

# RAP Sheet

The Latest in Disability Research, Advocacy, Policy, and Practice

Fall Issue 2006

## BACK TO SCHOOL



### Promising Practices in Inclusive Education

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*Welcome to the Fall Back to School Issue of the Rap Sheet. It has been more than 30 years since the United States Congress passed legislation guaranteeing that all children, including those with disabilities, have the right to an education. This issue looks at how New Hampshire students with disabilities are faring and highlights the challenges that must be addressed if we are to fully include all children as valued members of their school communities.*

Jason attends a school just for students with disabilities. His educational goals focus on increasing his speech, using a picture exchange communication system, maintaining appropriate behavior, reading sight words, and learning such functional skills as getting dressed and cooking. Jason is taught using discrete trials and when he responds appropriately, he is rewarded with food or tokens that can be exchanged for small trinkets. He receives services and supports from a special education teacher, speech-language pathologist, occupational therapist, behavior therapist, and a one-on-one paraprofessional. Jason's parents and teachers expect that he will one day live in a group home and attend a day habilitation program with other adults who have significant disabilities.



*This New Hampshire student is a classroom member in a school that is participating in the Institute on Disability's Beyond Access Program.*

Miranda is a 7<sup>th</sup> grader who attends middle school in her community. She participates in all the same classes as her peers who do not have disabilities. Miranda's educational goals focus on acquiring core knowledge in literacy, math, social studies, science, the arts, physical education, and computers – all part of her school's general curriculum. She also is learning functional skills that include using a voice-output communication device, sending emails to friends, budgeting for personal expenses, and shopping with friends at the mall. Like Jason, Miranda receives specialized services and supports, but hers are provided in regular

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SUSAN COVERT, EDITOR

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general education classes and in the context of typical activities at her school. Miranda and her parents envision a future where she will go to college, travel, live in the community with friends who don't have disabilities, marry, and have a job that allows her to earn a living and pursue her interest in health and fitness.

Both Jason and Miranda experience autism. According to their school records, their adaptive skills are "low," they have similar scores on measures of intellectual functioning, they do not speak to communicate, and they have difficulty managing sensory input, their emotions, and their behavior. Which student's educational program is more "appropriate?" Which student's educational program is based on the latest research? Which program is more likely to result in the student having a high quality of life while they are in school and in the future? How do parents and educators decide?

Making decisions about the educational programs for students with disabilities requires that families and educators take into account their values, current research, the desired vision for the student's life, and requirements of the special education law. In 1975, the Education of All Handicapped Children Act guaranteed for the first time universal access to a free and appropriate public education for students with disabilities. In the most recent reauthorizations of that law (Individuals with Disabilities Education Act of 1997 and 2004) greater emphasis was placed on assuring that children with disabilities make progress within the general education curriculum based on learning objectives that are, to the maximum extent appropriate, the same for children with disabilities as for those without. The law also requires that all school districts disseminate and implement "*promising educational practices – systems of teaching and learning that have a record of success*"

The following are values- and research-based promising practices for students with disabilities. These practices define a quality education that is most likely to result in students having full lives in their communities as adults. "Knowing" these practices is not enough. Educational teams must implement these practices in their daily work, collect student and team

performance data, reflect on the meaning of the data, and revise their practices accordingly. Success also depends on school districts providing adequate administrative supports and resources. (A more detailed description of each practice and a "how to know it when you see it" checklist can be found in *The Inclusion Facilitator's Guide*, available from <http://www.iod.unh.edu> or <http://www.brookespublishing.com>).

### **Presuming Competence**

All students with disabilities pursue the same learner outcomes as students without disabilities. Even when students do not currently demonstrate content knowledge or skills, their educational programs still reflect a presumption that they can learn content knowledge and skills from the general education curriculum.

### **General Education Class Membership and Full Participation**

Students with disabilities are members of age-appropriate general education classes in their neighborhood schools and have access to the full range of learning experiences and environments offered to students without disabilities. There are no programs or rooms just for students with disabilities.

### **Quality Augmentative and Alternative Communication**

Students with disabilities are provided with accurate and reliable augmentative and alternative communication (AAC) supports and services that enable them to communicate both in the classroom and in social situations with adults and age-appropriate classmates.

### **Curriculum, Instruction, and Supports**

Curriculum and instruction are designed to accommodate the full range of student diversity. Individualized supports are provided to students with significant disabilities to enable them to fully participate and make progress within the general education curriculum. Students learn functional or life skills within typical routines in the general education classroom or by participating in other inclusive activities and environments.

## Family-School Partnerships

Families and schools are engaged in a partnership to create quality inclusive educational experiences for students with disabilities. Families are connected to resources for developing their own leadership and advocacy skills.

## Team Collaboration

General and special education teachers and related service providers demonstrate shared responsibility by collaborating in the design, implementation, and evaluation of students' educational programs.

## Facilitating Social Relationships

Students with disabilities are supported to participate in the same social and extracurricular activities as students without disabilities. Intentional facilitation of their social relationships is provided when typical relationships are missing, lack reciprocity, or are not satisfying.

## Self-Determination and Futures Planning

Students with disabilities are supported to advocate for themselves and to make age-appropriate choices about their lives. A futures planning process is used with students and their families that identifies dreams, hopes, goals, and needed supports for participation in typical school and community activities and environments.

## Professional Development

Professional development for general and special education staff is linked to improved educational outcomes for students with and without disabilities.

## Special and General Education Reform

Administrators provide leadership to align general and special education reform and improvement with respect to the creation of a community of learners that is inclusive of students with disabilities.

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JOEY NOTICED A MYSTERIOUS FORCE FIELD  
AROUND HIS ASSISTANT THAT CHILDREN  
COULD NOT BREAK THROUGH.

# ABC

## The Alphabet Soup of NCLB, NHEIAP, NECAP, IDEA\*: What Do Objective Performance Measures Mean for Students with Disabilities?

Richard A. Cohen, Esq., Executive Director, Disabilities Rights Center

New Hampshire officials proudly state that students in the Granite State generally do better on most performance measures (e.g. SAT scores) than students in other states. This promise of a quality education, however, cannot be claimed for most New Hampshire students with disabilities. For years there has been a crisis in educating children with disabilities in New Hampshire, one that has been difficult to expose because of the individualized nature of the special education process and the lack of effort by schools and the state to shine light on the problem.

It has been more than thirty years since Congress passed the Individuals with Disabilities Education Act (IDEA), yet the quality of education for students with disabilities in New Hampshire remains woefully inadequate, even though New Hampshire does not have the magnitude of societal and educational challenges confronting most other states. More recently, Congress enacted No Child Left Behind (NCLB) for the purpose of "improving the academic achievement of the disadvantaged," including those who are "limited English proficient children, migratory children, *children with disabilities*, Indian children, neglected or delinquent children, and young children in need of reading assistance". (Emphasis added.) In spite of these federal mandates, the results for students with disabilities continue to be far below where they should be.

For the past several years, the Disabilities Rights Center has been tracking educational data for New Hampshire students with disabilities. The data paints a very poor picture indeed. For example, the Department of Education (DOE) reported that the dropout rate for students with disabilities is over twice that of students without disabilities; the dropout rate for all students entering public high schools during this same period has been reportedly between 20-25%. Even more disturbing, studies show that the majority of youth in the state's juvenile justice system are children with disabilities; something, that in the view of many, is the result of a failed educational system. There is also strong anecdotal evidence that students with disabilities who do finish high school, are "graduated" by school districts prematurely and without adequate skills. The performance of students with disabilities on the grade level expectation assessments bears this out.

In the past the New Hampshire Educational Improvement and Assessment Program (NHEIAP), and more recently the New England Common Assessment Program (NECAP), verify what many would say is an unconscionable disparity between the performance of children with disabilities and those without disabilities. This gap exists even for students whose only disabilities are physical, as well as for those with learning disabilities where educational strategies and accommodations should make it possible for them to perform commensurate with students without disabilities. Students with learning disabilities make up about half of all students with disabilities.

This gap has continued despite the fact that in 1997, IDEA was amended to stress educational results and outcomes, not just compliance with process. This results oriented approach was re-affirmed and strengthened with the passage of No Child Left Behind (NCLB) in 2001 and amendments to IDEA in 2004. At the state level, the New Hampshire Supreme Court in its *Claremont II* decision also affirmed the importance of focusing on educational results. Yet, with some important exceptions, children with disabilities continue to be left behind.

In 2005-06, statewide only 20% of eighth grade students with disabilities met the NCLB standard on the NECAP reading assessment as compared with 70% of all other students, a gap of 50%. In eighth grade math, state-



wide only 14% of students with disabilities met the standard, compared with 63% of all other students, a gap of 51%. With few exceptions the gap in scores for *all* subjects in *all* grades has been large and has remained roughly the same for the past five to seven years.

As of August 2006, 90 out of roughly 500 New Hampshire schools failed to make adequate progress in at least one area for two years in a row and were designated as schools in need of improvement. Schools in need of improvement are required to take steps to improve their test scores; this includes offering options that parents may want to take advantage of. In the first year of failing to make adequate progress, schools that receive Title I funding (about 40% of New Hampshire schools) are required to offer students the choice of attending another in-district school, and to a certain extent to provide transportation. Practically speaking, in New Hampshire there often isn't another in-district school to attend. A school that has been in need of improvement for two years must also offer supplemental educational services (tutoring, academic intervention) to students from economically disadvantaged families.

Non-Title I schools in need of improvement do not have to offer school choice or supplemental services. All schools in need of improvement are required to notify parents if their school has failed to make adequate yearly progress. They must also develop a plan to improve the school's performance.

New Hampshire is taking some steps to address the performance gap between students with disabilities and those without, but it is **not nearly enough**. A more comprehensive statewide approach and a concerted effort by local districts are needed to ensure that New Hampshire students with disabilities receive a quality education. New Hampshire has the know-how and the skills; it must now exercise the will to move forward.

## \*GLOSSARY

NCLB: No Child Left Behind

IDEA: Individuals with Disabilities Education Act (also often refers to Individuals with Disabilities Education IMPROVEMENT Act, or IDEIA)

NHEIAP: New Hampshire Educational Improvement and Assessment Program, testing in grades 3, 6, and 10, testing began in 1994

NECAP: New England Common Assessment Program, testing began in the 05-06 school year in grades 3-8

SINI: School in Need of Improvement

Title I: refers to Title I of the Elementary and Secondary Education Act of 1965, enacted to improve the achievement of economically and academically disadvantaged students.

*What can you do if your child's school is underperforming and your child is not getting the education he or she needs? First, work with your school to ensure that a quality Individualized Education Program (IEP) is developed and implemented for your child. In addition:*

- 1. Obtain your school's NECAP profile and decipher it, paying special attention to the performance of students with IEPs;*
- 2. Find out whether your child's school is a School in Need of Improvement;*
- 3. Find out whether your child's school is a Title I School. If it is, consider using the option of school choice or supplemental services.*
- 4. Get involved in developing the school's plan and monitoring progress.*

*Links to more information can be found at <http://www.drcnh.org/nochildleftbehind.htm>.*

## IDEA: The Rules Have Changed

*In August 2006, the federal government published the final regulations following the changes to the Individuals With Disabilities Education Act of 2004. These rules are in the Code of Federal Regulations beginning at 34 CFR §300.*

*The final regulations are in the Federal Register, vol. 71, no. 156: <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-6656.pdf> (note: the document is 307 pages long)*

*Wrightslaw has reformatted and published them on its website: <http://www.wrightslaw.com/idea/law.htm>*

*A 10-page summary of major changes is available from Wrightslaw: <http://www.wrightslaw.com/idea/law/idea.regs.sumry.chngs.pdf>*

## Check It Out: Why Early Identification is Essential for the Health and Development of Young Children

Debra Nelson, M. S., Institute on Disability/UCE

Stroking her three-month-old baby's cheek, the first time mother told her pediatrician, "I know something's not quite right, but I don't know what. He cries all the time, hardly ever sleeps, and wants to be held all day long." In an examining room down the hall, a father worried about his three-year-old daughter. "She isn't talking like the other kids her age in our neighborhood. She only has a few words, and even then no one but her brother can understand her."



Rae Sonnenmeier and Nikhil Turner play with trains at the Seacoast Child Development Clinic.

### EARLY IDENTIFICATION TIPS

*Check it out! If you have a question or concern about a child's health, development, or well being, don't just wait and hope that he or she will grow out of it. Parents can talk to their child's doctor or other trusted person and ask for a screening. In New Hampshire, parents, child care providers, preschool providers, and others can call the Family Resource Connection toll free (1-800-298-4321) to find out about screening in their area.*

*Know the signs – both what to expect regarding child health and typical development and the "red flags," or indications that a child may need an evaluation. Call the Family Resource Connection to request their free publications, The First Five Years at Your Fingertips, a brochure on developmental milestones and red flags, and a copy of Ages & Stages Questionnaire, a screening tool that parents, early care providers, and teachers can use for children ages 4 months to five years.*

*Screen early/screen often – whether or not there is a pressing concern. Periodic screening in the first five years of life, using a valid and reliable tool (i.e., one that research has demonstrated to be effective), can help determine whether or not a child is growing, learning, and developing as expected.*

Later both parents emerged from the doctor's office feeling that they had been "listened to" and relieved that their concerns would be investigated. The baby's mother was eager to rule out any health conditions that could be making her baby so fussy; she also had a number to call to schedule a developmental screening. In the meantime, she was thankful for the doctor's suggestions on things she could do to calm her baby and was hopeful that they could both get some much-needed sleep.

Following the doctor's recommendations, the little girl's father arranged to have her hearing checked and contacted the local school district's preschool special education coordinator to request an evaluation. He appreciated the written materials that the doctor had given him on helping children learn to talk, and shared this information with his whole family and with the neighbor who took care of his daughter during the day.

Both these parents and their doctors recognized the importance of identifying and addressing health and development concerns as early as possible. Whether the issue is hearing, vision, achievement of developmental milestones, or overall health, early identification and appropriate supports and services are critical for the following reasons:

- ◆ *To correct existing concerns when possible and prevent other problems from developing later on.* Some concerns, such as amblyopia (lazy eye), can be corrected if identified before the age of five. Others, such as hearing and speech, when addressed early, may prevent related problems from developing. For example, speech therapy incorporated into daily routines by families and childcare providers may prevent preschoolers with articulation challenges from feeling lonely or frustrated because no one can understand them.

- ◆ *To help assure that children can reach their full potential.* For example, young children with chronic health conditions who receive medications, special attention to nutrition, and regular therapies are likely to be healthier and better able to learn in school and to pursue their dreams than those who are identified at an older age and receive none of those benefits.
- ◆ *To assist the family to help their child grow and learn.* The right information, supports, and services at the right time can make an enormous difference to children and families. These resources can help families better understand their child's condition, gain confidence in supporting their child's development in the course of their family's daily routine, and offer access to supports and services in their community.

## What's the Difference?

### Early Identification Terms to Know

*"Screening" is a brief look at a child's development designed to show if he or she is developing as expected or needs an evaluation in areas of concern.*

*"Evaluation" is an in-depth look at development, often used for diagnostic purposes and to determine eligibility for certain services and programs.*

*"Child find" for children aged birth to five is a continuous process of public awareness activities, screening, and evaluation designed to locate, identify, and refer as early as possible all young children with disabilities and their families who are in need of Early Intervention Program (Part C) or Preschool Special Education (Part B/619) services of the Individuals with Disabilities Education Act (IDEA). For more information on child find, visit the following websites: National Early Childhood Technical Assistance Center: [www.nectac.org](http://www.nectac.org) (includes state-by-state contacts); [www.childfindidea.org](http://www.childfindidea.org); and the Tracking, Referral and Assessment Center for Excellence (TRACE): [www.tracecenter.info/](http://www.tracecenter.info/).*

## Little Ones Have Big Dreams Too: Person-Centered Planning for Families with Young Children

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Many people are familiar with person-centered planning as a way to help young adults transition from school to adult services. Person-centered planning for two-year olds is quite a different experience. However, whether the person is two or 22, the underlying process is amazingly similar. Person-centered planning brings together a committed group of people to engage in an ongoing and creative process to plan for someone who needs extra support in the coming months or years.

### What is person-centered planning and how does it work?

According to Pete Ritchie, who helped to pioneer this approach to planning, "Person-centered planning is a way of organizing around one person to define and create a better future." What an exciting concept: people who have the child's best interests in mind commit to working together to create a meaningful plan to support the individual. It is a process that is innovative, informal, and individualized; person-centered planning can be used effectively for anyone in need of planning at any age.

Planning meetings take place in a comfortable environment of the family's choosing. A facilitator uses flip charts and markers to help the group engage in a creative process where ideas are explored and illustrated on colorful maps. Over several meetings, the team defines its purpose and illustrates a history of the child's life (e.g., home, education, health, family). As the team moves forward it may bring in others with the "right" skills to help establish a vision for the child's future, set realistic outcomes, and propose action steps. Each meeting is unique and outcomes are individually tailored to the child, family, and group of people engaged in the process. Person-centered planning creates a sense of shared trust and energy with the thoughts of one member sparking the rest of the group to explore new ideas and possibilities.

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*No person has the right to rain on your dreams.*

Marian Wright Edelman, President and Founder of the Children's Defense Fund

Staci Smith is a lover of whales; once on a whale watch she found herself staring eye to eye with a humpback. For more than thirteen years Staci has been keeping track of Salt, a humpback whale with an unusually white dorsal fin that frequents Rye Harbor. Staci, who is now 23, has wanted to be a marine biologist since she was five.

It's taking Staci longer than she expected to reach her goal; getting through high school took her seven years. Staci, who has a learning disability and a seizure disorder, began receiving special education when she was seven and until she entered Manchester's Central High School was a straight-A student.

Staci's freshman year got off to a rocky start. Her great-grandmother,

with whom she was very close, had recently died and Staci's mother was seriously ill. Staci began the year anxious and depressed, and terrified to leave her mother home alone. Her attendance fell off and her grades plummeted from A's to F's; though when she was in school Staci was a model student

who worked hard. "I never got into trouble. I never got kicked out of school. I never got detention. I was just having an issue about being in school." The school made no attempt to find out what was wrong or to help her get back on track; Staci, who knew she needed more help than she was getting, was too shy to speak up for herself.

By the end of her freshman year Staci had rallied and was attending school regularly. "I talked to my resource teacher and asked if there was any way for me to get help," Staci remembered. "My teacher told me, 'There's no way you can do this, don't even bother coming back to school. You're failing anyway.' " Staci was devastated and told her mother, "My life is over. . . . I'm never going to get into college now."

JULIA FREEMAN-WOOLPERT



*Staci Smith is the Youth Leadership Coordinator for the Alliance for Community Supports*

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### What is the role of the facilitator?

Ideally, the planning facilitator is someone who has been trained in person-centered planning and is both an effective communicator and a good listener. It is the facilitator's job to guide the group through a series of planning meetings. Between meetings the facilitator reflects on the work of the group to date and creates maps for the next meeting that will help the group to move forward. In between meetings the participants work on specific action items. The planning process continues until the group decides that its purpose has been accomplished.

### What are the challenges?

There are several challenges to engaging families of young children in a person-centered planning process; these include:

- ◆ How to make families aware of this planning process as an option for support for their child and themselves.

- ◆ How to get service system team members to participate when there are time and personnel constraints.
- ◆ How do have service systems make adjustments in people's schedules so they can participate in an ongoing series of meetings?
- ◆ How to make families comfortable with a new approach to planning that is different from they are used to.

More work is needed to create an increased awareness and interest in this planning tool. Person-centered planning should become an accepted component of family centered supports and services for young children. This planning process has the potential to bring about a more creative and organized approach to supporting children and their families, resulting in a more efficient service delivery system that actually saves time and money, and reduces frustration for both families and providers. More importantly, person-centered planning can help families feel less alone and more relaxed and confident about their child's future.



Staci repeated her freshman year and was doing well, when three weeks before summer vacation in the middle of the Central's courtyard, "in front of the whole school," she had a grand mal seizure. As a shy, insecure teen, it was her worst nightmare. Unable to face going back to school, Staci failed ninth grade for the second time.

Still she refused to let go of her dream of college; in the fall she entered 9<sup>th</sup> grade for the third time. School personnel were not supportive; they hinted that she could drop out and could get her GED later. Staci's mother tried, without luck, to get the school to schedule meetings to come up with a workable plan for her daughter.

With seizures, neurology appointments, and a knee injury Staci's attendance again became an issue. When the school refused to honor their agreement to count neurology appointments as excused absences, Staci had to file a formal appeal to get her record corrected. All of this added to Staci's already high stress level, aggravating more seizures, causing her to miss yet more school. While Staci did receive some assistance through the resource room, she didn't find it very helpful.

Rather than explaining the material, Staci explained, "their idea of helping was the answer is this, this, and this."

Still in spite of everything, Staci excelled at some subjects. Inspired by her history teachers she couldn't wait to get to class. "I usually sit in the back 'cause I'm shy. When you have a learning disability you don't like to raise your hand . . . but in history I knew all the answers and I was not afraid of saying them. I was always in the first row. It's totally different if you know what you're talking about." She continued to love biology, but the school refused to let her take additional classes in the subject because she hadn't passed the required physical science course.

In her senior year, Staci's mother heard about Project RENEW, an alternative high school program. Though they initially refused to enroll Staci in the program, Central finally capitulated to her mother's persistent advocacy and agreed to include RENEW's services in Staci's Individual Education Plan. Through RENEW, Staci received individualized supports including tutoring, mentoring, and the academic help she needed to complete her coursework. After seven years in high school

Staci had finally earned enough credits to graduate. As graduation approached, the school delivered its last insult, telling Staci that she could not participate in the graduation ceremony. It took more advocacy on the part of Staci, her mother, and Project RENEW before Central allowed her to march with the rest of the graduating class. "It meant the world to me," Staci said.

Staci still doesn't understand why her high school didn't do more to support and encourage her, or to provide the services and accommodations she needed to succeed. "I know I was barely there, but when I was there I was a hard worker," she said. "Maybe if they just gave me a little help, it wouldn't have taken me seven years to get out of high school."

Still pursuing her dream to earn a degree in marine biology, Staci is applying to the University of New Hampshire. Meanwhile, she is the enthusiastic new Youth Leadership Coordinator for the Alliance for Community Supports and in her work with the Alliance has been a guest lecturer in several college classes, including some at UNH.

### 2006-2007 Youth Leadership Series

*The Alliance for Community Supports offers a Youth Leadership Series for New Hampshire students age 15-22 with mental health diagnoses. The Series provides a supportive environment for students to explore their strengths and needs, develop effective communication skills, and learn about their rights. This seven month series begins October 21, 2006 with monthly Saturday workshops on topics that include: group dynamics, lobbying government agencies and elected officials, leadership skills, conflict resolution, peer support, disability awareness, and self-awareness.*

*The Alliance is seeking participants for this year's Series. If you feel that you would make a good candidate for the program, or know of someone who would, please visit the online application section of the website. For additional information, contact the Youth Leadership Coordinator, Staci Smith.*

*[www.allianceforcommunitysupports.com](http://www.allianceforcommunitysupports.com) – Telephone (603) 628-7681*



## What You Can Do When You Disagree with the School District on Special Education Issues

Amy Messer, Esq., Disabilities Rights Center

**A**dvocating for your child to obtain special education and appropriate services can be a difficult task, particularly when you and the School District do not agree on the appropriate course of action. However, arriving at an impasse only means arriving at a new phase of your advocacy. The Individuals with Disabilities Education Act (IDEA) and State Special Education laws contemplate that there will be disagreements between School Districts and Parents in implementing IDEA requirements. As a result, federal and state laws provide several avenues for resolution of such disputes. Parents or school districts may: (1) request mediation, (2) file for due process, or (3) file a complaint.<sup>1</sup> Individuals may use any of these processes to seek to resolve a dispute "with respect to any matter relating to the identification, evaluation, or educational placement of the child or the provision of a free appropriate and public education (FAPE) to such child."

**Mediation** is voluntary and is intended to be non-adversarial. A request for mediation should be made, in writing, to the Department of Education. The Department will then assign a trained mediator and a date and time for mediation will be selected. Parents or School Districts may bring and be advised by individuals with specialized knowledge or training to assist them at the mediation session. The role of the mediator is to sit down with the parties and try to help them to reach an agreement to resolve their disputes. If the parties agree, they may enter into a binding agreement which is enforceable in court. If they are unable to reach an agreement, they may request due process or file a complaint. Should the parties proceed to due process, any statements made in the course of the mediation are confidential and may not be used in subsequent proceedings.

<sup>1</sup> An additional option, created under State Law is the Neutral Conference. This option is rarely used and is, therefore, not elaborated on here. However, it allows the parties to pick a "neutral" individual from five resumes provided by the Department. The neutral reviews documents submitted, hears from the parties, provides an opinion of the strengths and weaknesses of the case, and gives recommendations for resolution which can be accepted or rejected by the parties.

A request for **Due Process** can be made any time the School District proposes to initiate or change the identification, evaluation, or educational placement of a child, or the provision of FAPE, or refuses to make such changes when requested by the parent. A request for due process must be filed with the Department of Education and a copy must be sent to the School District. The request must include the name and address of the student, the school the student is attending, a description of the nature of the problem, the facts related to the problem, and a proposed resolution to the extent it is known. Include in the due process request all issues that you wish to be heard at the hearing, otherwise you may not be permitted to raise them at the hearing. The School District must respond to the request for due process within 10 days. School Districts are now required to schedule a "resolution meeting" within 15 days. This resolution meeting is designed to bring together the individuals with specific knowledge regarding the subject of the due process complaint, and give the School District the opportunity to resolve the issues. School attorneys are not permitted to attend unless the parent is accompanied by an attorney. The parties may waive the resolution meeting, or they may request mediation.

If the options for alternative dispute resolution fail, the parties may proceed to a due process hearing. This is an adversarial process where schools and parents have the right to be represented by counsel, present evidence,



**INCLUSIVE EDUCATION:  
DOING IT WRONG DOESN'T MAKE IT WRONG.**

confront and cross examine witnesses, compel the presence of witnesses, obtain a record of the hearing, and request findings of fact and rulings of law. Hearing Officers are supposed to limit each party to one day to present their case, unless additional time is necessary for a full, fair disclosure of the facts. The Hearing Officer is also supposed to limit witnesses if their testimony is redundant, cumulative, or irrelevant.

The Hearing Officer must issue a final decision within 45 days after receipt of the request for a due process hearing unless a specified exception is made in accordance with the law. Either party may appeal the decision of the Hearing Officer to state or federal court. State law requires that appeals be filed within 120 days from receipt of the decision.

Attorneys' fees may be available to the parent's attorney if they are the "prevailing party" at the due process hearing. If the School District prevails at the hearing the parent is required to pay the District's attorney's fees **only** if there is a finding that the case was frivolous, unreasonable, or without foundation, or the parent continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation.

A final alternative to resolve disputes is the filing of a **Complaint**. Anyone may file a complaint with the Department of Education that alleges a violation of state or federal requirements. Complaints should be in writing and signed, and include the facts on which the statement is based. Alleged violations must have occurred not more than one year prior to the date the complaint is received, unless the violation is continuing, or the complainant is requesting compensatory services of a violation that occurred not more than three years prior to the date the complaint is filed. The Department of Education will

investigate the complaint and issue a written report to the Commissioner of Education. The Commissioner will issue a written decision including findings of fact, conclusions, and the reasons for the decision. If the Commissioner finds that the School District has failed to provide appropriate services, the Commissioner's order shall include direction to the School District as to how to remediate the denial of services, and where appropriate, award monetary reimbursement or other corrective action appropriate to the needs of the child. The order may also include a direction for appropriate future provision of services for all children with disabilities.

All complaints are to be resolved within 60 days, but may be extended to 90 days if certain conditions apply. Any party to the complaint may request reconsideration and appeal the decision of the Commissioner. When a finding has been made that requires that the School District take action, the Department of Education is required to monitor compliance and can enforce the decision by, among other things, withholding state or federal funds, ordering repayment of misspent or misapplied funds, or referring the matter to the Department of Justice.

For more information on your rights and special education laws and regulations or to obtain forms for filing complaints and due process requests, you can visit the New Hampshire Department of Education website at [www.ed.state.nh.us/education](http://www.ed.state.nh.us/education). You can also contact the Disabilities Rights Center at 1-800-834-1721 or 603-228-0432 or visit our website at [www.drcnh.org](http://www.drcnh.org). A copy of this article, which includes legal citations, may be found at our website.

## PARENT INFORMATION CENTER

*Need help or information? PIC offers:*

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- ✧ *Workshops*
- ✧ *Help for parents of children with disabilities*
- ✧ *Help in building family-school partnerships*
- ✧ *Newsletters*
- ✧ *Disability Awareness Kits*
- ✧ *Family Learning Kits*

*The Parent Information Center (PIC) is a recognized leader in building strong family/school partnerships.*

*PIC provides information, support, and educational programs for parents, family members, educators, and the community. PIC is a pioneer in promoting effective parent involvement in the special education process. To learn more visit the website at [www.parentinformationcenter.org/](http://www.parentinformationcenter.org/) or contact:*

*Parent Information Center, P.O. Box 2405,  
Concord, NH 03302-2405  
(603) 224-7005 Voice/TDD  
(800) 947-7005 (N.H. only)*



## Discipline for Students with Disabilities

Karen Rosenberg, J.D., Disabilities Rights Center

If your child has a disability that affects his behavior in school and as a result is facing suspension, is there anything you can do to ensure that he continues to receive the special education and related services in his Individual Education Plan (IEP)?

When children with disabilities are suspended from school they are likely to miss important services, fall behind, and are at increased risk of failing or dropping out. Before Congress enacted the Individuals with Disabilities in Education Act (IDEA) and its prior law, the Education for all Handicapped Children Act, schools frequently excluded children with disabilities. IDEA and other laws protect students with disabilities from being unfairly disciplined for behaviors that are directly related to their disabilities.

In general, all students, including those with disabilities, are expected to follow school conduct codes. As long as the punishment for violating the code is removal from school for 10 days or less, schools may impose the same punishment on children with disabilities as on children who do not have disabilities. Schools may not impose harsher punishments on students with disabilities. If your child is suspended for 10 days or less, and the school is applying the disciplinary code the same way it would to all students, your child does not have a right to avoid suspension. In this case, the school may exclude your child from all educational opportunities, including extra-curricular activities, special education, and related services during the time he is suspended.

If the punishment for violating the conduct code is removal from school for more than 10 days, you may be able to reduce the punishment or prevent the punishment from being imposed on your child. When the punishment in the school code is more than 10 days suspension, the school may consider whether the student's "unique circumstances" warrant a lesser punishment. Also, the school must provide additional procedural protections to students with disabilities. **In most situations, students with disabilities who have not been "coded" are entitled to the same protections as students with IEPs, if the school had reason to know before the incident at issue, that the student might be eligible for special education.**

If the punishment is more than 10 days suspension, the school must hold a meeting to determine whether the student's behavior at issue was a "manifestation" of the student's disability. The "manifestation meeting" may occur after the student is removed from the school, but must occur within 10 school days of the decision to remove the student. The parent(s) and other "relevant members" of the student's IEP team should attend the meeting.

During the meeting, participants review all relevant information in the student's file, including the IEP, observations, evaluations, and information that parents provide. **To prove the conduct at issue was a manifestation of the child's disability, the parent/student must show that the conduct was caused by, or was directly and substantially the result of, the child's disability or was the direct result of the school's failure to implement the student's IEP.** This is a tough standard to meet and one that often will turn on the opinion of experts such as behavioral specialists or psychologists.

If the team decides the behavior was a manifestation of the child's disability, the school must immediately return the child to the original school placement. In addition, the school must conduct a functional behavioral assessment (FBA) and develop a behavior intervention plan (BIP). If the child already has a BIP, the IEP team must review the plan and modify it, if necessary, to address the behavioral problems. However, **even if the "manifestation team" determines that the behavior at issue was not a manifestation of the child's disability, the school is *not* permitted to deny educational services to a child with a disability for more than 10 school days. In this case, the school is required to implement the child's IEP in an interim alternative setting.**



In "special circumstances," a school may place a child with a disability in an alternative educational setting for up to 45 school days, regardless of whether the conduct at issue was a manifestation of the child's disability. Special circumstances include: 1) carrying a weapon to school or a school function; 2) knowingly possessing, using, or selling illegal drugs at school or a school function; and 3) causing serious bodily injury to another person on school grounds or at a school function. Before seeking a placement in an alternative educational setting that is longer than 45 days, the school must first get an order from an independent hearing officer. In addition, the school must conduct an FBA and develop a BIP if it removes a child from school due to "special circumstances."

If your child is removed from school for more than 10 days and you disagree with either the "manifestation determination" or the school's placement decision, you may request a hearing before a Department of Education Hearing Officer. If you request a hearing or have questions about school discipline imposed on your child, consider obtaining further information and/or legal representation from a qualified attorney or organization, including the Disabilities Rights Center.





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UNIVERSITY of NEW HAMPSHIRE





## Dropping Out, But Not Giving Up

Julia Freeman-Woolpert, Disabilities Rights Center

When Oscar dropped out of school two years ago, he knew his chances for success dropped too. He explained how his behavior put him at odds with the school, "I put teachers through a lot and I put the people that were surrounding me through a lot. They kind of started shutting down on me and kind of gave up on me. I wish that they wouldn't have given up on me."

Oscar talked about his problems at school, "My big thing was tardiness, just going to school late. When your tardiness adds up, then you'd get a suspension." Suspension was a punishment that didn't make sense to him. "It's like they've got more reason to fool around." Oscar explained how things went from bad to worse, "As a young guy I got in trouble. I didn't know what I wanted to do, and I didn't know who my friends were. I tried to impress people and did stupid stuff. I hung out with the wrong crowd and got into some stupid trouble." The trouble was bad enough that he landed in the Youth Development Center and later, in a series of foster homes.

Oscar's difficulties with school and the law are not unique. A 2003 study showed that minority students are more likely to get suspended for minor offenses and to receive more severe punishments. The study concluded that, "... school suspension often is not successful in decreasing students' chronic and inappropriate behavior, and it is related to a variety of negative academic and educational outcomes for students."<sup>1</sup> Without the structure of school, students are more likely to get into trouble and end up in the court system. In New Hampshire, children from minority groups are three times more likely to end up in the Youth Development Center, a rate higher than the national average.<sup>2</sup> Students with disabilities also are more likely than those without disabilities to end up in the juvenile justice system and once in the system, these children are less likely to be released on parole or administrative release.

Aida Cases, former director of the Bienestar Mental program of NAMI-NH, has worked with Latino youth who, like Oscar, have dropped out of school. She says there are many issues with Latino families that do not get addressed effectively, making it harder for Latino students to overcome cultural and linguistic challenges.

<sup>1</sup> Raffaele Mendez, Linda M. *Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large School District*, from *Education and Treatment of Children*, Vol. 26 No. 1, Feb 2003

<sup>2</sup> *Children with Disabilities in the New Hampshire Juvenile Justice System, a report to the Division of Juvenile Justice Services*, by Michael Skibbie, Justiceworks, April 2004 <http://www.drcnh.org/ChildrenwDisabilities.pdf>



JULIA FREEMAN-WOOLPERT

*Oscar Villacis is working towards getting his GED.*

Latino/Hispanic families often trust the school to do the right thing; they are reluctant to speak up about problems and many parents are often unaware that their child is having behavioral or educational difficulties. Most school personnel are not adequately trained to understand a student's needs for ESL (English as a Second Language) services versus the need for special education services. Too frequently, these students end up in less challenging courses, are bored, and more likely to drop out. Cases said that simple steps, such as providing information to parents in their native language, could make a big difference. With appropriate ESL or special education supports, New Hampshire schools could do a better job educating and graduating their Latino students.

In spite of everything, Oscar is optimistic about his future. While school did not work out for Oscar, he has been more successful with work and has had a number of jobs. "You name it, I've done it," said Oscar, "I've done landscaping. I've done construction. I've done cleaning. I've done restaurant business. I've done little shops, department stores. I used to sell cars." Currently, he's working part time and training to be a manager at Classic Tuxedos in Nashua's Pheasant Lane Mall, a job well suited to Oscar's outgoing and friendly personality. Oscar knows that good paying jobs require a high school diploma or its equivalent. "My plan right now is to focus on getting my GED and try to move forward. Nobody told me to get my GED. I just kinda motivated myself."

## NEW HAMPSHIRE TAKES STEPS TO IMPROVE DISCIPLINE PRACTICES

In recent years the New Hampshire Department of Education (NHDOE) has taken some important steps to improve discipline practices in our state's schools. In 2003 the Department initiated Positive Behavioral Intervention Systems (PBIS) to improve the management and teaching of behavioral skills. PBIS is an approach that "encourages a positive climate school wide by focusing systematically on the general school population, students at risk, and students with intensive or chronic behavioral and emotional problems." For more information about PBIS and the New Hampshire Center for Effective Behavior Interventions and Supports, see go to <http://www.nhcebis.seresc.net/index.php>

In October 2005, the NHDOE issued, FY 06 Memo #13, a memorandum concerning the use of physical restraints in school settings. The intent of the document is "to provide guidance on the adoption of guidelines and policy towards the practice of promotion, creating, and enhancing positive school climates that encourage social, emotional and academic growth." You can find this document at: <http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/SPED2006.htm>



*In order to bring greater awareness to Assistive Technology and celebrate the limitless possibilities it presents, **October 7-14, 2006** will be the first annual New Hampshire Assistive Technology Week. Join in celebrating the everyday miracles that AT provides to thousands of individuals across New Hampshire. So what exactly is Assistive Technology or "AT"? AT is any one of thousands of devices that make life easier for all people of all ages. It can be as simple as an enlarged handle on a tool to make it easier to grip or as complex as a voice activated computer. Amazingly, there are over 220,000 individuals in New Hampshire who use AT in everyday activities to help increase their independence at home, school, work, and play. Join your neighbors to celebrate the first annual New Hampshire Assistive Technology Week. Information on statewide events is available at [www.atinnh.org](http://www.atinnh.org)*



## An Individualized Education

Julia Freeman-Woolpert, Disabilities Rights Center

A few days a week, Ethan Colgan can be found at PetSmart, Concord's newest pet store. He volunteers wiping down fish tanks, filling bins with dog biscuits, and doing a variety of jobs. Ethan loves the dogs that come in and since working at the store he has conquered his fear of birds.

Ethan, who has Down Syndrome and autism, is a student at Hopkinton High School. Due to his extensive needs, he has a year-round educational program; volunteering at PetSmart is part of Ethan's education. Jen Drouin, his teacher – technically she is a behavior specialist assistant – works alongside Ethan, showing him how to do the work. At PetSmart Ethan is doing more than just helping out; he also is adjusting to having a schedule and practicing his social and communication skills.

Ethan was in an inclusive classroom until 8<sup>th</sup> grade. "Inclusion was excellent for him," said his mother, Debby Colgan. In high school, however, being in classes was not as successful for Ethan. Now he works one to one with his teacher. Hopkinton students know Ethan well from the cafeteria, the halls, and from visits Ethan makes to their classrooms.

Ethan enjoys going to school events, especially baseball games, and he's been to the prom twice.

For Ethan, who speaks only seven words, learning to communicate is the most important part of his IEP (Individual Education Plan). A few years ago, his mother heard about PECS, Picture Exchange Communication System, designed to help students with autism communicate. The picture system has become an invaluable teaching tool; Ethan now understands and uses about 30 pictures. Debby wishes she had known about PECS sooner; she believes Ethan would be able to communicate much better now if he had been using pictures all along.

In teaching Ethan, Jen uses a strategy called Discrete Trial Training.<sup>1</sup> This is a highly structured approach that uses the principles of Applied Behavior Analysis to break down

complex tasks into smaller, teachable steps. A behavior specialist consults with Jen on a regular basis to help guide Ethan's training.

Part of Ethan's educational program takes place at home, with his mother participating. "That's something I would recommend to all parents," said Debby. For Ethan, learning is very location-specific; he may learn the meaning of a new picture, but only use it in the environment in which he learned it. Expanding Ethan's program to include teaching him at home and in the community is essential to his education. His parents can understand and anticipate his needs without the picture system, but Debby worries about

the time when someone else will be his primary caregiver. "He really needs to learn to use the pictures at home so that he can deal with other people," she said.

Learning to adjust to new experiences is an important aspect of Ethan's education. Shaving was unpleasant and frightening; so it was a big deal when Ethan learned to tolerate an electric razor. Now Ethan is learning how to wear headphones. Ethan's sister recently moved to Arizona and

the family would like to visit. Right now it wouldn't be possible to take Ethan on a plane: the confusion and noise would be too overwhelming for him. Headphones can shut out noise and help him to feel more comfortable. "I feel optimistic that we will be able to get him on a plane and the headphones will be part of making it possible," Debby said. Ethan has started using headphones to listen to music when he is in the car. When his family drove to Cape Cod, Ethan watched a DVD movie and used headphones to listen to the audio.

Next spring Ethan turns 21 and will no longer be eligible for special education. Ethan will continue to need significant support and supervision from people who have the skills to meet his special needs and circumstances. The school is working with Community Bridges to help Ethan with the transition to adult services. However, funding from the Area Agency is not guaranteed and Ethan, like many others, may find himself on a waiting list for services. Debby is very concerned about her son's future. "When Ethan gets out of school I think that just being home with his mother isn't going to be real healthy or good for him." Without supports, Ethan could easily lose the skills he has worked so hard to learn.



JULIA FREEMAN-WOOLPERT

*Ethan Colgan enjoys a moment with a co-worker at PetSmart.*

<sup>1</sup>More about discrete trial training can be found at <http://www.polyxo.com/discretetrial/>. The 2006 Autism Society of America's conference included a presentation, "Applied Behavior Analysis: Beyond Discrete Trial Teaching", archived on the ASA website at <http://asa.confex.com/asa/2006/techprogram/S1841.HTM> (you'll have to join the ASA and get a password to hear the whole presentation, but the website has a summary accessible to all).



# The State of the State – Special Education in New Hampshire

Peter Antal, Ph.D., Research Coordinator, Institute on Disability

*The extent to which our children and young adults receive a quality education should be of concern to all of New Hampshire. Research clearly documents the link between an individual's level of education and the ability to obtain employment with higher wages and better benefits, including adequate health insurance. Individuals who are well educated not only enjoy a higher quality of life, they also are more likely to be involved in and contribute to the well being of their communities. The importance of receiving a quality education is especially critical for children with disabilities. Knowledge and skills acquired early in life can mean the difference between self-sufficiency and life long dependency. Individuals with disabilities who received an adequate and appropriate education need fewer and less expensive supports as adults; they are much more likely to be employed, contributing members of their communities, rather than dependent upon publicly funded supports and services.*

Access New Hampshire: Living with Disability in the Granite State – Educational Supports for Children with Disabilities

We know that a good education is one of the cornerstones to achieving a successful and independent life, with far-reaching implications for employment, health care, and financial security. Yet, current benchmarks of school success indicate that the State of New Hampshire is less than effective in providing youth with disabilities the tools and supports they need to succeed.

The New England Common Assessment Program (NECAP) offers a benchmark for gauging special education in New Hampshire. In the 2005-2006 school year, NECAP tested all children grades three through eight in math and reading/language arts, with writing tests given for fifth and eighth graders. Students' scores fall into one of four achievement levels: Substantially Below Proficient, Partially Proficient, Proficient, and Proficient with Distinction. The graph below shows how eighth grade students with disabilities fare as compared to all other students in the assessments for reading, math, and writing.

The graph documents that children with disabilities are substantially more likely to be categorized as less proficient than their peers. Eighty percent scored below proficiency in Reading in eighth grade vs. only 31% among all other children. In Math, 87% were below the proficiency stan-

dard vs. only 37% of other students. In Writing, 89% scored below proficiency, whereas less than half of the students without disabilities (44%) fell into this category.

Even more troubling is the proportion of children with disabilities who scored in the lowest category. The 2005 Eighth Grade NECAP Assessment defined "Substantially Below Proficient" as follows.

## READING

"Student's performance demonstrates minimal ability to derive/construct meaning from grade-appropriate text. Student may be able to recognize story elements and text features. Student's limited vocabulary knowledge and use of strategies impacts the ability to read and comprehend text."

– Two of every five students with a disability fit this criteria

## MATH

"Student's problem solving is often incomplete, lacks logical reasoning and accuracy, and shows little conceptual understanding in most aspects of the grade level expectations. Student is able to start some problems but computational errors and lack of conceptual understanding interfere with solving problems successfully."

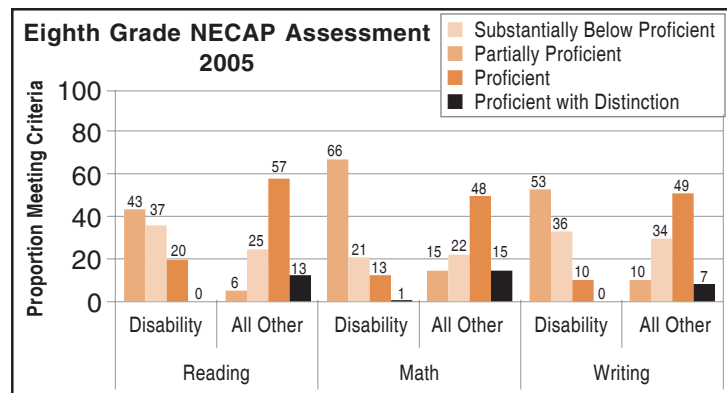
– Two of every three students with a disability fit this criteria

## WRITING

"Student's writing demonstrates a minimal response to prompt/task. Focus is unclear or lacking. Little or no organizational structure is evident. Details are minimal and/or random. Sentence structures and language use are minimal or absent. Frequent errors in conventions may interfere with meaning."

– One of every two students with a disability fit this criteria

(Continued on page 19)





*Bow High School student Tracy Moltisanti organized a self-advocacy group for her Senior Year Project.*

## Getting Organized

Carol Stamatakis, Esq., New Hampshire Council on Developmental Disabilities

For her Senior Year Project at Bow High School Tracy Moltisanti organized a self-advocacy group for teens with disabilities. Tracy got the idea for her project after attending the People First's Training Series, "Building Yourself" which focused on helping high school

students with disabilities increase their self-confidence and achieve their goals. During the series, Tracy learned about the importance of self-advocacy and the value of groups like People First. Tracy was so inspired by her experience that she decided to organize a self-advocacy group for high school students with disabilities.

In Bow, seniors are required to work with an adult mentor on a Senior Project that includes some element of community service. Tracy asked Janet Hunt of People First to be the mentor for her project. Tracy initially considered a self-advocacy group just for Bow students, but because of the small number of students in her high school she decided to reach out to the greater Concord area. With help from Janet Hunt and Kristen Frost, an individual student assistant at Bow High School, Tracy created posters inviting students to an organizational meeting. The posters were displayed in local high schools and at Community Bridges, the Area Agency for the region. To prepare for the first meeting, Tracy met with "Our Goals," a People First group in Concord. She observed their meeting and learned about planning and preparing an agenda. Tracy also applied for and was awarded a New Hampshire Council on Developmental Disabilities Teen "Mini Grant" that she used to help pay for refreshments at meetings and to cover miscellaneous expenses.

Tracy said that planning was the most difficult part of her project, "I am not an organized person! I needed help with planning. It was hard getting people there." While Tracy was disappointed that none of her Bow classmates joined the group, she was pleased that students from Concord and Pembroke came. The group has met three times and plans are being made for the first meeting of the new school year. Accord-

ing to Janet Hunt, "The group is working on a name and members have talked about electing officers – and plans for future meetings. They are excited and energized." Tracy said that the self-advocacy group has helped people "know they have rights and helps them know their responsibilities too. It helps them know they're equal, that they have the same rights as everyone else."

Tracy talked about what this project has meant to her, "I learned to be more organized. I can speak up a little more and explain what I need. I used to joke a lot more and use humor. I have learned to be more direct." Tracy has always been an active participant in her IEP meetings, but sometimes would become too emotional. According to Ms. Frost, "Tracy's project played a part in her starting to realize she can express her feelings and opinions without getting upset and angry."

Tracy believes the group has helped her and the other participants become better listeners. Ms. Frost observed that developing better listening skills has dramatically improved Tracy's ability to participate meaningfully in her IEP meetings. "She is now able to sit back and listen, wait for her turn and give rebuttal. She does very well." Tracy understands that good communication is a two way street and offered the following advice to adults who interact with individuals with disabilities, "Be honest and listen to people. Be honest when someone is not doing a good job. Treat [a person with disabilities] like everyone else." Tracy said there have been times when adults have been "too afraid" to be honest because she has a disability.

Asked whether she would encourage other students to start self-advocacy groups, Tracy replied, "Go for it! It's hard work. Don't be afraid to ask for help. If something is not right, keep putting the effort into it. It's worth it. It's very worth it!"

Tracy presented her project to faculty and staff using a power point presentation that she created. Her presentation and other information about Tracy's project can be found at <http://www.peoplefirstofnh.org/YoungAdultSelf-Advocacy.htm>.

## Building Stronger Communities

The New Hampshire Developmental Disabilities Council is offering grants of up to \$500 per project to teens or young adults, ages 14 – 21, who want to make their schools or communities more welcoming to people of all abilities.

### PROJECT TEAMS

In order to apply for a grant, a team must be formed that includes at least one teen or young adult with a disability and one adult support person. We encourage you to involve young people, with and without disabilities, to make your project a success. A whole class and their teacher could be involved, or a few students with and without disabilities could work with a faculty member or a community volunteer. Community organizations and teen clubs are encouraged to participate. School affiliation is not required.

### SOME IDEAS FOR PROJECTS

We will fund projects that address a barrier or challenge that teens or young people with disabilities currently face, or that support young people with disabilities in speaking for themselves. We want projects that help people to build relationships by taking part in everyday activities with others in their schools and communities. Below are examples of possible projects. **These examples should in no way limit what you can do.** We encourage you to be creative and propose a project that will work for you and address a real concern in your community. We will seriously consider every application that promotes

*(Continued from page 17)*

By the eighth grade a substantial proportion of New Hampshire students with disabilities are far behind their peers. Historically, assessment data documents that this disparity starts early in their educational career and continues through high school. In addition, New Hampshire's high school drop out rate is twice as high for students with disabilities as for those who do not have disabilities. Employment prospects are directly tied to both graduation from high school and the quality of education students receive; **without substantial changes**, many of New Hampshire's youth with disabilities will enter adulthood without the basic tools they need to function as independent adults and contributing members of their communities.

*To learn more, readers can download the full Education Policy Brief from [www.iod.unh.edu](http://www.iod.unh.edu).*



## NEW HAMPSHIRE COUNCIL ON DEVELOPMENTAL DISABILITIES

*Committed To Dignity, Full Rights Of Citizenship,  
Equal Opportunities, And Full Participation*

*For All NH Citizens With  
Developmental Disabilities*

**Grants for NH Teens  
Building Stronger Communities**

the Council's mission of dignity, full rights of citizenship, equal opportunities, and full participation for all New Hampshire citizens with developmental disabilities.

### EXAMPLES OF PROJECTS:

- Getting students with and without disabilities involved together in extra-curricular community projects or activities.
- Improving access to school or town recreational activities, or promoting a new recreational program designed to include people of all abilities.
- Producing a play or musical event including students with and without disabilities in the planning and performing.
- Using education and awareness-raising campaigns to change the way other students or adults think about disability.

### GETTING HELP WITH YOUR PROJECT

If you think you have a good idea but you cannot find an adult support person, please call us. We may be able to recommend someone in your community. If you have questions or need assistance on your application, please contact:

NH Council on Developmental Disabilities  
The Walker Building  
21 South Fruit Street, Suite #22  
Concord, NH 03301-2451  
Telephone: (603) 271-3236

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[jboynton@dhhs.state.nh.us](mailto:jboynton@dhhs.state.nh.us)**



*In September the Institute on Disability launched Access New Hampshire – Living with Disability in the Granite State, a series of public policy briefs. The series seeks to help legislators, state and local agencies, and the broader public understand the extent to which New Hampshire*

*enables its residents, particularly those with disabilities, to live and participate in their communities. The series will highlight key issues – education, health care, employment, and community supports – to raise awareness about the barriers confronting individuals with disabilities. The Institute hopes the series will initiate a statewide conversation about how to address these challenges and encourage continued research and action to ensure that all New Hampshire's citizens are included as valued members of their communities.*

*You can download the full Policy Brief – Educational Supports for Children with Disabilities from the Institute on Disability website at [www.iod.unh.edu](http://www.iod.unh.edu)*

## Studies Shows Gains and Problem Areas for Students with Disabilities

A synthesis of national longitudinal studies summarizes what school is like for students with disabilities and their families. The report, *National Longitudinal Transition Study-2: A Synthesis of Three NLTS2 Reports on Going to School, Youth Achievements, and Services and Supports*, presents areas of growth and weakness. The report was produced by the National Association of State Directors of Special Education as part of the IDEA Practices Workgroup. Here are some highlights of the report.

- ✧ Students with emotional disturbance often are not given the supports to help them meet academic expectations, and general education teachers are most likely to say these students are inappropriately placed in their classes. These students are the least likely to keep up academically and one-third do not.
- ✧ Most general education teachers receive some type of support for having students with disabilities in their classes. However, only 60 percent of students with disabilities have general education teachers who receive any information about those students' needs, and about half have teachers who receive input from special educators about how to meet these students' needs.
- ✧ While the majority of students with disabilities keep up with their non-disabled peers in general education classes, they still lag behind when tested in reading and math. The average gap of more than 3 grade

levels between students' tested reading and math abilities and their actual grade levels has not declined.

- ✧ While students with disabilities who take more of their classes in general education settings receive somewhat lower grades, they are closer to grade level in reading and math than those who take the majority of their classes outside the general education classroom.
- ✧ Students with disabilities whose parents have high expectations for their post-secondary education have higher grades and score one year closer to grade level on reading and math than students whose parents have lower post-secondary education expectations.
- ✧ Parents of 41 percent of students with disabilities report they were able to obtain services with "almost no effort," while 40 percent went to some or a "great deal of effort" to obtain services. Parents of students with emotional disturbance and autism spend the most effort obtaining services. Lower income families are almost twice as likely to report difficulty obtaining services than higher income families. African Americans report more difficulty obtaining services than white families.

The brief policy analysis can be found at: <http://projectforum.org/docs/NLTS2forweb.pdf>



# Education Resources

## NEW HAMPSHIRE RESOURCES:

### Alliance for Community Supports

340 Commercial Street, 2<sup>nd</sup> Floor  
Manchester, New Hampshire 03101  
(603) 628-7681

<http://www.allianceforcommunitysupports.com/>

*ACS supports children, teens, and adults who are at risk or have disabilities to fully participate in their communities. Programs include Youth Leadership Series and Project RE-NEW, a career and education project to assist youth who have serious emotional or behavioral challenges to finish high school, obtain jobs and enter adulthood in a positive manner.*

### Disabilities Rights Center

<http://www.drcnh.org/Issue%20Areas/Education.htm>

*The Disabilities Rights Center's website has an extensive section on special education rights.*

### Institute on Disability/UCED

56 Old Suncook Road, Suite 2  
Concord, NH 03301  
603-228-2084

<http://iod.unh.edu/>

*The IOD offers professional development, technical assistance, and educational resources to educators, administrators, parents, and students to support the full participation of students with disabilities in all aspects of typical school life.*

### New Hampshire Family Voices

29 Hazen Drive, Concord, NH 03301  
(603) 271-4525

<http://www.nhfv.org/index.htm>

*NHfV assists parents with information and negotiation about health care financing and service issues, and offers support groups and information about specific conditions. See the resource guide on the website, "Maneuvering Through the Maze."*

### New Hampshire Branch of the International Dyslexia Association

P.O. Box 3724  
Concord, NH 03302  
603-229-7355  
[information@nhida.org](mailto:information@nhida.org)  
<http://www.nhida.org/>

### New Hampshire Education Law

PO Box 1803, Concord, NH 03302-1803  
888-474-3137

[info@nhedlaw.com](mailto:info@nhedlaw.com)

<http://www.nhedlaw.com/>

*Information, training, and resources on education law.*

### The New Hampshire Department of Education

101 Pleasant Street, Concord, NH 03301  
(603) 271-3494

<http://www.ed.state.nh.us/education/>

*The DOE's website has information on education laws and regulations, complaints, appeals, and decisions; statewide testing information and scores; adequate yearly progress updates, and more.*

### Northeast Passage

Hewitt Hall, 4 Library Way  
Durham, NH 03824

603-862-0070

TTY – NH Relay 800-735-2964

ME Relay 207-955-3323

[www.nepassage.org](http://www.nepassage.org)

*A program of the University of New Hampshire's Department Recreation Management and Policy, Northeast Passage provides technical assistance to schools to support students with disabilities in recreational activities.*

### Parent Information Center

P.O. Box 2405  
Concord, NH 03302-2405

(603) 224-7005 V/TDD

(800) 947-7005 (N.H. only)

<http://www.parentinformationcenter.org/>

*PIC has educational workshops for parents, help in finding resources, and information about education and your rights.*

### Parent to Parent of New Hampshire

12 Flynn Street, Lebanon, NH 03766  
1 800 698 LINK

[p2p@nhsupport.net](mailto:p2p@nhsupport.net)

<http://www.parenttoparentnh.org/>

*Resources for parents of children with special needs.*

# Education Resources, Continued

## PEAK Parent Center

<http://www.peakparent.org>

*The mission of PEAK Parent Center is to provide training, information, and technical assistance to equip families of children birth through twenty-six including all disability conditions with strategies to advocate successfully for their children.*

## School Partnership Program

Crotched Mountain, 1 Verney Drive  
Greenfield, NH 03047  
800-258-1466

603-547-3311, ext. 360

[spp@crotchedmountain.org](mailto:spp@crotchedmountain.org)

<http://www.crotchedmountain.org/crotchedmountain/html/spp.htm>

*Crotched Mountain partners with school districts throughout New Hampshire and neighboring states to support students with neurological, genetic, and behavioral conditions, offering evaluation, education, and consultation services.*

## SERESC Southeastern Regional Education Service Center

29 Commerce Drive, Bedford, NH 03110  
(603) 206-6800

<http://www.seresc.net/>

*SERESC provides numerous educational programs and services including workshops for parents and educators, special education programs, consultations, and the NH Center for Effective Behavioral Interventions and Supports (NH-CEBIS).*

The Institute on Disability would like to hear from you, please take a moment to fill out their Consumer Survey on their website at:  
<http://iodserver.unh.edu/phpQ/fillsurvey.php?sid=7>

## NATIONAL RESOURCES:

### National Dissemination Center for Children with Disabilities

P.O. Box 1492

Washington, DC 20013

(800) 695-0285 · v/tty

[nichcy@aed.org](mailto:nichcy@aed.org)

<http://www.nichcy.org/index.html>

*Source of information on: disabilities, IDEA, No Child Left Behind (as it relates to children with disabilities), and research-based information on effective educational practices.*

### Research and Training Center on Family Support and Children's Mental Health, Portland State University

Portland, Oregon

<http://www.rtc.pdx.edu/>

*The RRTC website has lots of good information on promoting effective services for families and their children with emotional, behavioral, or mental health disorders.*

### Office of Special Education Programs (OSERS)

US Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

1-800-872-5327

<http://www.ed.gov/about/offices/list/osers/osep/index.html>

### Wrightslaw

<http://www.wrightslaw.com/>

*Good information about special education law, education law, and advocacy for children with disabilities*

### PACER: Parent Advocacy Coalition for Educational Rights

<http://www.pacer.org/>

*Parents helping parents to expand opportunities and enhance the quality of life of children and young adults with disabilities and their families*



**INSTITUTE ON DISABILITY / UCED**  
*A University Center for Excellence in Disability*

## UPCOMING INSTITUTE ON DISABILITY TRAININGS AND EVENTS

### **Life as a Paraprofessional Strategies for Working With Students With Challenging Behaviors**

Join Cathy Apfel and other paraprofessional colleagues for an in-depth examination of Positive Behavioral Interventions and Supports (PBIS) with an emphasis on classroom-based approaches. This seminar is offered on several different dates. Register early space is limited!

**Time:** 9:00 am - 3:00 pm

**Registration begins at 8:30 am**

**Cost - \$90**

Oct. 12, 2006	Highlander Inn, Manchester, NH
Nov. 13, 2006	Keene State College, Keene, NH
Nov. 30, 2006	Highlander Inn, Manchester, NH
Dec. 7, 2006	Holiday Inn, Concord, NH
Jan. 11, 2007	Highlander Inn, Manchester, NH
Feb. 8, 2007	Highlander Inn, Manchester, NH
Mar. 15, 2007	Highlander Inn, Manchester, NH
Apr. 5, 2007	Common Man, Plymouth, NH
May 3, 2007	The Highlander Inn, Manchester, NH

### **Facilitated Communication: Introductory Training**

This workshop for new and beginning level facilitators provides an overview of facilitated communication (FC) and training on basic facilitator skills. Topics include the history of FC, basic elements of the FC technique, determining candidacy for FC, and a review of current research and best practices. Participants will have the opportunity to practice facilitator skills through simulated, hands-on activities.

**Date:** Tuesday, Oct. 10, 2006

**Time:** 9am to 3:30pm,  
registration begins at 8:30am

**Location:** Institute on Disability,  
56 Old Suncook Road, Suite2,  
Concord, NH 03301

**Presenter:** Pascal Cheng,  
Howard Community Services,  
Burlington, VT

**Cost:** \$95

### **Fall Symposium: Raising Expectations Including ALL Children in Education**

Workshops include:

- The Classroom Assistant's Role in General Education Classrooms
- Fitting Alternate Assessment into Daily Teaching Routines
- Using Resources for Self-directed Secondary Transition
- Practical Approaches for Understanding and Supporting the Learning Needs of Children with Autism in a Typical Classroom Setting
- Positive Supports and Person-Centered Planning for Young Children

**Date:** Monday, Oct. 23, 2006

**Time:** All workshops are from 9am to 3pm;  
Registration begins at 8:30am

**Location:** Center of New Hampshire Radisson  
Hotel, Manchester, NH

**Cost:** \$99

*You are invited  
to the  
Institute on Disability Open House  
at their Concord Office  
56 Old Suncook Road  
on  
Thursday October 26th  
from 12:00 - 6:00 pm.*

*There will be presentations, door prizes,  
music, and refreshments.*

*For more information and directions,  
visit the IOD website at [www.iod.unh.edu](http://www.iod.unh.edu)*

## DISABILITIES RIGHTS CENTER, INC.

18 Low Avenue, Concord, NH 03301-4971

Voice and TDD: (603) 228-0432 ♦ 1-800-834-1721 ♦ FAX: (603) 225-2077

TDD access also through NH Relay Service: 1-800-735-2964 (Voice and TDD)

E-mail: [advocacy@drcnh.org](mailto:advocacy@drcnh.org) ♦ Website: [www.drcnh.org](http://www.drcnh.org)

*"Protection and Advocacy System for New Hampshire"*

*The Disabilities Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.*

## INSTITUTE ON DISABILITY/UCED – UNIVERSITY OF NH

10 West Edge Drive, Suite 101, Durham, NH 03824-3522

Phone (Tel/TTY): (603) 862-4320 ♦ Fax: (603) 862-0555 ♦ Website: [www.iod.unh.edu](http://www.iod.unh.edu)

### Institute on Disability/UNH – Concord

56 Old Suncook Road, Suite 2

Concord, NH 03301

Phone (Tel/TTY): (603) 228-2084

### Institute on Disability/UNH – Manchester

250 Commercial Street, Suite 4107

Manchester, NH 03101

Phone: (603) 628-7681

*The Institute on Disability advances policies and systems changes, promising practices, education and research that strengthen communities and ensure full access, equal opportunities, and participation for all persons.*

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290

Concord, NH 03301-2451

Phone: (603) 271-3236 ♦ TTY/TDD: 1-800-735-2964 ♦ Website: [www.nhddc.com](http://www.nhddc.com)

*Dignity, full rights of citizenship, equal opportunity, and full participation for all New Hampshire citizens with developmental disabilities.*

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## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290

Concord, NH 03301-2451

### RETURN SERVICE REQUESTED

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