IN THE TIME OF COVID

**PRESENTATION TO LESC**

MONDAY, AUGUST 24, 2020

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STUDENTS WITH DISABILITIES ARE A HETEROGENEOUS GROUP WITH ONE COMMON CHARACTERISTIC: THE PRESENCE OF DISABLING CONDITIONS THAT SIGNIFICANTLY HINDER THEIR ABILITIES TO BENEFIT FROM GENERAL EDUCATION (IDEA 34 §300.39, 2004).

THEREFORE, HOW THESE HIGH STANDARDS ARE TAUGHT AND ASSESSED IS OF THE UTMOST IMPORTANCE IN REACHING THIS DIVERSE GROUP OF STUDENTS



# MARTINEZ PLAINTIFFS' GUIDING PRINCIPLES

- We believe Every child can learn and Every child is sacred.
  - All children are intelligent and strong, and have ambitious desires and requests to learn.
  - All children bring cultural and linguistic knowledge to the classroom and to the curriculum.
- We believe All students bring assets to their education as they work toward academic, social, and career goals.
- A sufficient education prepares students for college and career.
- Teachers can experience self-efficacy with students in at-risk categories, given consistent professional development, along with respect and communication tools.

# MARTINEZ PLAINTIFFS' GUIDING PRINCIPLES: VALUES

- **Multicultural Education:** We value the use of a cultural, racial equity and critical studies lens that views the heritages and languages of the communities of New Mexico as strengths. The work of education is to support children and their families to sustain and revitalize their cultural ways of being and speaking, so that children can thrive academically and socially as citizens of their communities, cities/towns, tribes, state, nation, and world.
- **Communities:** We value the role that communities hold in supporting the education of each child, including families, tribal governments and elders, teachers, administrators, educator preparation programs, business communities, health services, and non-profit organizations.

# MARTINEZ AND PUBLIC EDUCATION AS A FUNDAMENTAL RIGHT

## **The Court named The Benefits of a Sufficient and Uniform Education System:**

An educated populace benefits the state politically, socially, and economically. All current and future students and their families and the public as a whole are benefited by at-risk children receiving an adequate education. (Judge Sarah Singleton, October 24, 2014).

# MARTINEZ PLAINTIFFS' GUIDING PRINCIPLES: VALUES

- **A Comprehensive Plan:**

We value the development of a statewide plan determined by the willingness of key stakeholders to engage with and be responsive to the input of families, tribal leaders, and local community members statewide.

# DEFINITION OF HEALTH

“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” (WHO, 1946)

Medical  
model



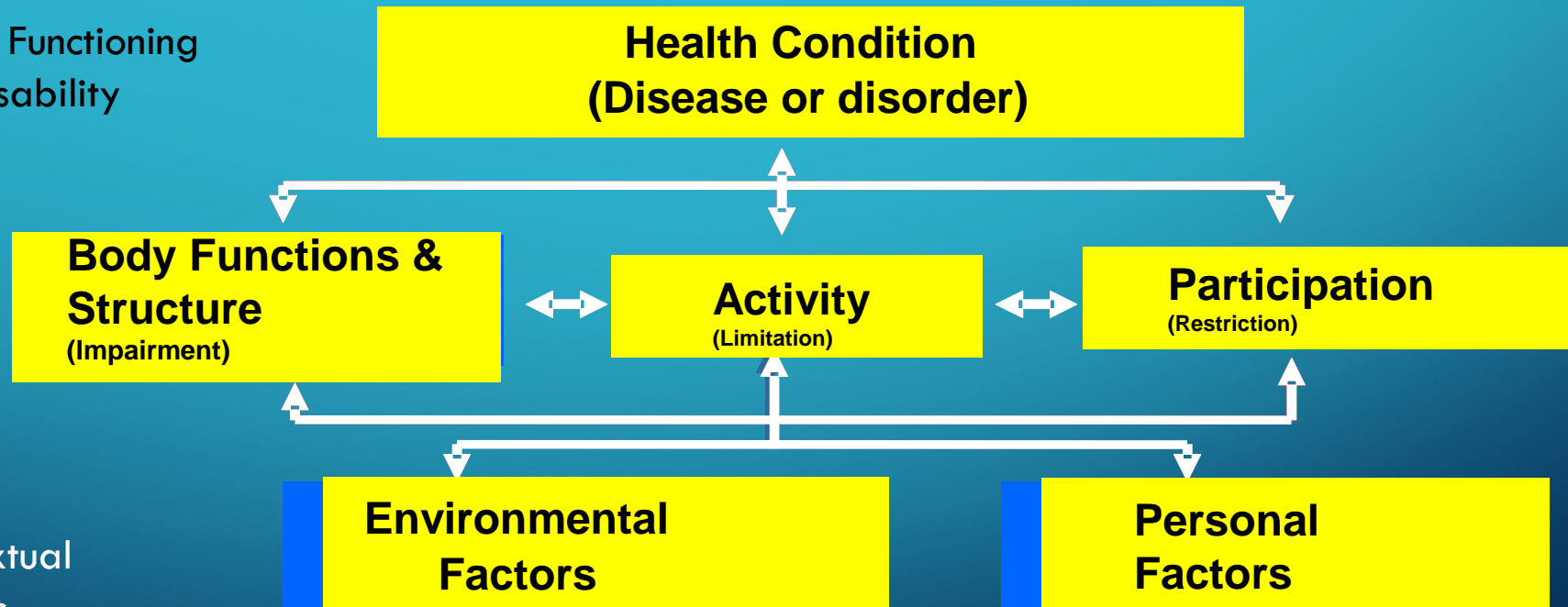
Social  
model



Bio-psycho-social  
model

# World Health Organization International Classification of Functioning, Disability and Health (ICF)

Part 1: Functioning  
and Disability



Part 2:  
Contextual  
Factors

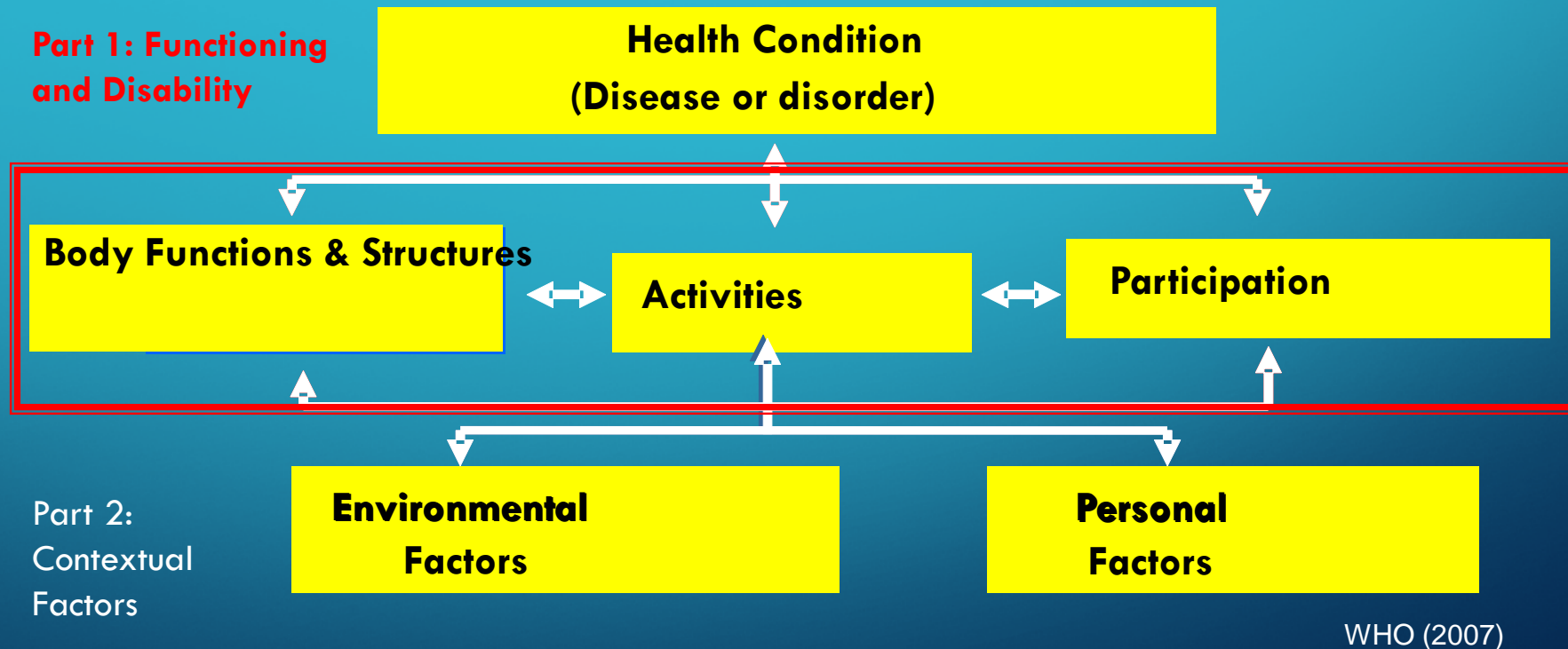
World Health Organization (2007) *International Classification of Functioning, Disability and Health - Version for Children and Youth: ICF-CY*. Geneva: World Health Organization.



# ICF COMPONENTS

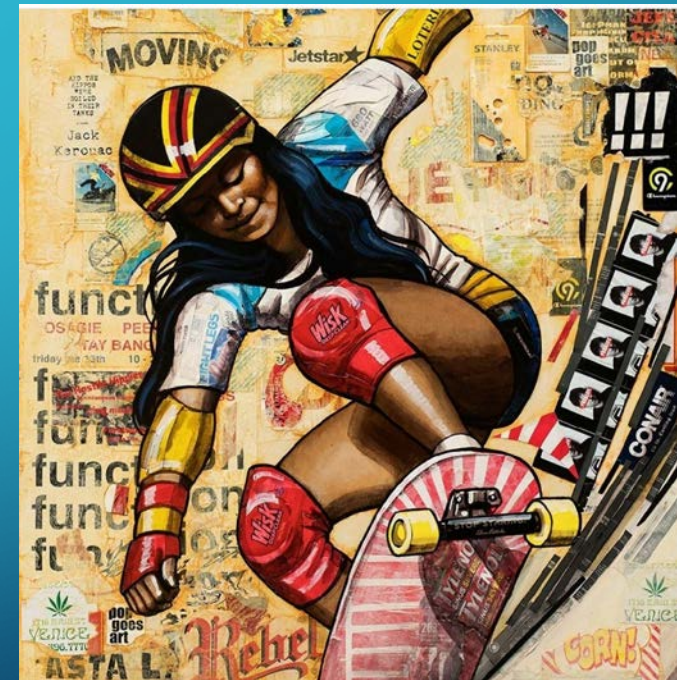
Part 1: Functioning and Disability		Part 2: Contextual Factors	
Body Functions and Structures	Activity and Participation	Environmental Factors	Personal Factors
<p><u>Body Functions:</u> Physiological functions of body structures (including psychological functions)</p>	<p><u>Activity:</u> The execution of a task or action by an individual</p>	<p>Make up the <u>physical</u>, <u>social</u>, and <u>attitudinal</u> environment in which people live and conduct their lives</p>	<p>The <u>particular background of an individual</u> that are not part of a health condition or health states. These factors may include gender, age, health conditions, etc</p>
<p><u>Body Structures:</u> Anatomical parts of the body</p>	<p><u>Participation:</u> Involvement in a life situation</p>		
<p><b><u>Impairments:</u></b> The problems in Body Function or Structure</p>	<p><b><u>Activity limitation:</u></b> Difficulties an individual may experience in a life situation</p> <p><b><u>Participation restrictions:</u></b> Problems an individual may experience in involvement in life situations</p>		

# ICF: BODY FUNCTIONS, ACTIVITIES AND PARTICIPATION



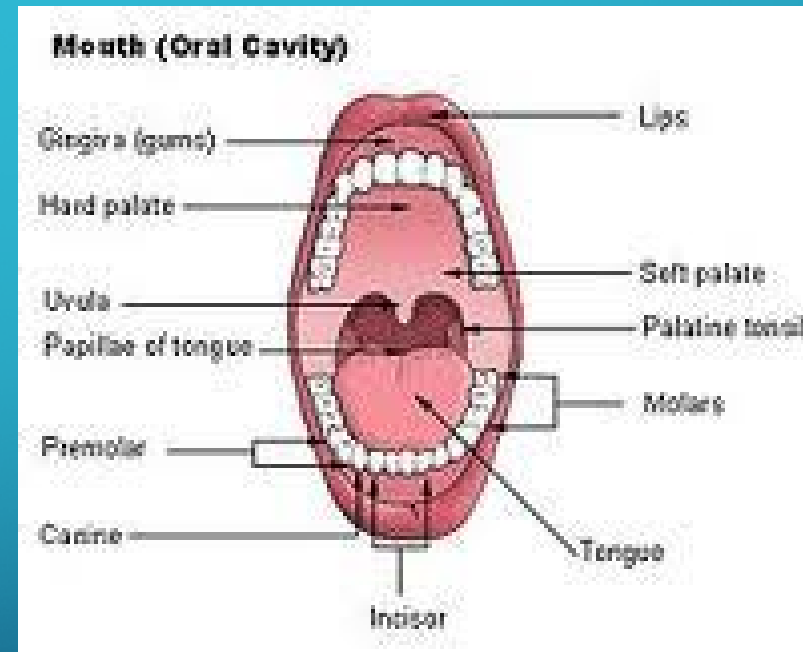
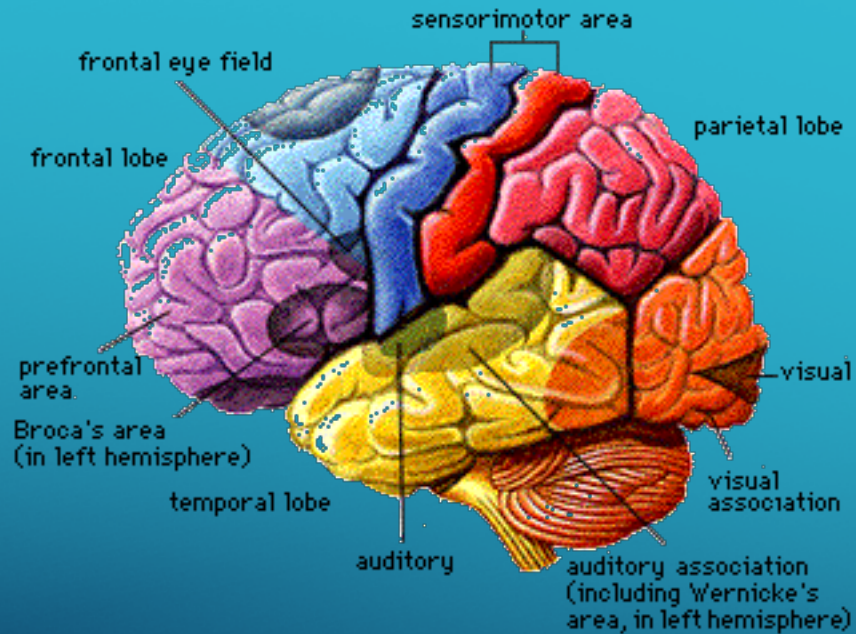
# BODY FUNCTION

- “the Physiological functions of body systems (including psychological functions)”  
(WHO, 2007, p. 9)
- Functioning of Body Structures
  - **Articulation functions (speech sound production)**
  - **Expression of language (grammar)**
  - **Reception of written language (emergent literacy)**
  - **Nonverbal cognition**



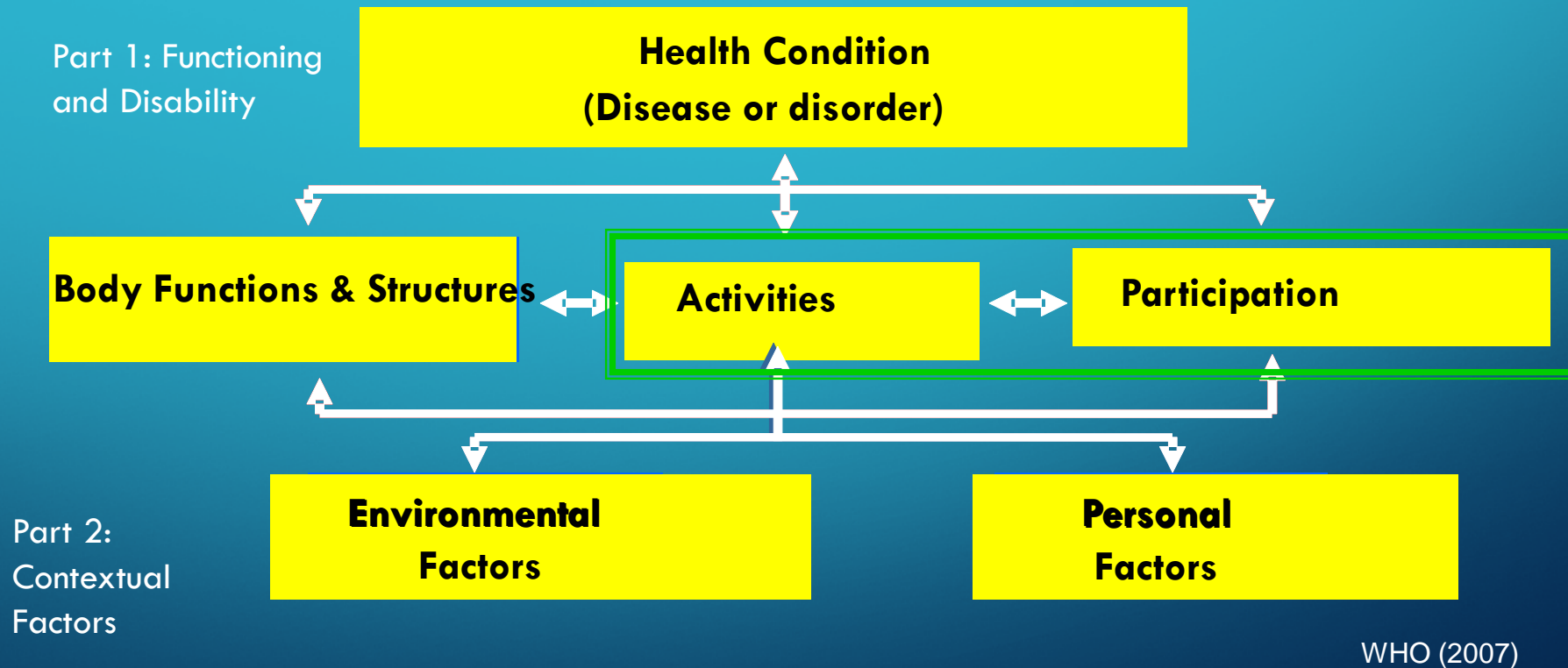
World Health Organization (2007) *International Classification of Functioning, Disability and Health - Version for Children and Youth: ICF-CY*. Geneva: World Health Organization.

# BODY STRUCTURE



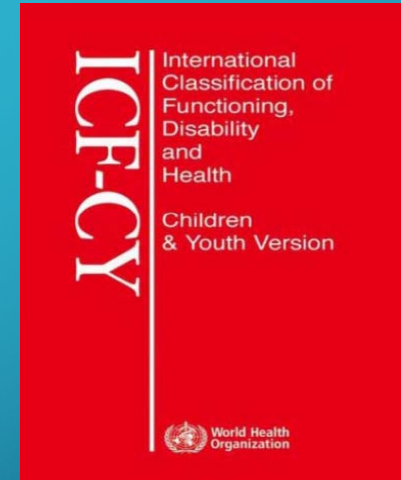
World Health Organization (2007) *International Classification of Functioning, Disability and Health - Version for Children and Youth: ICF-CY*. Geneva: World Health Organization.

# ICF Activities and Participation



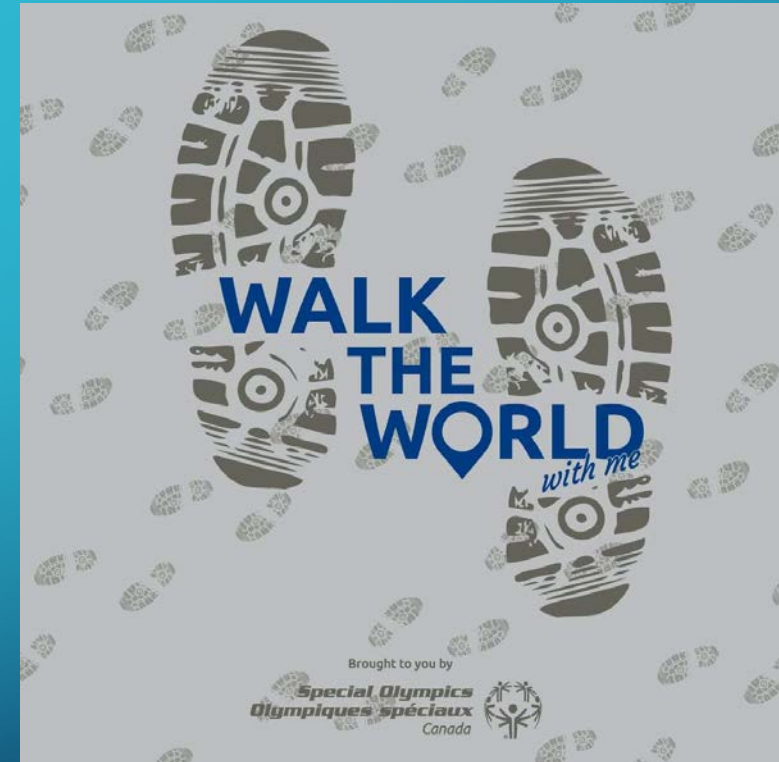
# ACTIVITIES AND PARTICIPATION

- 1. Learning and applying knowledge**
- 2. General tasks and demands**
- 3. Communication**
- 4. Movement**
- 5. Self care**
- 6. Domestic life**
- 7. Interpersonal interactions and relationships**
- 8. Major life areas**
- 9. Community and social life**



# ACTIVITIES AND PARTICIPATION

- d760 Family relationships
  - Parent-child relationships
  - Sibling relationships
- d820 School education
- d920 Recreation and leisure



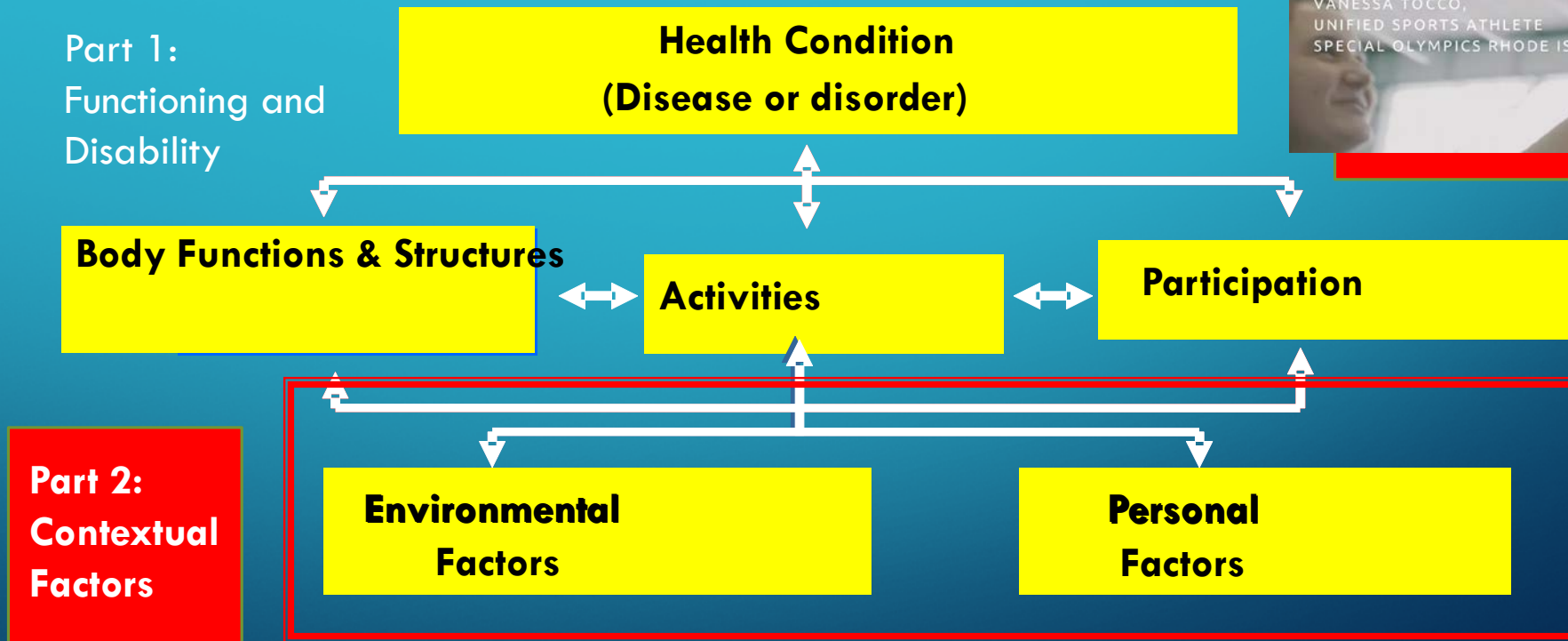
World Health Organization (2007) *International Classification of Functioning, Disability and Health - Version for Children and Youth: ICF-CY*. Geneva: World Health Organization.

# *ACTIVITIES AND PARTICIPATION: CLINICAL TOOLS*

- 1. CELF-P2 Pragmatics Checklist**
- 2. Focus on the Outcomes of Communication Under Six (FOCUS)**
- 3. Intelligibility In Context Scale (ICS)**
- 4. KiddyCAT (Communication Attitude Test (d330))**
- 5. Oral and Written Language Scales (d310)**
- 6. Parent's Evaluation of Aural /Oral**
- 7. Pediatric Voice Handicap Index**
- 8. Speech Participation and Activity Assessment of Children (SPAA-C)**
- 9. Test of Pragmatic Language**
- 10. Vineland Adaptive Behavior Scales –II (VABS-II)**



# CONTEXTUAL FACTORS



WHO (2007)

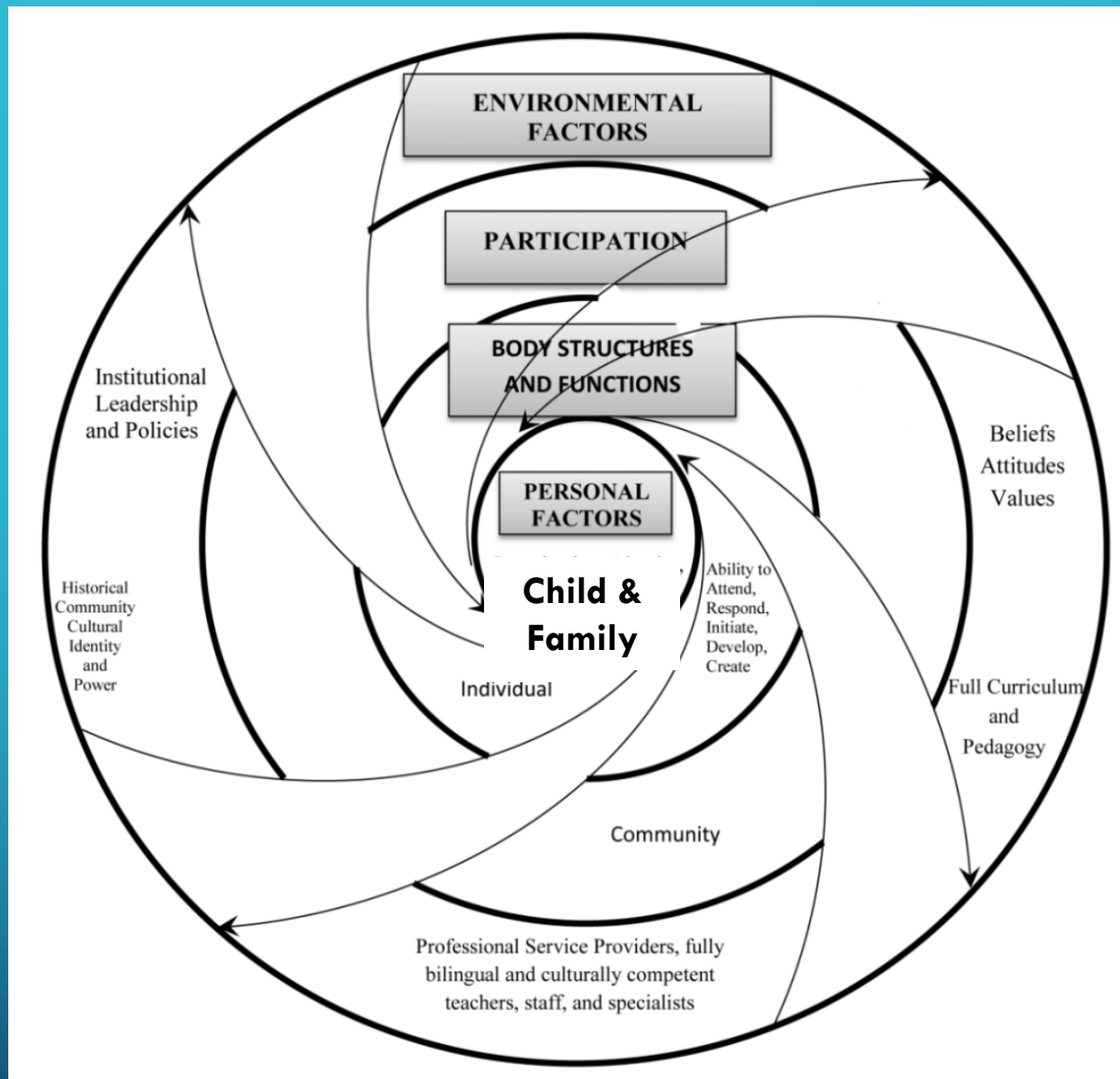
# CONTEXTUAL FACTORS

## Environmental

1. Products and technology
2. Natural environment and human-made changes
3. Support and relationships
4. Attitudes
5. Services, systems and policies

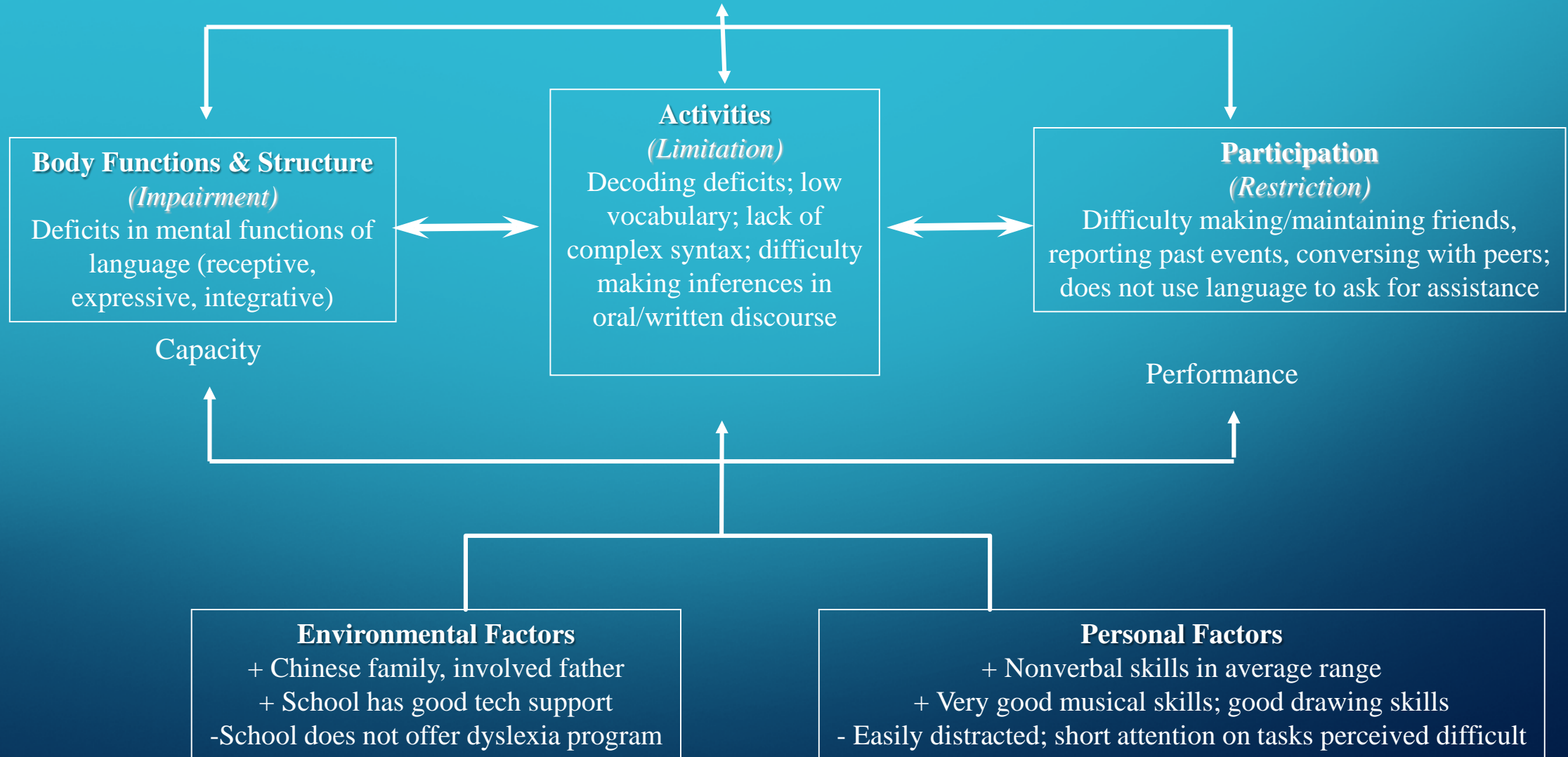
## Personal

- Gender
- Race
- Age
- Other health conditions
- Lifestyle
- Upbringing
- Character style and coping style
- Education
- Past and current experiences



Torres-Velásquez, Roberts-Harris, LópezLeiva, Westby, Lobo, Dray, Martínez de la Cueva Astigarraga & Aguilar-Valdez (2014)

# Condition (disorder/disease) Language Impairment

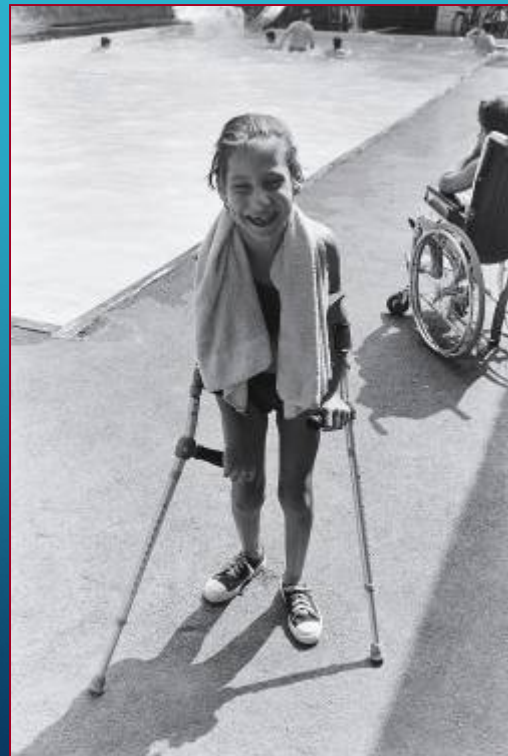


# IDEA - IEP



General Education  
Curriculum

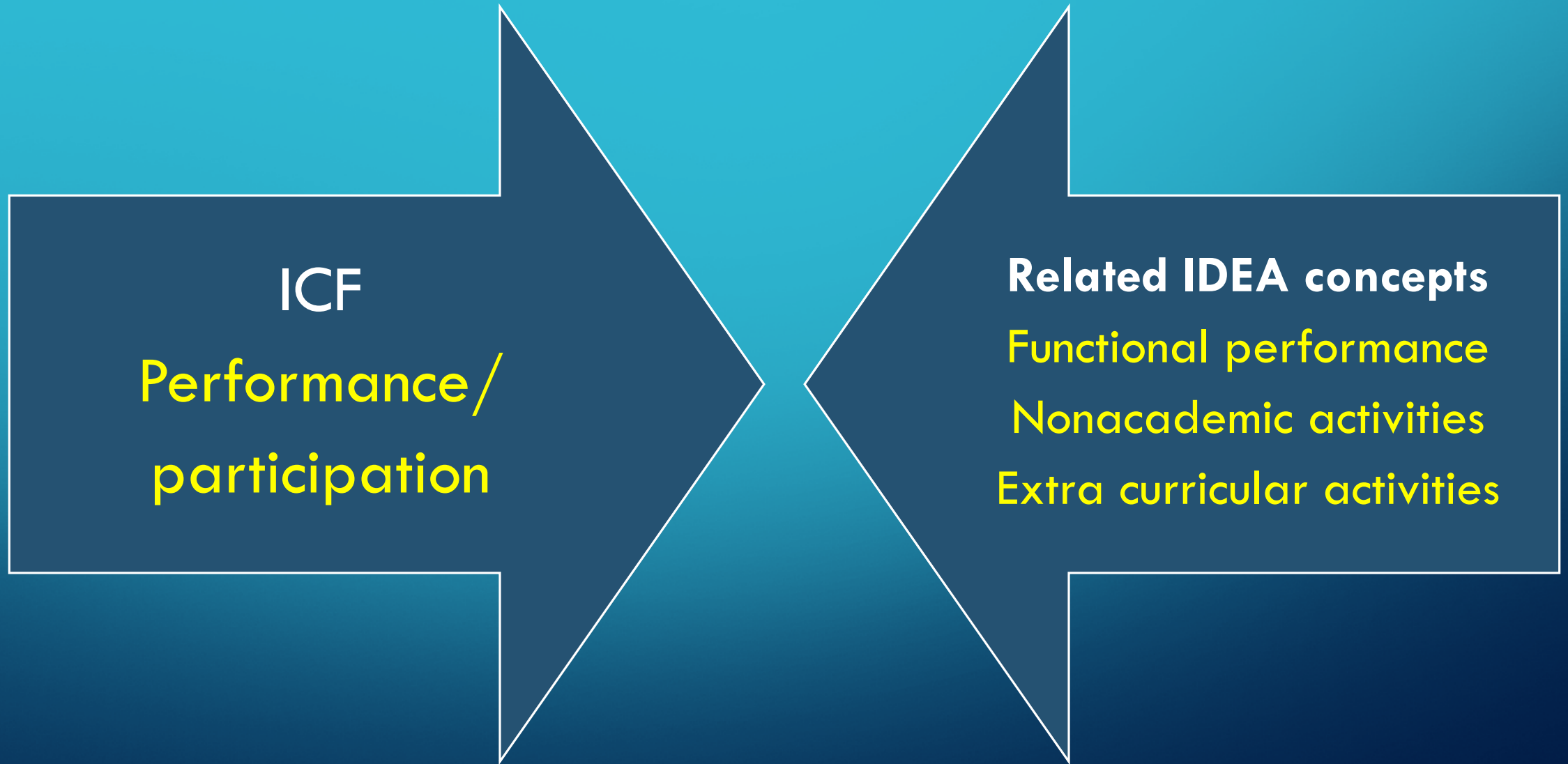
*Access to and  
participation in...*



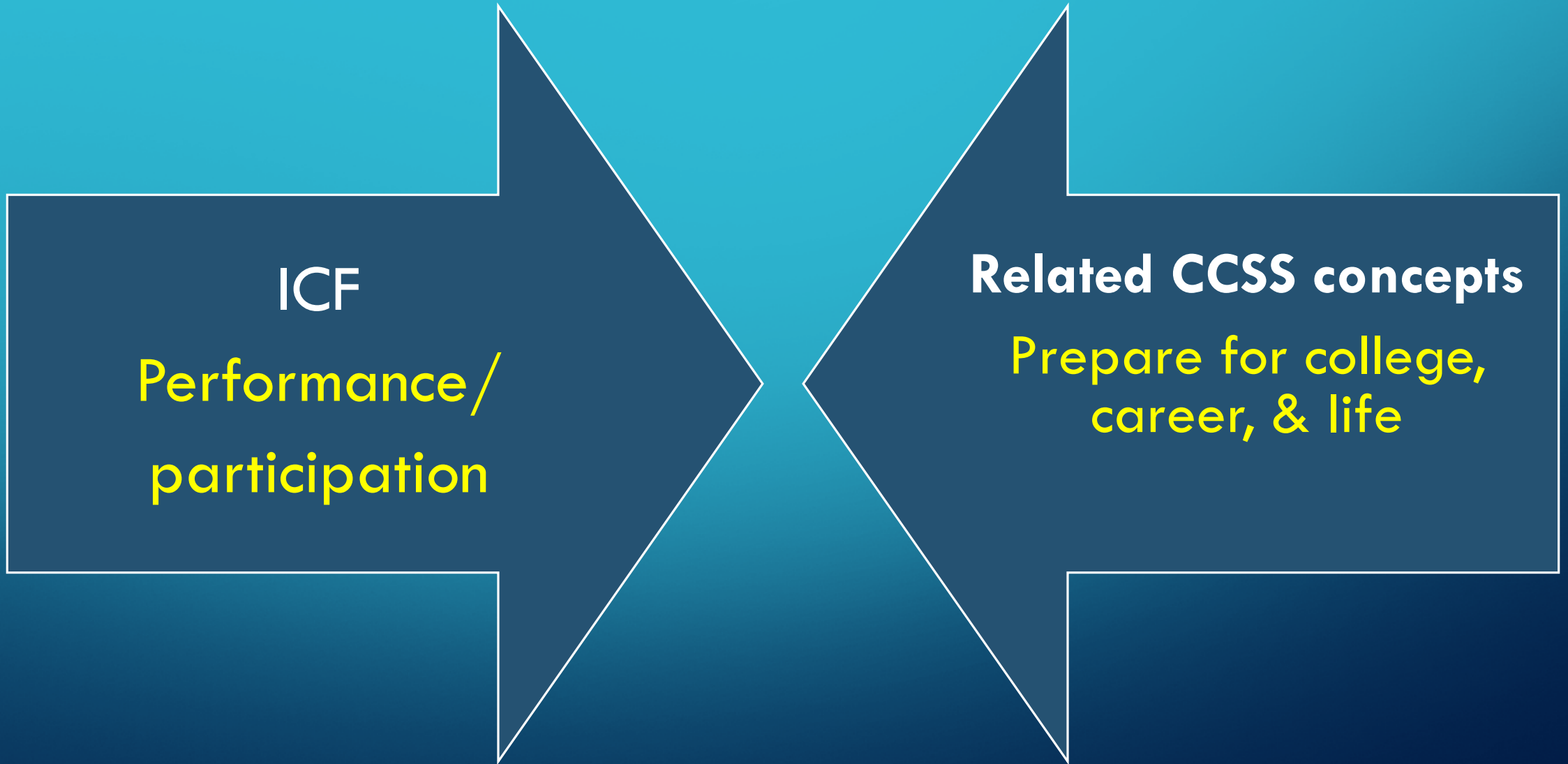
Extracurricular  
Activities

Nonacademic  
Activities

# ICF – IDEA RELATIONSHIPS



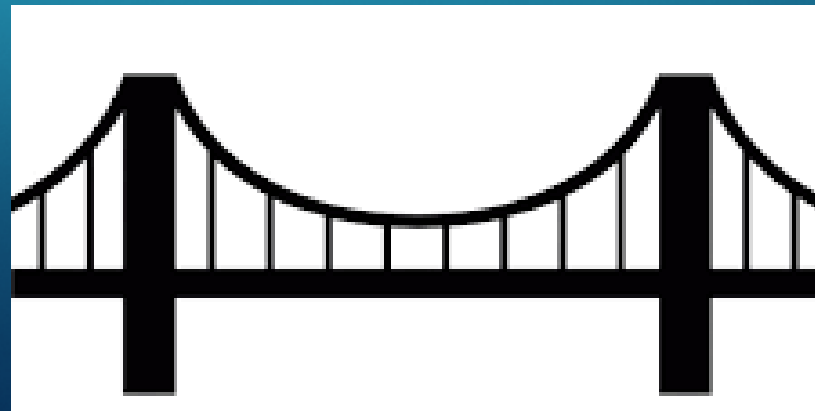
# ICF – CCSS RELATIONSHIPS



# USING THE ICF TO SUPPORT IEP DEVELOPMENT

IEP Component	IDEA IEP Requirements	Integrating the ICF with IDEA
Alternative assessments	For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives	<ul style="list-style-type: none"><li>• The ICF can serve as a bridge between <b>assessments focusing on health, development, curriculum, and social dynamics</b>.</li><li>• It provides a framework that can link norm-referenced and criterion-referenced measurements (WHO, 2013).</li></ul>


Academics/Language  
Norm-referenced



Social dynamics  
Criterion-referenced



# USING THE ICF TO SUPPORT IEP DEVELOPMENT

IEP Component	IDEA IEP Requirements	Integrating the ICF with IDEA
<p>Program modifications, accommodation, or supports for school personnel</p>	<p>A statement of any individual appropriate <b>accommodations, modifications, and supports</b> that are necessary for the student to participate and be successful in school.</p> 	<ul style="list-style-type: none"> <li>• <b>Contextual factors act as facilitators or barriers to functioning.</b> Information about contextual factors can provide insight into types and frequency of accommodations, modifications, and supports that should be included in the IEP.</li> <li>• Consider how <b>contextual factors</b> may influence the differences between a student's capacity and performance</li> </ul>

# TIMELINE AND PRIORITIES FOR SPECIAL EDUCATION COVID SUPPORT AND LONG-TERM PLAN

Identify alternate sites /modalities: ECHO Education, school clinics; pandemic pods (non voucher) ; outside classrooms; Improve Internet infrastructure

Incorporate Equity Councils

Adjust IEPs for current context

Assess and plan using ICF/IDEA

Head SPCD teacher or designee conduct and report Immediate audit at every school for every child with disability, incorporate PED

Place child at the center.

Now in 2020

Fund Cooperative Teachers for solid teacher preparation

Fully fund Student Assistant Teams

Return full funding to CRECs for Transitional Planning and Support

Separate special ed funding from gen ed and track that funds are reaching SPCD students

Fully operationalize Equity Councils at teach school and district with guarantee of non-biased members

Fund non-biased Ombudsman

Develop a Center of Excellence that reaches out across NM that is fully accessible remotely (ECHO Ed?)

2020

2021

Pass legislation that elevates special education in state administration, more visible and direct connection to Secretary of Education

Fully fund and support Trauma informed Practices

Remove barriers that restrict full communication with families (reporting every restraint; removing door window covers)

Reverse the ruling that allows teachers to be certified with two reading classes. Provide EXTENSIVE Professional Development for all school staff.

Continue school audits to monitor needs, begin school and district onsite focus monitoring

Provide culturally and linguistically rooted/sustaining curriculum/pedagogy

# THINGS WE NEED NOW IN 2020 COVID WORLD

**Place** the child and family at the center. Listen to parents. Shift the mindset and frame of mind.

**Conduct** immediate audit to find every child receiving special education, their status, and report findings at every school and PED.

**Adjust IEPs** where needed in order to honor student disability needs

**Assess, plan and teach** using ICF/IDEA – including an honest assessment of the parent's ability to teach child online and FAPE

# THINGS WE NEED NOW IN 2020 COVID WORLD

(CONT.D)

**Identify** high priority students who DO want some level of in person schooling

**Identify alternate** sites /modalities:

- ECHO Education (and Improve Internet Infrastructure statewide)
- Use school clinics for in person therapy sessions when classrooms are closed
- Validate district-approved pandemic pods (non voucher; not for-profit entities)
- Outdoor education settings
- Work with families who choose to pursue Home schooling

# THINGS WE NEED NOW IN 2020 COVID WORLD (CONT.D)

Incorporate and Activate external **Equity Councils**/Ombudsmen at the school/community level BEFORE the step to seek out PED Special Ed Administrators (to remove barriers, promote solutions oriented framework and lessen retaliation)

**Stop** growing practice of schools telling parents they can't have the services on their child's IEP due to COVID and then pushing them to sign a waiver to release the school and district from providing those services.

# FOR NEXT LEGISLATIVE SESSION: 2021

## Pass legislation that:

Elevates special education in PED with direct connection to Secretary

Provides valuable and specific support for teachers, administrators and districts and makes that support clearly visible

Fully funds and supports Trauma informed Practices

Funds Cooperative Teachers for solid teacher preparation

Reverses the rule that allows teachers to be certified with two only reading classes.

Provides EXTENSIVE Professional Development for all school staff.

# FOR NEXT LEGISLATIVE SESSION: 2021

Continue school audits to monitor special education needs of students with IEPs in age of COVID-19

Begin school and district **onsite focus monitoring**

Provide **Multicultural Education** including anti-racist education, culturally and linguistically rooted/sustaining curriculum/pedagogy

**Identify and remove barriers** that restrict full communication and that fuel mistrust with families (reporting of restraints; window covers)

# AT LEAST BY 2022 OR SOONER

- Fully fund Student Assistant Teams
- Return full funding to CRECs for Transitional Planning and Support
- Separate special ed funding from general ed funding and track how funds are reaching SPCD students
- Fully operationaliz Equity Councils at each school and district with guarantee of non-biased members
- Fund non-biased Ombudsman
- Develop a Center of Excellence that reaches out across NM that is fully accessible remotely (ECHO Ed?)



# What does an **INCLUSIVE** **WORLD** look like to you ?

