

ISEAS Cable

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Supporting Special Education Administrators in Solution Seeking

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The Longest Day of the Year

by Lisa Manfuso

For as long as I can remember my father talked of retiring. He even had the days, hours, and finally, the minutes timed for the last five years of his "career" on an assembly line at General Motors. He would get up every morning, look himself in the mirror, and tick another day off the old calendar he kept in the bathroom. He was 52 years old when he retired. For a very active, young, athletic, 52-year old man. The jubilation of retiring, with no specific time to get up, no lunch to be made for work, no workmates, eventually got the better of him.

He began to putter with his cars, and with his boat. My dad owns a 22' day sailor that he uses out on the Chesapeake Bay. He learned how to sail recently, in the last ten years, navigating his small boat on the sometimes choppy Chesapeake.

The morning of June 20th dawned early. I awoke to the keening of my deaf/blind son Mark. We started our days early, waking before the sun. The earliness never bothered me and I enjoyed the quiet of the morning with Mark. He had just finished

school, and was enjoying some time off between school and the beginning of summer school. I noticed that the calendar indicated that this morning was the first day of summer. Judging by the weather forecast, I would say that summer had arrived on time. The forecast was to be sunny, hot and humid, as Maryland summers are infamous for. I thought of taking the kids to the pool, then the phone rang. It was my father.

There is something that I must interject before we go any further

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with this story. You see, my father was uncomfortable taking the children out on his boat. He was afraid that they would fall overboard, or something like that, and that somehow he would be responsible. Especially for a child like Mark, who had no sense of fear of the water, and when put in unfamiliar surroundings became quite upset. We spoke about the first day of summer, and Dad reminded me that it was also the longest day of the year. I asked him what he was going to do with his day, and he gave the same answer as he had all week, "Putter with the boat." I grinned, the mental image of my father at the marina, working on his already meticulous boat. "Want a crew?", I asked, imagining the wind in my face. Expecting him to balk or say no, surprisingly he said, "Sure, when can you be ready?"

As I got Mark and his younger sister Kristen ready to go for a day cruise, I became apprehensive. We had never done this before. Kristen understood the rules of the boat since she had spent a whole week out on this small boat with her grandparents, but Mark? How was I to handle him? Would he even keep a life jacket on? Would he become upset, and overwhelmed at the sensation? As apprehensive as I was, I am definitely sure that my father was more so. He had seen Mark keening, and overstimulated. At that time, Mark was head-to-head with me, and physically just as strong. I became very nervous as we arrived at the marina. As we approached the boat, Mark tried to walk off the pier, unknowingly of course, but scary enough to keep

my nerves on edge. He was not on familiar ground, and made his body very stiff, and almost unmovable. It took both my father and I to maneuver him into the boat and down below to the cabin. I put his life vest on, he took it off. I put it back on, he took it back off. Dad was above trying to hoist off from the pier, and needed my help. Kristen clamoring for attention was singing a song, trying to amuse the anxious adults.

Motoring out away from the docks, I saw the worried expression on my father's face as Mark's keening increased. In the middle of the channel he set sail, and the wind kicked up the sails. Soon after, the gentle rocking of the boat seemed to relax Mark, and the soulful keening stopped. He was sitting on the bottom of the boat, between the kitchen table and the sofa in the small cabin. The faster the boat sailed, the more relaxed he became, allowing me to put his life vest on. Soon, the wind picked up and we heard giggling coming from the cabin at the sensation of the boat careening through the water, as if it were made of paper.

After a half an hour passed, my father and I relaxed. Out in the bay, we felt the wind kiss our cheeks. The white puffy clouds hanging like cotton in the sapphire sky. The salt water spray splashed at our cheeks softly. The smell of the sun, and the canvas sails, and the bay air all mixed together for a soothing but exhilarating tonic. Mark was giggling so hard down below that he was rolling on the floor. My father and I looked at my children, his grandchildren in

wonder. After, a short while, I wanted Mark up in the cockpit with us, so he could also enjoy the air. As I pulled him, up I noticed Dad becoming anxious again, but he said nothing, as he assisted in retrieving the giggling Mark.

Sitting in the cockpit, at first Mark stopped giggling. He had also stopped laughing, looking as apprehensive as I felt. The wind died down, and the boat came to a halt. Mark, began to vocalize his anxiousness. The wind puffed gently at the sails, and we were off once again. Mark's face split into a big grin. The wind picked up whipping into our faces with a frenzy. The sails puffed and strained with the exertion of the tension. The mast groaned as we picked up speed. I was helping to trim the sails, Mark sitting close to me giggling and tightening his body with excitement. He seemed to say with his body "FASTER, FASTER," laughing as we went. The day progressed and we sailed for hours. We set sail for a small island where my father set anchor and we started to have lunch. Mark wanted no part of it. He kept moving his body, taking my hand and pulling me, as if he wanted to go. Not communicating with tactile signing or fingerspelling, we determined that he was not yet finished sailing, and was becoming increasingly frustrated. In a good humor, my father picked him up and threw him into the Bay. He quieted down quickly, laughing, as swimming is his favorite activity in the world. Soon, we all joined him, laughing

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at the marvelousness of the day, and the treasure that Mark had bestowed upon us. Sailing back to the marina was a quieter sail, for it was late in the afternoon and the wind had died. It was fortunate for us that the gentle breezes and lulling rocking of the boat, the summer warm sun, and a full belly made Mark very sleepy. He relaxed and sighed contentedly, making my father comment that he also would like to take a nap.

We pulled up to the docks, Mark and Kristen both asleep down below. My father quietly trimming the sails so that we could maneuver in to his slip at the marina. It had been a wonderful day, one that none of us will forget. Mark likes to sail now. Always anxious at first, until he remembers his friends; the wind, water, and of course —the sails.

(This story was written two

years ago. Mark is now 15 years old, has become a great companion on the boat, and still finds his friends the wind, and water. My father still has the boat, and is still retired.)

SOURCE: This article is an excerpt from Deaf-Blind Perspectives (Vol.4, Issue 3), Spring 1997 and was posted to GTE INS Severe newsgroup on the Indiana SECN 6/19/97. □

Happy Birthday!

August 5
Paul Roahrig
Johnson County
Special Services

August 8
Bob Domizio
Posey County Special
Education Services

August 8
Saundra Lange
Knox County Special
Education Cooperative

August 10
Jeffrey Young
MSD of Lawrence Township

August 12
Ellen Pedigo
Division of Special Education

August 15
Lew Browning
Evansville-Vanderburgh-Posey
Special Education Cooperative

August 18
Ann Oswalt
Mississinewa Community
School Corporation

August 25
Muriel Downey
East Allen County Schools

August 27
Karyn Romer
Division of Special Education

August 28
Cindy Pittman
Avon School Corporation

August 29
Vendetta Gutshall
Huntington-Whitley
Special Services



ADMINISTRATORS' CORNER

The following directors from Indiana attended the 14th annual Midwest Special Education Leadership Conference in Breckenridge, Colorado: Mary Custer (Northeast Indiana Special Education Cooperative), Mary Kay Davis (Joint Educational Services in Special Education), Russ Dawson (Richmond Community Schools), Tom Doyle (Hamilton-Boone-Madison Special Services), Karol Farrell (MSD Washington Township Schools), Paul Roahrig (Johnson County Special Services), and Gary Collings (ISEAS). The conference was attended by 140 special education administrators from 13 states.

Next year's 15th Annual Midwest Special Education Conference will again be held in Breckenridge the week of June 22 - 26, 1998. Please mark your calendars!

Jim Nulty has been confirmed as the new executive director of Very Special Arts Indiana. He replaces Linda Nolan who has relocated to Pensacola, Florida. Jim has announced that VSAI has moved to its new headquarters at: 2506 Willowbrook Parkway, Suite 202; Indianapolis 46205. Their telephone number remains the same: 317/253-5504.

Karen Marcum has been named Director of the New Castle Area Programs for Exceptional Children effective August 1, 1997. Karen had been the assistant director for secondary programs in the cooperative. She replaces Ted Tibbets who retired February 1997.

Roger Kryder has been named Director of the Northeast Indiana Special Education Cooperative effective January 1, 1998. Roger is the assistant director in the cooperative and will assume the directorship when Bill McKinney retires in December 1997.

Jacki Lynn, director of special education at MSD Pike Township has announced her resignation effective August 2, 1997. Jacki is relocating to Scottsdale, Arizona.

In July a copy of the NASDSE-developed videotape on the IDEA Amendments was sent to all local directors from the Division. The videotape is 72 minutes in length and features Tom Hehir, Martha Fields and Myrna Mandlowitz discussing the changes from the previous IDEA, anticipated timeline for regulation development and other pertinent issues.

The tape is appropriate for use with administrators, teachers, parents and others with an interest in the Amendments. It will be most helpful if the IDEA Amendment Comparison document, which was sent to all directors in June, is used as you view the videotape. For additional information contact Paul Ash at the Division (317/232-0570).

ISEAS Steering Committee Meeting Minutes

Westin Hotel - Indianapolis June 11, 1997

[These minutes are considered a draft until approved at the next scheduled meeting.]

Members Present: Brett Bollinger, Southeast Representative; Phyllis Craig, North Central Representative; Mary Jo Dare, Central Representative; Sheila Decaroli, East Representative; Vendetta Gutshall, Northeast Alternate; Sandra Lange, Southwest Representative; Bob Marra, Director, Division of Special Education; Joan Machuca, Northwest Representative; and, Jeff Young, ICASE Representative

Staff Present: Gary Collings, ISEAS Executive Director; Cinda Long, ISEAS Program Coordinator; and, Susie Thacker, ISEAS Executive Assistant

Others Present: Marilyn Faris, Southwest Roundtable and ICASE Executive Committee

The meeting was called to order at 8:30 AM by Gary Collings as ISEAS Executive Director. Collings introduced incoming Steering Committee members. Muriel Downey and Sandra Lange were recognized with a certificate for completing their terms as roundtable representatives.



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Approvals: Minutes: Minutes from the May 14, 1997 meeting were presented. **MOTION: With a motion by Decaroli/Craig the minutes were approved as written.**

Mini-Grants: Expenditures to date of \$500 mini-grants:

Central Roundtable	\$	0.00
East Roundtable		0.00
North Central Roundtable		361.82
Northeast Roundtable		228.15
Northwest Roundtable		0.00
Southeast Roundtable		0.00
Southwest Roundtable		92.88

Mini-Grant Applications/ Reports: North Central: North Central Roundtable will use the remainder of their \$500 mini-grant to help offset the cost of room charges and refreshments for their June 12 meeting at the Sportsman Inn in Monticello. The purpose of the meeting is to develop plans for the roundtable topical for the 1997-98 school year and to develop the roundtable calendar for new year. **MOTION: A motion by Bollinger/Lange to approve North Central Roundtable's request to use the remainder of their \$500 mini-grant for roundtable meeting room charges and refreshments was carried.**

Southwest: Southwest Roundtable submitted their report for mini-grant expenditures for 1996-97. Mini-grant funds were used to support meeting room charges for three roundtable meetings located in Vincennes and mailing the video "Tough Kid Toolbox" to participating districts when no relay system could be

used. The roundtable expressed its appreciation for the access to funds to assist in carrying out the activities of the roundtable. Lange noted that a 1997-98 calendar of roundtable meetings has been finalized. **MOTION: A motion by Decaroli/Craig to accept Southwest Roundtable's 1996-97 mini-grant report was approved.**

Southwest also requested funds for the 1997-98 school year in the amount of \$295.00 to support meeting room charges and mailing inservice videos to participating planning districts. **MOTION: A motion by Decaroli/Craig for approval of Southwest Roundtable's request for 1997-98 funds was carried.**

Southeast: Southeast Roundtable will sponsor a one-day forum on issues in education from 9:00 AM - 2:00 PM on June 13, 1997 at the Seasons Lodge and Conference Center in Nashville, IN. The forum will be facilitated by Gary Collings and will provide an opportunity for general and special education administrators to identify and discuss issues of mutual interest. Dress is casual and lunch is provided.

Northeast: Northeast Roundtable met in May at Theresa Oberley's home. Focus for the meeting was the needs of cooperatives for the next year and behavior management.

East: East Roundtable held a regional roundtable conference in April. The roundtable is looking at ways to improve attendance and support for roundtable workshops.

New Steering Committee Representatives: Vendetta

Gutshall has been selected as representative of Northeast Roundtable, with an alternate yet to be named, for a three year appointment (July 1, 1997 - June 30, 2000). Marilyn Faris will serve as representative of Southwest Roundtable with Susan Price as alternate. The ICASE Executive Committee should select its representative (usually the past president) for a one-year term (July 1, 1997 - June 30, 1998). The state director of the DOE Division of Special Education is a standing member of the Steering Committee.

1997-98 Grant Application: The ISEAS Grant Application for 1997-98 has been submitted to the DOE Division of Special Education with full approval from Indiana State University.

GTE Site License: Collings announced the 1997-98 renewal of the GTE Site License is being prepared and should be received by ISEAS sometime during the month. The site licenses allows ISEAS access to bulletin boards to download information for Indiana users on the Special Education Computer Network (SECN) with no restrictions on the number of users to whom this information is distributed.

In the past ISEAS has contracted with Chris Young to administer the Gen.Assembly bulletin board on the SECN for a yearly consultant fee of between \$1,000 and \$1,300. Collings

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asked the Steering Committee to consider if there is still a need for this board to be maintained and if this information is indeed being used. **CONSENSUS: The roundtable representatives will take this to their roundtables and there will be further discussion at the October Steering Committee meeting.**

Lighthouse Applications: No new Lighthouse applications have been received to date.

Administrative Study Keyclub (ASK): No applications have been received.

1996-97 Events/Reports:

Trainers' Bureau: The Trainers' Bureau Directory has been completed and mailed to directors and University Forum members across the state. The directory lists trainers who might be available with their director's permission to conduct training sessions in another district. Copies are available from the ISEAS office upon request as long as supplies last. Names from Monroe County Community School Corporation were inadvertently omitted from the booklet and will be acknowledged in a separate mailing.

Meetings Hosted: During 1996-97 ISEAS hosted approximately 45 meetings for 542 participants at their Indianapolis off-campus office.

1997-98 Events/Reports:

LEASE Academy III - Phase 1: Phase 1 of the ISEAS 1997-98 Academy series is scheduled for June 16-17, 1997 (8:00 AM - 4:00 PM) at the Embassy Suites North,

Indianapolis. Focus for the session is an introduction to the Teacher Perceiver Interview process presented by a representative of the Gallup Organization. Confirmations have been mailed to all participants of the Academy.

The Academy application for five Continuing Renewal Units (CRU) has been approved by the IPSB.

LEASE Academy III - Phase 2: A final date has yet to be set for the Strategic Alliances session, Phase 2 of the Academy.

LEASE Academy III - Phase 3: The third phase of the Academy will be a two-day introduction to the "tools" of Creative Problem Solving for case conference coordinators presented by the Blumberg Center, ISU, for approximately 24 persons. No date has been selected.

School-Based Therapies Training Session: The proposed date for the ISEAS sponsored School-Based Therapies Training Topical during the 1998 IFCEC Conference is February 26-28, 1998 at the Radisson at Keystone Crossing. Confirmation of acceptance of the topical is awaited from IFCEC. Collings noted that the PT and OT who edit the Crossings newsletter as well as the DOE school nurse consultant will become a part of a planning group for the topical.

Faris expressed her staff's appreciation for their participation in the previous OT/PT conference and Secretaries Seminars and remarked that these activities

made them feel a part of the system.

Secretaries/Support Staff Seminar: The annual Secretaries/Support Staff Seminar is scheduled for November 18, 1997 at the Holiday Inn North at the Pyramids. The seminar will be divided into two concurrent sessions in the morning, repeated again in the afternoon. Each session will be approximately two hours in length.

Sue Ann Specht, consultant in stress management, Health Promotion Services, St. Vincent Hospitals, will build on this year's theme of Wellness in the Workplace by bringing in dealing with difficult people and managing change. Randy Jones and Carrie Jackson Van Dyke, who presented a joint ISEAS/ICASE seminar in December 1995 on Dealing Proactively with the Media, will present on effective communication, dealing with angry patrons, volatile issues, and confidentiality.

Directors/Child Service Coordinators: Collings noted the Child Service Coordinators have expressed the need for networking during the 1997-98 school year, and that there are funds set aside in the 1997-98 ISEAS budget to support such meetings. Marra commented the Child Service Coordinators will need to meet with their directors to plan their direction for the next year. There was also discussion regarding the

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need for possible future ISEAS support for Juvenile Justice System meetings.

Conference Sponsorships/ Reports: *Report - LRP:* Joan Machuca, North Central Roundtable, reported that the annual LRP Legal Conference which she attended as ISEAS representative on May 4-7, 1997 in San Diego was excellent. She remarked that every roundtable had at least one representative present. Machuca submitted a summary of the meetings and briefed the Committee on the following sessions attended:

- The Year in Review: a Judiciary in Transition
- Defending or Attacking Special Education Assessments
- Dealing with the “new” SED Population: ADHD, ODD and Socially Maladjustment
- Victory or Defeat: What Factors Drive the Outcome of Inclusion Cases
- LOVAAS VS. TEACCH - Navigating the Legal Morass
- Distinguishing Between Educationally and Medically Related Services: The New Case Law
- The Seven Deadly Sins

Machuca also provided a handout on “What Have Circuit Courts Said About Services for Private School Students?” and a list prepared by Pat Pierce of “Changes in IDEA from 1997 Reauthorization”. Anyone wanting a copy of handouts from the conference may contact Joan

Machuca at Northwest Indiana Special Education Cooperative (219/769-4000).

Faris agreed that the conference was outstanding and that she left with the sense that Indiana is in good shape in regard to reauthorization. Lange and Gutshall recommended the LRP video “Seven Deadly Sins” by Melinda Maloney.

Midwest Special Education Leadership Conference: The theme for the 14th Annual Midwest Special Education Leadership Conference is Unified Leadership: Facing the Challenges of Tomorrow’s Schools. The conference will be held in Breckenridge, Colorado on June 24-27, 1997. As in the past, ISEAS will sponsor the participation of the ICASE President-elect, Russ Dawson.

Conference Sponsorships: An updated list of ISEAS conference sponsorships for 1990-97 was distributed.

University Forum: *Next Meeting:* The next meeting of the University Forum will be an organizational meeting on Friday afternoon, September 26, 1997 in conjunction with the Fall ICASE Conference in Terre Haute.

CODA Project: By consensus at the May meeting, CODA has been added as a standing agenda item for each Steering Committee meeting to get feedback from local directors regarding the future direction of the CODA project. The Steering Committee will serve in an advisory role. In response to

a question, Marra confirmed that all directors present at the meeting had completed the survey with their CODA representative. In the fall there will be a compilation of survey results and determination of where we will go with this date. The need for new software will be considered. Faris expressed her appreciation for the CODA support staff seminar on data entry held each summer and felt the training was very important.

Other Business: *Special Education Law and Practice:* The LRP manual “Special Education Law and Practice” has been purchased by ISEAS and is available for rotation throughout the roundtables. Vendetta Gutshall, Northeast Roundtable, now has the manual.

Videotapes: “Who are the Children Being Born Today” and “Look Who’s Laughing” are currently in the ISEAS office and available for loan.

1997-98 PATINS Trainings: A list of dates and training sites for PATINS trainings during 1997-98 was distributed. This information is also posted on the SECN electronic calendar.

NASDSE Comparison Document: ISEAS has purchased 250 copies of the IDEA Comparison of Key Issues (side-by-side document) from NASDSE to be distributed to local directors and other interested parties at a cost of \$12.56 each. A release statement

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from NASDSE will be sent with the document stating that the comparison document can be copied only by local directors for internal district use only. NASDSE has also furnished ISEAS with a disk of the document which will be placed on the DOE Home Page with a disclaimer that posting is with NASDSE permission for Indiana users only.

It was noted that, in general, all of parts A and B of the IDEA changes will kick in immediately, including the elimination of attorneys' fees for IEP hearings, elimination of mediation prior to

due process, the capping of state set-asides, guidelines for in-state distribution of funds and the granting of immediate power to hearing officers for ordering placement changes. Also, the Office of Special Education Programs (OSEP) will be stripped of its ability to establish rules through policy letters as soon as the bill is enacted. The only sections of Part B not to take effect immediately are:

- Section 612 (a) (4) The definition of IEP
- Section 612 (a) (14) CSPD
- Section 612 (a) (16) Performance goals and indicators

- Section 614 (d) except for paragraph (6) Development of IEP
- Section 618 Data on race, ethnicity, disability category

Next Meeting: The next meeting will be held on Wednesday, September 24, 1997 at the Holiday Inn in Terre Haute.
 3:30 PM - ISEAS Steering Committee Meeting
 4:15 PM - Division Report and ICASE Executive Committee Meeting
 4:45 PM - ICASE Executive Committee Meeting
 7:00 PM - Open Dinner/Reception with ISU Faculty ☐



Information from ICASE

ICASE Executive Committee Meeting

June 11, 1997

Westin Hotel - Indianapolis

[These minutes are considered a draft until approved at the next scheduled meeting.]

Members Present: Daena Richmond (President), Russ Dawson (President-Elect), Jan Rees (Treasurer), Gary Collings (Secretary), Jeff Young (Past President), Vendetta Gutshall (NE), Joan Machuca (NW), Mary Jo Dare (C), Brett Bollinger (SE), Phyllis Craig (NC), Sandra Lange

(SW), Sheila Decaroli (E),

Others Present: Bob Marra, Tom Doyle, Jim Sands, Sharon Henderson, Marilyn Faris, Mike Livovich, Patti Kem, Ann Smith, Cinda Long, Susie Thacker

I. Approvals
 A. **MOTION: After a motion by Bollinger/Young, the May 14, 1997 Executive Committee minutes were approved as submitted.**

B. Rees presented a comprehensive balance sheet and docket of outstanding bills. **MOTION: After a motion by Dawson/Machuca, the May 30, 1997 Treasurer's Report showing a**

balance of \$12,330.60 without roundtable funds and a docket of bills totaling \$1,710.74 + \$567.00 for Roundtable bills were approved as submitted.

Rees noted that on this date the on-hand cash in the ICASE treasury was \$9,455.60. She commented that we no longer have to be concerned about any undue amount of cash for IRS purposes.

Rees thoroughly reviewed the proposed 1997-98 ICASE budget which, after discussion, was presented for a total of \$46,550.



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The new budget is to include \$10,000 including expenses to accommodate a future agreement with a new legal management liaison (Kelli Waggoner). The line items for conference sponsorships and college scholarships were deleted from the budget. These two items will be paid from the roundtable (50%) share of professional development proceeds.

MOTION: After a motion by Young/Bollinger, the 1997-98 ICASE budget was approved as amended.

Rees reported that this year's audit will be conducted externally by Barry Fritz, who is the soon-to-retire business manager at Portage Township Schools. He will spend a half day on-site at an estimated cost of \$250.

Rees distributed the Roundtable cash/expense reports. She asked that next year's professional development sessions have a registration deadline as early as possible. This year she and the ICASE bookkeeper processed registrations for over 1,000 participants.

Next year Rees will not accept any "bill me later" requests. She will only accept cash, check, or purchase orders. (This year 10 personal checks bounced.) Rees distributed the ICASE blanket sales tax exempt certificate dated 6/10/97 with Account # 75051400. The form is to be duplicated and used at will. **ACTION: Rees emphasized that she will no longer reimburse individuals or roundtable groups for sales tax as everyone is expected to file the ICASE sales tax exemption form prior to making payments.**

Rees distributed copies of a Request for Payment form on which individuals should seek reimbursement or payment for goods or services.

Richmond reported on a June 2 letter from the current legislative liaison questioning what obligations he may have and what remuneration he might expect after July 1, 1997. Richmond clarified that the ICASE agreement with the liaison was based on a fiscal year (not calendar year). Doyle reported on his recent meeting with Roger Williams who was most complimentary of his relationship with ICASE. Rees confirmed that her records indicate ICASE will have satisfied our fiscal year agreement of \$6,400 with Williams with a final June payment. Members acknowledged that Williams' services will be completed on June 30, 1997. In reply to an inquiry, Richmond responded that she had an appreciation award for Williams, who was not able to attend today's luncheon.

Richmond suspended the meeting for an ICASE luncheon with ICASE past presidents, Division Staff, and State Superintendent Sue Ellen Reed as luncheon speaker. After awards and acknowledgments, the ICASE Executive Committee Meeting reconvened.

Collings requested a \$300 contribution from ICASE in support of the continental breakfast for the topical conference on June 24 at the Midwest Special Education Leadership Conference.

MOTION: After a motion by Bollinger/Young, the request was approved as presented.

Richmond presented a proposal from Kelli Waggoner, partner in the KWK Management Group, to become the ICASE legal liaison for legislative purposes for 1997-98. She anticipates the future agreement to be \$10,000 including expenses for a period of twelve (12) months (not just a legislative session).

In reply to an inquiry, Richmond commented that she does not foresee any conflicts with other organizations which Waggoner or her firm represents. Waggoner had offered that with any potential conflict she would notify ICASE and her firm would likely represent the longer standing client. **CONSENSUS: Members agreed in any such instance of conflict requiring ICASE to seek additional representation, the ICASE agreement with Waggoner should stipulate a commensurate fee reduction.**

MOTION: After a motion by Dare/Dawson, Kelli Waggoner, as a partner in KWK Management Group, was approved as the legal liaison for ICASE for 1997-98.

ACTION: Richmond and Dawson will proceed to establish a written agreement with Kelli Waggoner.

Richmond presented that four of seven roundtables have responded to the request to submit topical conference proposals for next year as follows:



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August 8-9, 1997 Southeast will be offering a Restitution workshop (Discipline is getting rid of problems. Restitution is creating long term solutions.) At the Holiday Inn, Jeffersonville;

\$200.00 per person - maximum, 80 participants.

November 12, 1997 East will sponsor Susan Fister presenting a forum on "social skills" training in Muncie at the Horizon Convention Center;

\$75.00 - maximum, 200 participants.

April 1, 1998

Northwest will sponsor Melinda Maloney, Esq. presenting IDEA Reauthorization. It will be held in Lake County;

\$100.00 - maximum, 200 participants.

April 2, 1998

Southwest will offer the same workshop as Northwest. This time in Bloomington. Same cost and number of participants as above.

MOTION: After a motion by Lange/Machuca, the four roundtable proposals for 1997-98 were approved as presented.

Collings mentioned that the agenda for the June 19 meeting of the Indiana Professional Standards Board included an item to consider the application of the Indiana Association of School Psychologists for external committee status. He noted that the principals' association was the first to be granted external committee status. The application for the superintendents' association was recently approved.

ACTION: Richmond will ask Sharon Henderson to inquire

about an ICASE application for external committee status and present recommendations at a future meeting.

Sands reviewed the 1997 Fall Conference agenda which will appear in the July CABLE. Although the 1998 Fall Conference is tentatively planned for Lafayette, Dawson suggested we revisit our site rotation to university cities.

Members discussed the desirability of returning to a single site for the annual fall conference, for example, Nashville, French Lick, or casino areas.

MOTION: Decaroli/Dawson moved that the officers explore a single site and make recommendations at a future meeting to be selected no later than the 1999 Fall Conference. Motion carried as presented.

Dawson distributed new ICASE Executive Board manuals for 1997-98. He reviewed the contents. He requested that chairpersons select meeting dates and advise him when they need to be on the monthly agenda.

II. Division Report

Marra distributed Rule 3 Graduation Examination as approved by the State Board of Education on June 5, 1997. He discussed Section 3 (b) (1) regarding waiver requests and the role of the teacher-of-record as well as case conference responsibilities (b) (2).

Marra discussed the progress being made by DOE in developing accommodation guidelines for state assessment. DOE will be studying

the effect of accommodations on test question validity beginning in January 1998. DOE will also be sponsoring regional training in late August regarding procedures and the accommodation guidelines. A Question & Answer booklet and videotape have been prepared for distribution and an 800 telephone number will be established.

State assessment test scores will be reported in the following five clusters: (1) special education with accommodations, (2) special education without accommodations, (3) general education with accommodations, (4) general education without accommodations, and (5) diagnostics. He acknowledged that it is still unresolved that ALL students in each corporation must be accounted for in the test reports. He noted that Deb Bennett at Purdue has expressed an interest in pursuing a federal grant to develop alternative assessments for that 1% or less of the special population.

In regard to the IDEA Reauthorization, Marra noted that ISEAS will be mailing a complimentary copy of a comparison document purchased from NASDSE with permission to reprint. The mailing to directors, university contacts, and other interested parties will include two Division analysis papers outlining: (1) LEA requirements, and (2) timeline of effective dates. The content of the NASDSE booklet will also be on the Division's home page for downloading.

This afternoon, Marra will

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participate in a conference call with other member states of the Great Lakes Area Regional Resource Center as a briefing on IDEA. He is to meet with Dr. Reed on June 23 to update her on the IDEA stipulations. On June 25 he will be in Chicago for an OSEP briefing. Although the Act is quite prescriptive, the actual regulations from OSEP will not likely be available until May 1998. NASDSE has recently produced a videotape including Tom Hehir (OSEP) which will be distributed to state departments. The Division

plans to duplicate the video for distribution to local districts.

In reply to a question, Marra confirmed that the federal act revisions signed June 4 by President Clinton as P.L. 105-17 and subsequent federal regulations (May 1998) will require changes in Indiana statute, Article 7, and the Standards Manual. He acknowledged that the 45 days disciplinary period may be an area requiring immediate attention. Marra suggested that the previously mentioned DOE state assessment

days in August may be an opportunity to also include a half day discussion on IDEA Reauthorization.

Daena Richmond closed her final executive committee meeting by acknowledging the thank-you note from Amy Cook Lurvey for the flowers sent by ICASE after her recent hospitalization. In keeping with his stature, Jeff Young made a "short" recommendation that the minutes reflect that "Daena has done a GREAT job!" □

Developmental Disabilities Task Force

The Developmental Disabilities Task Force was created this spring by an act of the Indiana General Assembly. The Task Force's mandate is to evaluate statewide needs for institutional and community-based care and to recommend how to best meet those needs. Governor O'Bannon's appointment of Task Force members on June 12 was part of his response to the serious problems uncovered last spring at the New Castle State Developmental Center. Among the task force appointees are family members of individuals with developmental disabilities, a former resident of institutions for individuals with developmental disabilities, service providers and advocates, and elected officials.

Kathy Davis, secretary of the

Indiana Family and Social Services Administration (FSSA) will chair the Developmental Disabilities Task Force. The other task force members are:

- * David Mark, Bloomington (ISDD);
- * Charles Cox, Linton (owner/operator, Daisy Supply);
- * Chris Durholz, Brazil (Air National Guard recruiter);
- * Carla Bennett, Indianapolis (teacher, Orchard School);
- * Karen Vaughn, Indianapolis (consultant to businesses on how to accommodate workers with disabilities);
- * Gary Miller, Indianapolis (Riley Hospital administrator and chairman of the Governor's Planning Council for People with Disabilities);
- * Bettye Dunham, New Albany (executive director, the Rauch Center);
- * Eleanor Kinney, Indianapolis (professor of health administration law, IUPUI);
- * Cordelia Lewis, Indianapolis (union representative, AFSCME);
- * Thomas Henry, Fort Wayne (member of Fort Wayne City Council and president of Midwest Health Network); and
- * Mayor John Hall, North Vernon

The task force will report regularly to the Governor, and produce a final report on its findings and progress by July 1, 1998. □





Department of Education News

**■ CSC MEETING -
Minutes from June 2, 1997
Meeting** — CSCs present: Sandy Wooton, Johnson Co., Ola Smith, Shelby Co.; Steve Scofield, Hancock- South Madison; Trace Benedict, Hamilton-Boone-Madison; Cathy McCormick, New Albany Floyd; Geneva Vinson, Elkhart Co.; Marsha Mulroony, Dubois-Spencer-Perry; Pam Bruchette, ISD; Cathy Pardee, ISD; Karen S. Hendrix, West Central Joint Services; Edith Ervin, LaPorte County.

CSCs absent: Ginger Arvin, IPS; JoAnn Engquist, Porter Co.; Terry Tahara, South Bend; Victoria Boyd-Devine, Northeast Indiana; Linda Grumley-DeFour, Clark Co.; Cindy Skoog, Forest Hills; Greg Hilligoss, Richmond State Hospital; David Jann, Warren Township.

IDOE: Carol Eby, Karyn Romer

Guest Speakers: Cynthia Feaster, Andrea Feaster, HDB, inc.; Russ Skiba, IU.

Wraparound Conference
Update:

Cynthia provided updates to CSCs regarding the conference. Cynthia requested that CSCs

distribute wraparound notices to directors of special education. Cynthia shared that she would like to include the media in the conference. The group felt that would be appropriate. Cynthia requested that if we know of any organization that would like to sponsor others' participation at the conference, it would be most appreciated. HDB, inc. is looking for any organizations that would like to offer prizes.

The group discussed the need for a session that would involve problem solving difficult child/family teaming situations. The group also discussed the idea of having a "Success Stories Of Wraparound" session. The group discussed each of the sessions in length, assigning CSCs to various sessions.

Child Family Teaming:

Edith presented issues that she has run into in her county and how to overcome that problem. Specifically, it is the issue of when a judge orders others' participation in the wraparound process. She gave the example of when a judge ordered removal of the children between the time of two (2) child/family team meetings. Because of the removal, the parent has refused to participate in the process any

longer. The judge in her county wants wraparound plans to come before the court where it will be approved or disapproved. Ola shared that she feels that the person communicating with the judge has to be involved in the process, despite family reservations. Trace shared that the wraparound process should be viewed as another option, which should be viewed very positively. The team must understand at the outset that there may be parts of the plan that the judge may not support.

Edith also shared the problem with facilitating divorced parents who are always wanting to bicker with one another during the team meetings. Sandy shared her experience with an adoptive daughter who wanted to "divorce" her adoptive parents and how she worked through that issue during child/family teaming.

Edith shared just how long it has taken to get one team together - 6 months for the family to trust the process enough to proceed. The CSCs agreed that teenagers who do not want to participate in the process are very difficult to facilitate. Cathy shared her

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troublesome case where the stepfather and teenager do not want the mother to participate in the process. The group recommended that Cathy continue to work with the teen to help him understand that without her participation, any plans made will not work. Marsha summarized that the facilitators who run into problematic situations must have a network of others who they can turn to for resources and ideas.

IDOE:

Carol shared that letters will go out tomorrow for those who have applications still outstanding. That letter will inform folks that if the applications do not get in prior to the expiration of the contract time period, the school corporation will be responsible for all costs until the new contract is approved. Carol shared that with older students, transition plans are lacking or are very poor. Connie shared that service providers are not providing documentation of progress.

Carol requested feedback on how to improve the application process. Marsha suggested that perhaps the most commonly made mistakes be identified, along with targeting those districts that may need technical assistance. Karen suggested that IDOE use the CSCs who have completed applications to assist in providing that technical assistance. Carol said that she is concerned that the forms are too intimidating and that some areas are not fully explained, ie. service providers. Carol said that she and Bob are beginning to discuss how to rethink the ARS process due to

the incredible amounts of time and labor that are involved.

Karen shared that she would like to see whether homebound numbers are decreasing over the years due to the use of alternative services.

The Dawn Project:

Carol said that IDOE has referred six (6) kids to this project and will expect creativity from the plans that are developed. Carol has considered an eligibility form for ARS similar to that being used for The Dawn Project.

Financial Study - Russ Skiba:

Russ requested feedback from the group regarding the existing ARS financial and data study forms. Karen suggested categorizing the various areas to simplify, thus reducing the number of errors. Steve suggested providing samples of completed financial studies.

Russ wants to begin a two year project to evaluate/study ARS services. Russ is developing a survey to get at the availability of services and what is critically needed. The goal is to identify local capability of resources. He asked the group what questions CSCs think would be helpful in this survey. Trace suggested asking how barriers were overcome. Sandy suggested finding out where services are integrated in the schools. It was suggested that a checklist of services be put together and mailed to the contact persons listed on the applications. Connie suggested also finding out

who is bringing in services from other agencies into schools and how those services are being coordinated. Russ indicated that analyzing what models are being used and whether there has been an effect is important to identify at this point. Marsha suggested that perhaps it is not so much specific models rather what has actually happened with regard to collaborative efforts.

CSC Meetings Next Year:

The CSC grants will not be continued as of next year; therefore, the issue of meetings has arisen. The group identified the need to continue meetings for those folks who are continuing in "child service coordination" at the local level. This group has broadened over the years and continues to grow due to coordinators' being hired by counties and by projects such as The Dawn Project. The group discussed each's projected roles next year. Overall, it appears that most will remain in their respective roles. The group proposed to meet again on Monday, August 25th at 9:30 am to identify who is actually going to serve in a coordination of services role in the districts, to establish a purpose and meeting times. Trace Benedict will be the agenda planner. If ISEAS is not available, Trace will find a conference room at Carmel.

Marsha shared that Leonard Burrello is looking for trainers who have expertise in various

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areas of services, service coordination, and systems change. There will be some kind of conference in the fall which he may want to include child service coordinators on a panel.

For the Good of the Cause:

Karen explained that she and Ginger have been very frustrated with the inability of residential facilities to provide step-down processes in-house. The group suggested that transition planning has to begin on the date of admission and discuss at length how that will unfold.

Karen shared a interagency collaboration confidentiality resource for the group: Distribution Center, Educational Commission of the States 707 17th St., Suite 2700, Denver, CO 80202-3427. Fax is (303)296-8332.

The meeting adjourned at 2:30 pm. **The next meeting will be Monday, August 25, 1997 at 9:30am.**

■ **ISTEP+ Testing Dates and Appeal of Graduation**

Results — The Indiana State Board of Education has set the test window for the administration of the Fall 1997 ISTEP+ as September 22 through October 10. However, the graduation examination must be given to Grade 10 students during the first three days of the test window, i.e., September 22, 23, and 24. The norm-referenced component and other test booklets must be completed by Grade 10 students on September 25 and 26.

Because of test security concerns and scoring requirements that are time sensitive (each Grade 10 applied skills booklet must be graded by two scores), there will be no makeup examination dates for Grade 10 students. A student who is absent when the graduation examination is administered will have to take the test during the next available administration of the test (Fall 1998).

All testing materials for Grade 10 students will be picked up from corporation sites by CTB/McGraw-Hill couriers on October 2 and 3, 1997.

In other recent developments, the Indiana State Board of Education on June 5 adopted the final rule for the appeal of graduation examination results for students who do not meet Indiana Academic Standards on the high school graduation examination. The next step in the promulgation process is review by the Attorney General and Governor's offices. We expect that this final rule will be signed into law by the Governor later this summer.

A detailed question and answer document about the graduation examination is under final review and will be available in the near future.

If you have any questions, please contact the appropriate individual listed below or E-mail <istep@doe.state.in.us>.

ISTEP+: Dr. J. Stephen Grimes, Dr. Rick Peters, or John Moreland at 317/232-9050

Graduation Test: 1/888-54ISTEP (1/888-544-7837) (Appeals Procedures, Jeffery Zaring 317/232-6622)

Communications: Mary Tiede Wilhelmus at 317/232-6614

■ **Title I Services to Nonpublic Schools**

Dr. Suellen Reed, Superintendent of Public Instruction, was notified on Monday, June 23, 1997, that Supreme Court justices handed down a decision that reverses *Aguilar vs Felton* **473 U.S. 402** (1985). Under Federal Rules of Civil Procedure 60(b)(5), local education agencies receiving Title I, Part A funds and providing Title I services to eligible children attending private schools *are entitled to relief from the operation of the District Court's prospective injunction.*

This means that districts no longer must provide Title I services, where Title I funds have been generated by low-income children attending private schools, on neutral sites. The ruling provides that services may be provided on private school property. Private school children who are eligible for Title I services must still reside in a participating public school's attendance area and meet student selection requirements based on the greatest educational need of those services.

The United States Department of Education has scheduled a

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meeting for all state Title I directors for mid-July. The purpose of this meeting is to provide further guidance on the implementation of this reversal of *Aguilar*. The Division of Compensatory Education will send specific guidance to local education agencies following this meeting.

If you have any questions, please telephone Marjorie Simic, director of the DOE Division of Compensatory Education at 317/232-0540 or by e-mail at

<msimic@doe.state.in.us>

■ **Disposal of Obsolete Textbooks** — HB 1044, which deals with the disposal of obsolete textbooks, was signed into law on May 8, 1997, and is effective July 1, 1997. The bill states that before mutilating or destroying a textbook the governing body shall provide at no cost and subject to availability one copy of each textbook that is no longer scheduled for use to: (1) the parent of

each child enrolled in the school corporation and who wishes to receive a copy of the textbook; and (2) if any textbooks remain after distribution to parents, to any resident of the school corporation who wishes to receive a copy. The bill applies to both rental textbooks and free library textbooks.

If you have any questions, please contact Linda Dierstein, DOE Textbook Adoptions Coordinator, at 317/232-9120. □

FEDERAL UPDATE . . .

■ **Supreme Court Defers on Private School Cases** —

[**Editor's Note:** The following is an excerpt from Mark Walsh's article which appeared in the July 9, 1997 issue of Education Week.]

The [high] court told three lower courts to re-examine cases that raised the question of whether school districts must pay for special education services for children voluntarily enrolled in private schools.

In short written orders on June 27, the court set aside conflicting rulings of three federal appeals courts and told the courts to take another look at the cases in light of Congress' reauthorization this spring of the Individuals with Disabilities Education Act.

The Clinton administration argued in a brief last month that

the new special education law had resolved a split among federal courts on the issue of whether districts must pay for services such as sign language interpreters for deaf children or instructional aides for severely disabled students when their parents choose to enroll them in private schools.

The new law makes clear that public schools are not obligated to pay for such services, the administration said.

One of the three lower court rulings the Supreme Court set aside was **K.R. v. Anderson Community School Corp.** (No. 96-323), in which the U.S. Court of Appeals for the 7th Circuit ruled that the Anderson, Indiana district did not have to provide a full-time aide for a severely disabled girl enrolled by her parents in a private school.

But in **Watervliet Board of**

Education v. Russman (No. 96-776), the U.S. Court of Appeals for the 2nd Circuit ruled that the district in New York state must provide a teacher's aide for a severely disabled girl attending a Roman Catholic elementary school.

In **Fowler v. Unified School District No. 259** (No. 96-1633), the U.S. Court of Appeals for the 10th Circuit ruled that the Wichita, Kansas district had to pay for a sign language interpreter for a deaf student enrolled in a private school.

It is not unusual for the Supreme Court to set aside lower court rulings in pending cases when Congress makes a significant change in relevant law. It

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FEDERAL UPDATE . . . continued from page 15

will be up to each of the appeals courts to determine whether the reauthorized IDEA settles the matter.

Seven New RSA Parent Training Grants Start in October

— In 1993 the Rehabilitation Services Administration (RSA) of the U.S. Department of Education, Office of Special Education and Rehabilitation Services (OSERS), funded Parent Training projects focusing on the Rehabilitation Act in the states of Washington, Oregon, Louisiana, Minnesota, Utah, Illinois, Michigan, Wisconsin and Indiana. These initial three-year projects completed their activities this past September.

In October of this year, RSA funded parent training projects have begun serving families in Pennsylvania, Virginia, Kentucky, and Hawaii. In addition, awards were made to projects that will continue to serve families in Minnesota, Utah, Illinois, Michigan, Wisconsin and **Indiana**.

In Pennsylvania, the RSA project will be directed by Parent Education Network in York, PA. Virginia's Parent Educational Advocacy Training Center will conduct a training project called "Partners for Independence." Kentucky SPIN (Special Parent Involvement Network) will be collaborating with its State Department of Vocational Rehabilitation and the Kentucky Transition Project. Meanwhile, all of the Hawaiian islands will be served by "Ke ala Holomua," a project run by Winners at Work, a community-

based employment service for people with disabilities.

The seven RSA-funded Parent Training and Information Center projects and their ten host organizations are:

ETC Project:
Helen Post/Gail Kunz
Utah Parent Center
Salt Lake City, UT

Project PRIDE:
Rachel Parker/Shaua McDonald
PACER Center
Minneapolis, MN

Win-Mill Project:
Charlotte DesJardins
Family Resource Center on Disabilities
Chicago, IL

in collaboration with:
Sue Pratt
CAUSE
Lansing, MI

Sally Hamburg/Wilner Cusic
IN*SOURCE
South Bend, IN

Jan Serak
Wisconsin FACETS
Milwaukee, WI

Ke ala Holomua:
Phyllis Meighen
Winners at Work
Honolulu, HI

Partners for Independence:
Cherie Takemoto/Anne Marie Cook
PEATC
Fairfax, VA

PEN:
Louise Thieme/Deb Rauscher
Pennsylvania PEN
York, PA

KY-SPIN Vocational Rehabilitation Initiative:
Paulette Logsdon/Ellen Sanford
KY-SPIN
Louisville, KY

The Technical Assistance About Training on the Rehabilitation Act (TATRA) Project, headquartered at PACER Center, has been funded for three more years to provide technical assistance to all of the RSA-funded parent training projects, as it has since 1994.

For a directory with information about all seven projects, contact Deborah Leuchovius, TATRA Project, PACER Center, 4826 Chicago Ave. So., Minneapolis, MN 55417; (612) 827-2966.

CITATION: PROGRAMS INVOLVING PARENTS (October PIP) For more information about PIP, contact PACER Center, Inc., 4826 Chicago Avenue South, Minneapolis, MN 55417-1098; (612) 827-2966 Voice & TDD, (612) 827-3065 Fax; mnpacer@edu.gte.net (E-mail).

PIP is published in part by the Technical Assistance for Parent Programs (TAPP) Project, Boston, MA, (617) 482-2915.

SOURCE: GTE INS Early childhood newsgroup posting on Indiana SECN 11/1/96.



OSERS/OSEP . . .

Reorganization of the Office of Special Education Programs (OSEP) U.S. Department of Education —

OSEP has completed its reorganization. The earlier five Divisions have now been reduced to two — one for formula grant programs and the other for discretionary programs. More effective and efficient use of staff and resources has resulted from reducing the supervisory layers and increasing the number of front line employees. The Director and staff believe that these internal changes will enhance and improve services to children with disabilities and their families, and to colleagues, partners, and customers.

Questions and Answers on the Office of Special Education Programs' reorganization

1. How has OSEP reorganized?
What does the new OSEP look like?

OSEP's reorganization: (a) combines the discretionary grant programs and redesigns the work around age groupings, rather than type of project; (b) expands the Monitoring and State Improvement Division to include the Infants and Toddlers formula grant program (Part H) and the Pre-school Grant Program (619); and (c) provides for the development of future cross-cutting work groups to gather best thinking and address broad issues.

- * The Office of the Director (OD) provides leadership to OSEP's activities and to the field of special education, and coordinates all policy.

- * The Research to Practice Division (RTP) provides leadership and oversees the implementation of knowledge development, transfer, and use to improve educational results for children with disabilities. Essentially, it administers the discretionary programs authorized by the Individuals with Disabilities Education Act (IDEA). The Division is organized into four teams:

- * Early Childhood
- * Elementary and Middle School
- * Secondary
- * Secondary, Transition, and Postsecondary
- * National Initiatives

- * The Monitoring and State Improvement Planning Division (MSIP) carries out major activities related to Part B, Part H, and 619 formula grant programs. This Division is responsible for State plan review and approval, for monitoring OSEP's formula grant programs, and providing leadership in improving the state structures and systems of education for infants, toddlers, children and youth and their families.

2. Why reorganization?

OSEP believes the new structure will better serve children with disabilities and their families by providing close internal links between the current monitoring activities and the support programs funded through the IDEA discretionary authorities. It also changes the staff/supervisory relationship from 5:1 to 9:1, reducing the number of administrative units and supervisors while increasing the number of front line staff to work with customers and partners.

3. Why is there so much current emphasis on team models?

Research indicates that team-based structures — where everyone involved in an issue or process works on a team — not only provides a framework for tackling complex and chronic problems and coming up with effective, permanent solutions, but it also provides a more equitable and democratic way of managing the work of an organization. It is our intent to have the “best representative thinking” in the room when plans are developed and decisions are made that affect children with disabilities and their families. A team-based organization creates greater opportunities for that to happen.

4. How does this reorganization change the working relationship between OSEP and its discretionary projects, and OSEP and states in relationship to monitoring and state

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OSERS/OSEP . . . • continued from page 17

improvement activity?

It doesn't. The organizational structure has changed, but the primary functions have not. Current monitoring cycles are still in effect, as well as the 1997 funding and grant application process for discretionary programs.

5. When will OSEP's reorganization go into effect?

OSEP's reorganization is currently in effect.

6. Whom should I contact regarding questions about my state or project?

You should continue to contact those who have worked with your State or project. If individual changes in assignments are made, your original State contact or project officer contact will be able to advise you.

SOURCE: GTE INS Federal newsgroup posting on Indiana SECN 4/11/97.

Office of the Director	
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. RESEARCH TO PRACTICE	MONITORING AND STATE IMPROVEMENT PLANNING
. * Early Ch Team	* Monitoring & State Improvement Team A
. * Elem/Mid Sch Team	* Monitoring & State Improvement Team B
. * Sec, Transition, Postsec Team	* Monitoring & State Improvement Team C
. * Natl Initiate Team	
.....	
. * OSEP Cross-Cutting Work Group on State Improvement and Systems Change	
... * Other OSEP Cross-Cutting and Ad Hoc Work Groups	

Parent Responsibility for Damages to AT Equipment — [Editor's Note: The following is the text of a February 7, 1997 letter from Tom Hehir, director of the Office of Special Education, to the Attorney for Assistive Technology in the Tennessee Protection and Advocacy office as posted on the Division News & Notes bulletin board of the Indiana SECN 6/4/97.]

This is in response to your

letter to the Office of Special Education Programs (OSEP) dated July 9, 1996 regarding whether parents can be held responsible for damage or loss of publicly-owned assistive technology devices used by students with disabilities at home. In the situation you are describing, it appears that school districts are requiring parents to agree that they will assume liability in case of loss or theft of the assistive technology and in cases where the equipment is

damaged due to negligence or abuse, but do not require parents to assume financial responsibility for normal use or wear and tear.

Section 300.308 of the regulations implementing Part B of the Individuals with Disabilities Education Act (Part B) provides:



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“Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in 300.5-300.6, are made available to a child with a disability if required as a part of the child’s—

- (a) Special education under 300.17;
- (b) Related services under 300.16; or
- (c) Supplementary aids and services under 300.550 (b) (2).”

The comments and responses, which were issued when this regulation and other changes to the Part B regulations were published in final form, contain the following discussion of 300.308:

“ . . . The Secretary believes that assistive technology devices and services may be essential to the provision of FAPE to certain children with disabilities. Section 300.308 provides only that these devices and services must be made available if they are required under current provisions of the regulations relating to special education, related services, and supplementary aids and services. A determination as to whether an assistive technology device or service is required in order for a child to receive FAPE must be made on an individual basis using the evaluation procedures, the procedures for developing IEPs, and the procedures for placement described in these regulations. Similarly, a decision as to whether a child may use a device or service in settings other than the child’s

school (e.g., the child’s home or other parts of the community) also must be made on an individual basis. Under 300.301, a public agency may use whatever State, local, Federal, and private sources of support are available to provide or pay for services, including assistive technology services or devices. These services and devices must be provided at no cost to the child or parent under 300.8 and 300.300.” 57 Fed. Reg. 44794, 44845 (Sept. 29, 1992)

Determinations regarding whether an individual disabled student should receive assistive technology devices or services and the nature and extent of assistive technology devices or services to be provided to the student must be made by the participants on a student’s individualized education program (IEP) team. 34 CFR 300.340-300.350. These include the team’s determination as to whether the assistive technology is special education, a related service, or a supplementary aid or service and whether the student needs to take the assistive technology device home in order to receive an appropriate education. If the student’s IEP team determines that the student needs to take a required assistive technology device home in order to receive an appropriate education, that device must be provided at no cost to the parents. This means that a district could not assess a charge on parents for normal use and wear and tear.

State laws rather than Part B, however, generally would govern whether parents are liable for loss, theft, or damage due to negligence

or misuse of publicly-owned equipment used at home in accordance with a student’s IEP. Therefore, you should look to State law concerning the extent to which persons lawfully in possession of the property of another are financially responsible for its damage or loss. Such State laws, however, must be implemented consistent with Part B and the right of each disabled student to FAPE.

IEP and Adult Education Services for GED — [Editor’s

Note: The following is the text of a February 12, 1997 letter from Tom Hehir, director of the Office of Special Education Programs, to staff of the University of Kansas Center for Research on Learning as posted on the Division News & Notes bulletin board of the Indiana SECN 5/30/97.]

This is in response to your letter to the Office of Special Education Programs (OSEP) concerning special education services for students who have dropped out of school. Your letter was a follow-up to a meeting you had with Lou Danielson and members of my staff and Jan Stotts, Kansas GED Administrator, on August 15, 1996.

You describe a situation in which a student under age 22 drops out of high school and enrolls in an adult education program to complete his GED. While you indicate that the

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student was considered an eligible student with a disability in high school and received services in accordance with an individualized education program (IEP), there is some confusion as to whether “IEP services can be legally provided in the adult education program.” Specifically, your letter asks whether Federal law “precludes a student with disabilities who is under age 22, has dropped out of high school, and has had an active IEP from receiving special education services in an adult education program.” This response addresses only the requirements of Part B of the Individuals with Disabilities Education Act (Part B), the Federal law that this Office administers.

Under Part B, each State and its local school districts have an ongoing responsibility to make a free appropriate public education (FAPE) available to all children and youths with specified disabilities in mandated age ranges. 20 U.S.C. 1412 (2) (B); 34 CFR 300.121. FAPE is defined as “special education and related services that —

(a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c) Include preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an IEP that meets the requirements of 300.340-300.350.”

34 CFR 300.8.

The first issue is whether the special education and related

services to be provided to these individuals at adult education programs are considered to be “secondary school education” (34 CFR 300.8 (c)) in Kansas. Under Part B, the term “secondary school” means “a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.” 20 U.S.C. 1401 (a) (10). Therefore, a determination needs to be made as to whether the adult education program constitutes secondary school education under applicable State requirements. Although it is our understanding that under certain conditions, high school credit is available for adult education courses in Kansas, this question requires specific interpretation of State law. . . .

If Kansas considers adult education programs as secondary school education, there is the additional issue of age ranges. Part B and its regulations require each State to ensure that FAPE is available to all children with disabilities aged 3 through 21 within the State. 20 U.S.C. 1412 (2) (B); 34 CFR 300.300 (a). Both the statute and the regulations further provide, however, that a State is not required to make FAPE available to an individual with a disability who is aged 18 to 21, inclusive, if: (1) State law expressly prohibits, or does not authorize, the expenditure of public funds to provide education to nondisabled children in that age group; or (2) the requirement is inconsistent with a court order that governs the provision of free public education to children with

disabilities in that State. Id.

In Kansas, however, it is our understanding that FAPE must be made available to eligible students with disabilities until they complete a local curriculum or until they reach their twenty-first birthday, whichever occurs first. Therefore, if the students described in your letter continue to be eligible for services under Part B and have not completed a local curriculum or reached their twenty-first birthday, they are within Kansas’ FAPE mandate. Kansas and its public agencies must make FAPE available to these students until they are no longer eligible for services under State law. See, Letter to Ackerhalt, October 15, 1993 (copy enclosed). There is nothing in Part B to preclude Kansas from fulfilling this requirement by providing special education and related services within an adult education program if the instruction and services are considered secondary school education under State law.

P.S. It is important to note that while the term “adult education” is mentioned in Part B’s definition of “transition services” at 34 CFR 300.18 (a) as an example of the “coordinated set of activities” that must be provided to facilitate a student’s movement from school to post-school activities, the term is not specifically defined. Therefore, adult education programs may encompass a variety of educational programs. □



The Special Educator, and Individuals with Disabilities Education Law Report

[Editor's Note: The following captions reference the Individuals with Disabilities Education Law Report, (IDELR), The Special Educator (TSE), The Early Childhood Reporter (ECR), which are published by LRP Publications.]

For reference, the reader is reminded that a set of IDELR and ECR volumes is maintained in both the Division and ISEAS offices. Issues of The Special Educator newsletter are provided by subscription through ISEAS for each special education planning district in Indiana.

Individuals With Disabilities Education Law Report

Volume 25, Issue 5

March 20, 1997

Judicial Decisions. . .

8th Circuit Upholds 'Bright-Line' Reading In Health Care Services Which Turns Upon Personnel Who Administers. **Cedar Rapids Community Sch. Dist. v. Garret F. by Charlene F.**, 25 IDELR 439 (8th Cir. 1997).

Affirming the decision of an Iowa District Court, the Eighth Circuit held that a school district was required to provide a wide array of health care services to a 12-year-old medically fragile student. Since it was clear that the services in question did not require a doctor's attention, the continuous nursing services came within the ambit of related services under the IDEA.

10th Circuit: District Must Provide On-Site Interpretive Services to the Extent That Costs Don't Exceed Expense if Supplied In Public School. **Fowler by Fowler v. Unified Sch. Dist. No. 259**, 25 IDELR 454 (10th Cir. 1996).

Becoming the fifth federal court of appeals to rule on the issue of private school services, the 10th Circuit ordered the provision of one-on-one interpretive services to a deaf student on the site of his private school, but placed one qualification on the provision of those services in the area of cost. According to that court, the district must pay for the interpretive services in an amount up to, but not exceeding, the average cost it would incur to provide those same services to similarly situated students in the public schools.

Use of Reading Methodology Fell Within Discretion of School District. **In the Matter of: Glazier v. Indep. Sch. Dist. No. 876**, 25 IDELR 425 (Minn. Ct. App. 1997).

Residential Reimbursement Awarded, But Compensatory Damages Denied As Procedural Violations Were Not Gross or Egregious. **McMillan by Collins v. Cheatham County Sch.**, 25 IDELR 398 (M.D. Tenn. 1997).

District Could Not Prevent Student's Return to School Where Behavior Was Not Sufficiently Dangerous. **Phoenixville Area Sch. Dist. v. Marquis B. by Brown**, 25 IDELR 452 (E.D. Pa. 1997).

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Supreme Court News. . .

Supreme Court Denies Cert in *Flour Bluff v. Katherine M.*

The United States Supreme Court has announced its refusal to hear the 5th Circuit decision in *Flour Bluff Independent Sch. Dist. v. Katherine M. by Lesa T.*, 24 IDELR 673 (5th Cir. 1996). As a result, the decision, which held that a placement located a mere distance of eight miles further than the neighborhood school was acceptable for a third grade student with a hearing impairment, will stand.

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OSERS/OSEP. . .

IEP Must Contain Any Necessary Related School Health Services. **Letter to Anonymous**, 25 IDELR 531 (OSEP 1996).

Referral to Private School for Extended Evaluation Becomes Stay-Put Placement. **Letter to Steinke**, 25 IDELR 533 (OSEP 1996).

Public Agency Implements Placement And Evaluation Recommendations Which Represent Consensus Of the Multidisciplinary Team. **Letter to Anonymous**, 25 IDELR 529 (OSEP 1996).

Social Work Services Are A Related Service Under the IDEA. **Letter to Anonymous**, 25 IDELR 523 (OSEP 1996).

OSEP Provides Guidance on Transporting Students With Disabilities in Districts Which Do Not Transport General Population. **Letter to Hamilton**, 25 IDELR 520 (OSEP 1996).

While Consideration Must Be Given To Regular Education, Failure In That Setting Not Required. **Letter to Cohen**, 25 IDELR 516 (OSEP 1996).

Consent Requirements Cannot Be Waived In Cases Involving Surrogate Parents. **Letter to Tate**, 25 IDELR 512 (OSEP 1996).

Short-Term Suspension Not a Change In Placement Requiring Educational Services. **Letter to Anonymous**, 25 IDELR 513 (OSEP 1996). □

ANNOUNCEMENTS

Supervising Speech-Language Pathologists Assistants — This 10-hour program at Indiana State University provides

training for speech-language pathologists who will be supervising speech-language pathology assistants (SLPAs) in various

settings. Course objectives include:



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- * Demonstrate knowledge of ASHA's 1996 guidelines for providing supervision to SLPAs;
- * Understand the rationale for why supervision is crucial in the implementation of SLPA services;
- * Determine specifics for providing effective supervision to SLPAs;
- * Gain awareness of various supervisory practices and how these practices can be implemented;
- * Understand the benefits, requirements, and responsibilities of supervising SLPAs;
- * Review the competencies and improved efficiencies to be gained from the use of SLPAs;
- * Understand the clinical supervision process and how it is used;
- * Learn how management and leadership skills can be utilized in the supervision of SLPAs; and
- * Understand how self-assessment enhances the supervising speech-language pathologist's professional and supervisory capacities.

Contact: Rod Wood, Department of Communication Disorders, Rowe Center for Communicative Disorders, Indiana State University, Terre Haute, IN 47809; 812/237-2803; fax: 812/237-4348; email: cswood@befac.indstate.edu or Connie Keintz, Department of Speech Pathology and Audiology, P.O. Box 3311, University of Wyoming, Laramie, WY 82071-3311; 307/766-5714; Fax: 307/766-6829; email: ckeintz@uwyo.edu

ATTAIN project Announces Free Training Opportunity — Free training will be offered Monday Oct. 6, from 9:00 a.m. till noon in Indianapolis for Speech Language professionals who prepare Medicaid prior approval requests for Alternative and Augmentative Communications services and devices for individuals with disabilities and for those who prepare and file Medicaid claims for reimbursement for such services.

Indiana Medicaid/EDS staff will present information and handouts to assist participants in successfully obtaining Medicaid prior approval and reimbursement for these services and devices.

The training will be held at the Library Services Center, 2400 N. Meridian St. Persons wishing to attend should register by calling ATTAIN at 1-800-528-8246. ATTAIN is funded by the U.S. Dept. of Education, NIDRR and administered by the Indiana Family and Social Services, DDARS.

All Classrooms Connected to the Internet — How K-12 schools & libraries can prepare to benefit from the \$2.25 billion fund for discounted telecommunication services, internal connections & Internet access is described in a letter from Secretary Riley & other materials regarding the Federal Communications Commission (FCC) ruling (E-rate). <http://www.ed.gov/Technology/>

Last month, the Department announced \$3.4 million in grants to organizations in Florida, Kentucky, Illinois, Michigan, North Carolina & Oregon to help strengthen academic achievement of migrant students through the Internet, public television & other technology. One project, the Migrant Education Consortium for Higher Achievement (MECHA), will use WebTV as the primary means to deliver supplemental instruction to migrant students & to assess their progress. Interactive video, instructional TV, laptop computers & the web will also be used as students participate in project-based learning, thematic units & collaborative learning groups. Students will have their own individualized learning plans, accessible via the Internet. Five migrant teachers, along with instructional aides, will work with 100 migrant families each year, and a toll-free 1-800 number will offer families with technical assistance. MECHA is a collaboration among Barry University, the Dade County Public Schools Migrant Education Program, public television, telecommunications & software publishing industry partners, and school districts serving migrant children & youth in 5 states (Georgia, South Carolina, North Carolina, Pennsylvania & Virginia). <http://www.ed.gov/PressReleases/06-1997/goregrnt.html> □



RESOURCES

IDEA Signed into Law —

The President signed last month the Individuals with Disabilities Education Act (IDEA), which aims to strengthen academic expectations & accountability for the nation's 5.4 million children with disabilities, and bridge the gap that has too often existed between the regular curriculum & what these children learn. For an overview, questions & answers, and other information, please see: <http://www.ed.gov/offices/OSERS/IDEA/>

Also, the Secretary solicits advice & recommendations from the public prior to publishing proposed regulations to implement programs under IDEA. Comments should be sent via e-mail or regular mail to: Thomas Irvin (thomas_irvin@ed.gov), Office of Special Education & Rehabilitative Services, U.S. Department of Education, Room 4607, Mary E. Switzer Building, 330 C Street, SW, Washington, D.C. 20202.

Side-by-Side Comparison of IDEA Before and After the May 1997 Reauthorization Bill —

The National Association of State Directors of Special Education (NASDSE) has prepared a side-by-side comparison of changes in IDEA, with respect to its recent reauthorization by the House and Senate. This document shows the major issues that were part of the reauthorization of IDEA, as compared with the prior law.

This document may be requested from NASDSE. The cost is \$13.95 (by check, purchase order, or credit card numbers by phone).

CONTACT: NASDSE, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314; 703-519-3800; fax 703-519-3808.

Fighting for Darla: Challenges for Family Care and Professional Responsibility By Ellen Brantlinger, Susan Klein, and Samuel Guskin —

This book by professors of special education at Indiana University explores troubling issues for people in education, medicine and social services who are entrusted with the care of people with autism and/or mental retardation. The authors present a detailed case study of a young woman whose "treatment" at the hands of professionals prompts concern for those unable to make life choices for themselves.

As it unfolds, Darla's story reveals deep moral and ethical dilemmas for professionals working with such youth. The book promotes awareness of the multiple contexts in which decisions are made that have profound consequences on the lives of individuals with disabilities.

Paperback: \$18.95 (#3356-3).
Clothbound: \$37 (#3357-1). Add

\$2.50 for postage.

CONTACT: Teachers College Press, Teachers College, Columbia University, P.O. Box 20, Williston, VT 05494-0020; 1-800-575-6566; fax 802-864-7626.

U.S. Civil Rights Commission: Home Page — The U.S. Commission on Civil Rights now has its own home page on the World Wide Web. Users of this web site will find news releases and advisories, schedules for meetings of the Commission itself and its 51 Advisory Committees (in each state and the District of Columbia), public service announcements, and a catalog of free Commission publications (Commission studies, statements, Advisory Committee reports, and reports or transcripts of hearings, investigations, conferences, consultations, and briefings).

The Commission expects to expand the web site to offer the full contents of its CIVIL RIGHTS JOURNAL, the complete text of current issues of its newsletter, and other full-length documents.

The web site also offers instructions on sending a civil rights complaints to the Commission: <http://www.usccr.gov> ☐



Who to Call at OSEP

Following is a list of the individuals to call in the U.S. Department of Education OSERS/Office of Special Education Programs if you have questions about specific programs funded through OSEP. The area code for all numbers is (202) in Washington D.C.

Attention Deficit Disorder:	Ellen Schiller (205-8123) or Jane Hauser (205-8126)
NICHCY Clearinghouse:	Marie Roane (205-8451)
HEATH Clearinghouse:	Mike Ward (205-8163)
Deaf-Blind Program:	Charles Freeman (205-8165)
Early Childhood Programs:	Gail Houle or Jim Hamilton (205-9045)
Freedom of Information Act Requests:	Martin Benton (205-9082)
Grants for Infants and Families:	Jim Hamilton (205-9045)
Grants to States:	Ruth Ryder (205-8825)
IDEA Reauthorization:	JoLeta Reynolds (205-5507)
Media and Captioning Service:	Ernest Hairston (205-9172)
Parent Information Centers:	Merri Pearson (TDD-260-7381 or voice 205-9093)

Policy Related to:

Least Restrictive Environment:	Rhonda Weiss (205-9053) or JoLeta Reynolds (205-5507)
Postsecondary Programs:	Mike Ward (205-8163)
Preschool Grants:	Nancy Treusch (205-9097)
Regional Resource Centers:	Marie Roane (205-8451)
Research:	Lou Danielson (205-8119)
Secondary and Transition Services:	Mike Ward (205-8163)
Serious Emotional Disturbance:	Tom Hanley (205-8110)
Severe Disabilities Program:	Anne Smith (205-8888)
Special Education Personnel Development:	Ed Moore (205-9048)
Special Education Technology:	Ellen Schiller (205-8123)
Special Studies:	Lou Danielson (205-8119)
Attention Deficit Disorder	
Discipline	
Inclusion	

