

# Assistant Principal/ Vice Principal Expo Breakout Session

## I & RS Teams 504 Concerns

General Education Supports for All Students

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*How are Section 504 and I & RS related?*

**They are both LAW!**

**3 primary laws govern Special Ed. in NJ**

**IDEA & 504 – Federal**

**N.J. A.C for Education 6A -State**

# *How did we get here?*

- **Section 504 of the 1973 Rehabilitation Act** – a civil rights statute that prohibits discrimination based on disability; the needs of students with disabilities to be met as adequately as the needs of non-disabled peers. FEDERAL LAW – Civil Right Protection
- We provide service to prevent discrimination
- **Who is covered?** - A person with a disability that “substantially limits one or more major life activity; has a record of such impairment; or is regarded as having such an impairment” [34 C.F.R 104.3 (j)(1)].
- 1975 – Education of All Handicapped Children Act –renamed IDEA in 1990 (amended in 1997; 2004; most recent amendment – ESSA (2015); Part B ages 3-21]
- N.J. Administrative Code – Education 6A:16 – Programs to Support Student Development
- Parents Rights in Special Education – updated August 2019

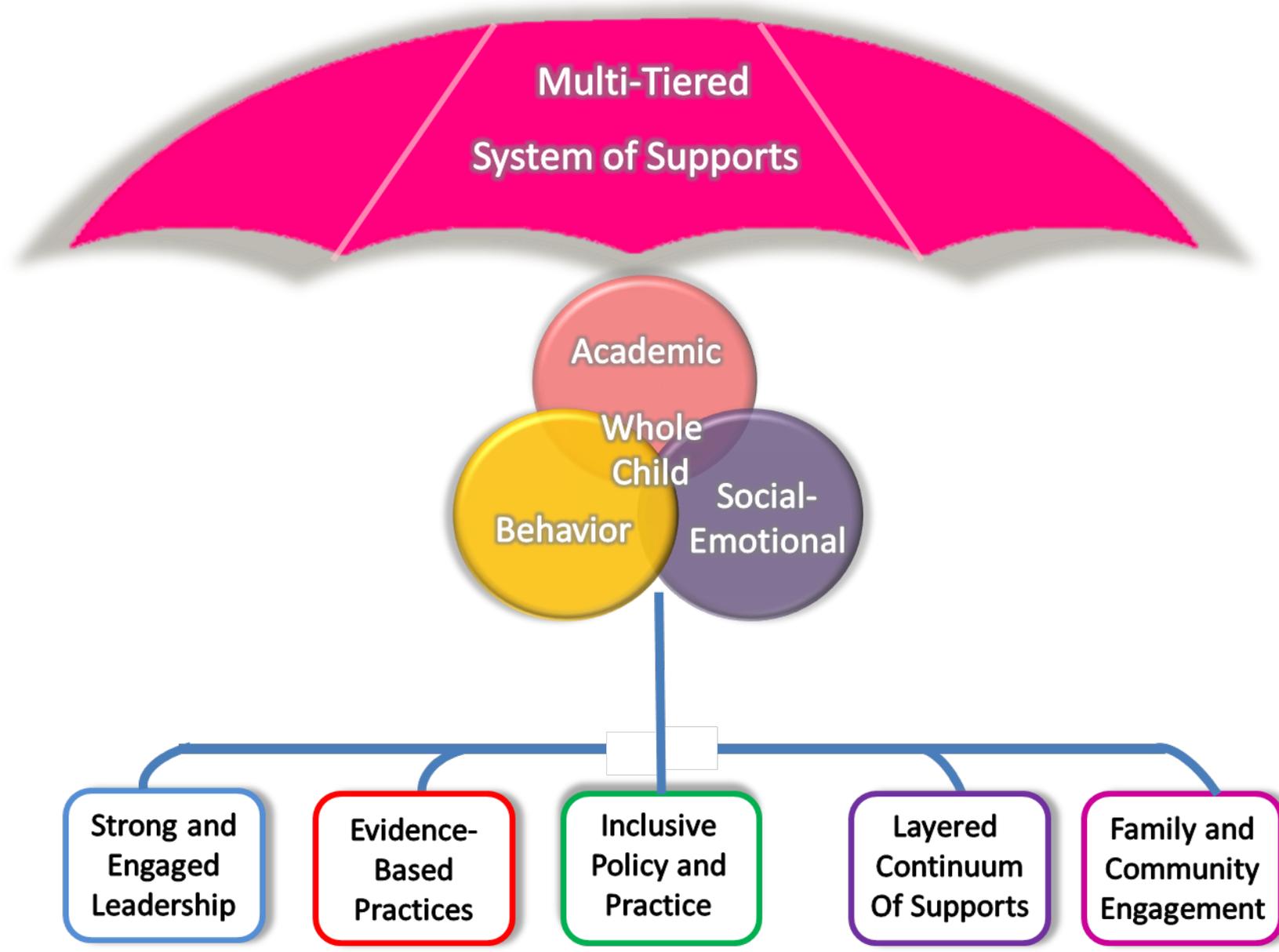
# *I & RS Teams ( N.J.A.C. 6A:16-8)*

## *Programs to Support Student Development*

- What is it?
  - Intervention & Referral Service Team should include individuals who:
    - Knows the student
    - Understands evaluations data
    - Familiar with placement options
- Do we have to do it?
  - Districts are required to establish & implement a **coordinated system** in each school building & to choose an appropriate multidisciplinary team approach for planning and delivering the services required under NJAC 6A: 16-8

# *Function of I & RS*

- Identify learning, behavior, and/ or health difficulties of students
- Collect information
- Develop & implement action plans
- Provide support, guidance, & PD to school staff who identify difficulties, plan and provide services
- Actively involve parents
- Coordinate access to and delivery of school resources & services
- Coordinate community services- social/ health provider agencies
- Maintain records of all requests for assistance and all I &RS Action Plans in accordance with FERPA (Confidentiality)
- Review & assess effectiveness of each plan – annual reviews (at a minimum)



**MTSS: Includes district/ school leadership, family/ community engagement, climate/ culture**

**RTI**

Includes screening, data-based decision making, progress monitoring and multi-level prevention system

**I & RS**

School-based team; develop, implement, review & assess action plans, coordinate access school & community based resources; supports student and teacher needs; support, guidance & PD; recommend school-wide improvements

# What we are currently doing?

- Getting Started with NJTSS

- Step 1: Establish a district leadership team of various stakeholders to gather and review our resources; and to determine, vision, goals and common language
- Step 2: Assess the strengths and needs of the district/schools in regards to 9 essential elements; identify needs to enhance family and community engagement; assess use of positive behavior supports
- Step 3: Develop an Action Plan that includes SMART goals; resources available/ needed; steps, persons responsible; timeframe; evaluation
- Step 4: Implement the Action Plan
- Step 5: Evaluate the implementation of Action Plan (make adjustments as necessary)

## Teacher

- Teacher notices a student having difficulty.
- Teacher contacts parents and discusses possible solutions.
- Teacher creates a pre-referral intervention plan in Hibstervention.
- Teacher works the plan (3-5 weeks) and rates interventions. If unsuccessful, the teacher refers plan to the Building Coordinator.

## Building Coordinator

- The Building Coordinator (BC) receives email notification from Hibstervention to review the submitted plan - this acts as a referral to I &RS.
- BC can accept or reject the plan. Reject plans with insufficient intervention efforts.
- Accept legitimate referrals to I &RS. Assign a Case Manager and invite your I&RS team to meet through Hibstervention.

## Case Manger I&RS team

- Collect data and information about the case.
- Notify parents by letter in Hibstervention.
- The I&RS team (and teacher) create a new plan. This is the I &RS plan. The plan is shared with all teachers who come in contact with this student.
- Observations can be collected. Teacher continues to work the I &RS plan for 4 to 5 weeks. Continue to rate interventions.
- Success! End plan and /or continue interventions.
- Unsuccessful - Revise plan and/or refer to CST.

# Should the student have a 504, IHP or an IEP?

- Does the student have a disability?
- Does it **substantially** limit a major life activity?
- 504 = freedom from discrimination with **reasonable** accommodations
- Does the student need an Individual Health Plan (IHP)?
- Does the student require special education?
  - **Changes expectations**; goals & objectives based on identified need
- No single diagnosis automatically entitles one to either. There is no such thing as automatic eligibility.
- We need data to show impact. It's a good thing when they are no longer eligible!

# So what's the difference?

**Services:** Speech, OT, PT, counseling, nursing, service dog, paraprofessionals, etc.

**Accommodation:** use tools, materials, technology, visual aids and timing to remove barriers – same content – changes how it is learned

(presentation, response, setting, timing, scheduling, audio books, small group testing)

**Modification:** changes curriculum expectations; changes what the child learns (ie. Assigned easier text, different homework, tests, less complex material,

**Intervention:** targeted instruction to improve a skill; strategies or techniques used to teach a new skill, build fluency, or encourage application of existing skills to a new situation

# What about discipline?

- The “10 day” Rule
- Manifestation Determination?
  - First offense; FBA; BIP
  - Second offense: review & modify plans
  - Not a manifestation = standard school discipline
- Weapons, drugs, serious bodily injury?

Q & A?

# Resources

- <http://sites.ed.gov/idea/>
- <http://www.nj.gov/education/njtssoverview/>
- Special Education Law in NJ – PESI (DVD) – John Comegno II JD (Oct. 5, 2016)
- Worthington, John, Esq. Legal One Consultant  
Professional Development Workshop: Section 504 Explained  
(October 23, 2019)