

E 'Specially' DECS

>
> A weekly email update from the Division of Exceptional Children
Services
> to Directors of Special Education on current issues, information and
> events.
> July 19, 2004 - Volume 1 , Number 12
>
> Question of the Week:
> Is there a caseload limit for speech language therapists and their
> assistants?
> Are there ramifications for exceeding the caseload limit? Are there
> waivers granted for speech- language caseload?
>
> (1) Kentucky Revised Statutes (KRS) 334A.190(1) sets forth caseload
> maximums for speech-language pathologists (SLP). An SLP who does not
> supervise a speech -language pathology assistant (SLPA) has a maximum
> caseload number of 65 students. According to KRS 334A.190(2), SLPs
who
> supervise SLPAs may have their total caseload increased by no more
than
> one-half of the maximum caseload - or half of sixty-five. A SLP is
> limited by law to the supervision of no more than 2 SLPAs.
>
> Speech-language pathology assistants shall not serve more than 65
> students, according to KRS 334A.033(1)(d).
>
> (2) KRS 334.A 990 states that anyone who violates this statute
(including
> exceeding the maximum caseload limit) shall be guilty of a
misdemeanor,
> punishable by imprisonment in the county jail for no longer than 6
months,
> or a fine not to exceed 1,000 or both. The statute is not clear on
the
> accountability of a school administrator, but there is a possibility
of
> serious consequences to an SLP or SLPA who is convicted of violating
the
> law.
>
> 3) No waivers are available to exceed the speech-language caseloads
of
> SLPs and SLPAs
>
>
> * * * * *
> * *
> The Question of the Week will be an on-going feature of E 'Specially'
> DECS. If you have a special education question that you believe
would be
> of general interest to other Directors of Special Education, email
your
> suggestion to Sammie Lambert at slambert@kde.state.ky.us
>
>

> IEP Clarification (June 2004)
> Note: The following questions were raised and answered during IEP module
> training designed by the Co-op network.
>
> Comment: I can only use the Kentucky Program of Studies (POS) to write
> goals, benchmarks, and short-term objectives.
>
> Response: No. You may use the POS or any other pertinent curricular
> documents. A central theme in IDEA 97 was children with disabilities
> having access to and making progress in the general curriculum. So
> the
> IEP training does try to connect curricular documents and IEPs so
> they can
> work together to meet the mandates.
>
> The IEP Training includes a module entitled "Documents Training
Module:
> Tools for Success" to help participants learn and become familiar the
> following:
> * Kentucky Learner Goals and Academic Expectations
> * Program of Studies
> * Core Content for Assessment
> * Transformations: Kentucky's Curriculum Framework
> * TASKS: Teaching All Students in Kentucky Schools
> * Character Education
> * Program of Studies Implementation Manual
> * Performance Level Descriptors
>
> Additional curricular documents may be used in the development of a
> student's IEP and are dependent on the individual student, including:
> * School or District Curriculum
> * Preschool Curriculum
> * Kentucky Early Learning Profile - KELP
> * Kentucky Early Childhood Standards
> * Entry and Exit Checklists
>
> This list of curricular documents that may be used is not exhaustive.
>
> Remember, the Program of Studies is to outline the minimum content
> required for all students before graduating from Kentucky high
schools.
> This document specifies only the content for the required credits for
high
> school graduation and primary, intermediate, and middle level
programs
> leading up to these requirements
>
> Other child performance information, as in the past, should also be
> considered as the ARC writes the IEP. This can include results of the
> initial or most recent evaluation of the child (Norm-referenced
testing,
> performance based testing, behavior observations, interviews, rating
> scales, evaluations and information provided by parents, current
classroom

> based assessments & observations), results of the child's performance on
> any general state or district-wide assessment, progress data, homework
> samples, parent and student input, etc.
>
> Comment: The ARC cannot address a child's weakness if it is not included
> in the Program of Studies.
>
> Response: According to 707 CAR 1:320 §5 (1) and 34 CFR 300.346 (a) (1)
> "the ARC shall consider in the development of an IEP:
> a) The strengths of the child and the concerns of the parents for enhancing the education for their child
> b) The results of the initial or most recent evaluation of the child;
> and
> c) As appropriate, the results of the child's performance on any general state or district-wide assessment programs."
>
> Furthermore, according to 707 KAR 1:320 §5 (7) (b) and 34 CFR 300.347 (a)
> (2) the IEP shall include "A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
> 1. Enabling the child to be involved in and progress in the general curriculum, and
> 2. Meeting the child's other educational needs that result from the child's disability."
>
> So ARCs must addresses the child's other educational needs whether or not that deficit area is referenced in a curricular document. The ARC should
> consider questions such as:
> * What skills does the student have and what content does he know?
> * What skills and content does the student need to learn?
> * What does the student need to learn that is not addressed through the curricular documents?
>
> Comment: IEPS are no longer individualized because we are using Learner Goals and Academic Expectations or the Program of Studies.
>
> Response: According to 707 KAR 1:320 §5 (7)(a) and 34 CFR 300.347 (a)(1),
> ARCS must consider the individual child when developing the IEP. The law
> states that the ARC develop "a statement of the child's present levels of
> educational performance, including but not limited to:

> * How the child's disability affects the child's involvement and
> progress in the general curriculum; as provided in the Kentucky POS;
or
> * For preschool children, as appropriate, how the disability
affects
> the child's participation in appropriate activities.
>
> IEPs are therefore individualized, even if aligned with the
curriculum of
> the students, if the ARC utilizes the correct decision-making
process.
>
> When determining a child's Present Level of Educational Performance
> (PLEP), the ARC has available all child performance information and
should
> look thoroughly at the student's performance within the general
> curriculum. All students do not have the same strengths and
weaknesses in
> every area of the PLEP. Nor would all students' disabilities have
the
> same affect on their involvement and progress in the general
curriculum
> (707 KAR 1:320, §5 (7) (a)).
>
> Because the PLEP is not the same for all students, the prioritized
areas
> of need that would become measurable goals including benchmarks and
> short-term objectives would not be the same for all students.
>
> When developing measurable goals, including benchmarks and short-term
> objectives a thorough discussion and dissection of the curricular
> documents and the child performance information should occur.
>
> Goals in curricular documents should be thoroughly dissected in
relation
> to the student's competencies and weaknesses. An example of a
Primary
> Language Arts goal using the POS, (page 35) is that "Students develop
> abilities to apply appropriate reading strategies to make sense of a
> variety of print and nonprint texts (literary, informational,
> practical/workplace, and persuasive) for various authentic tasks."
>
> If an ARC is developing the IEP for Susie who is in primary they
would
> begin dissecting the goals first and ask the following types of
questions:
> What reading strategies does Susie use? Can she make sense of
literary
> text, informational text, persuasive? During what types of tasks?
Her
> competencies would not be part of the goal but her priority
weaknesses
> would be included.
>
> Goals may remain the same for a student or be similar for many
students

> when using curricular documents, but because of thorough discussion of the

> student in light of the curriculum the benchmarks and short-term

> objectives would be different. Again, an ARC discussion and dissection of

> the curriculum under the goal to develop benchmarks and objectives

> individualizes the IEP.

>

> Using Susie as an example in the Primary Language Arts sections of the

> Program of Studies (pages 35-40) the ARC could ask the following types of

> questions:

> * Does she listen to a variety of genres to form an understanding of

> reading? What genres? Does she use auditory strategies, visual

> strategies, utilize sight words?

> * Can she predict and use context clues to understand words?

> * How does she handle books?

> * Can she make connections between letters and their sounds?

> * Does she utilize prior experiences to make sense of stories?

> * Does she employ any monitoring strategies? If so, what strategies?

>

> * Can she re-tell stories with the story elements? What elements?

> * How does she summarize stories?

> * How does Susie function with speaking, listening, and observing?

> * Does she pose questions to get ideas and information?

> * Can she utilize research tools?

> * How well does she use technology for communication?

>

> The ARC examines the curricular documents with the particular student in

> mind. Dissection based on the students' competencies and weaknesses is

> vital for individualization. Goals, objectives, and benchmarks linked to

> curricular documents are not to be put on a student's IEP wholesale.

> Thought and discussion about the student's performance needs to take place

> in light of the curriculum and the student's other needs.

>

> Services designated on an IEP, including specially designed instruction,

> related services, supplementary aids and services, program modifications

> and supports for school personnel, address the unique needs of the

> student. These services would not be the same for all students, because

> the PLEP and results of special considerations are not identical for all

> students.

>

> And lastly, the instructional planning and development of lesson plans

> based on student's needs and functioning levels link to the IEPs and would
> be individualized.
>
> Comment: Goals, benchmarks, and objectives must be on the student's grade
> level from the curricular documents.
>
> Response: There is nothing in regulation that says the IEP must be
> written on the student's grade level. For developing the PLEP the
ARC
> would begin discussion of the student at grade level. If the student
does
> not have competencies for the grade level they are in, the ARC should
> glean through the information to find the student's competency
levels.
>
> However, students are tested on grade level. So ARCs and teachers
must
> figure out how to work on the student's needs and at the same time
expose
> them to grade-level content.
>
> Comment: IEP Goals are not measurable.
>
> Response: According to 707 KAR 1:320 § (7) (b) and 34 CFR 300.347
(a) (2)
> "The IEP for each child shall include a statement of measurable
annual
> goals, including benchmarks or short-term objectives".
>
> In the old IEP training module the behavior in the short-term
objectives
> had to be written in measurable and objective terms. Measurable
means
> possible or capable of being measured. The current IEP training
module
> continued that concept and considers the goals, benchmarks and
objectives
> as (1) a unit to be measured and (2) measurable because the behaviors
> contained in the goals, including benchmarks and short-term
objectives can
> be seen, heard, or counted; in other words, measured.
>
> 707 KAR 1:320 §5 (13) (a) and 34 CFR 300.347 (a) (7) (i) states "an
> individual education program (IEP) shall include a statement of how a
> child's progress toward the annual goals will be measured".
"Progress
> toward the goal" means the collection and analysis of data to
determine
> any needed changes.
>
> The following is an example of how an IEP implementer measures a
goal,
> including benchmarks or short-term objectives:
>

> Susie will increase her reading strategies to make sense of a variety of
> print and nonprint texts (literary, practical/workplace, and persuasive)
> for various authentic tasks by:
> * Making connections between letters and their corresponding sounds
> * Using word patterns to make sense of print
> * Retelling stories
> * Using sight vocabulary to make sense of text
> * Using the word identification strategy of phonetic awareness to understand unknown words
>
> How will data be collected and analyzed? The implementer can see or hear
> and count Susie making connections, using word patterns, retelling, using
> sight words and using the phonetic awareness word identification strategy.
> By using evaluation methods such as teacher observation, analysis of timed
> reading samples, analysis of classroom assignments, teacher checklists,
> error analysis, the behavior can be documented.
>
>
> Comment: ARCs are not allowed to write IEP short-term objectives the old
> way, using criteria and conditions.
>
> Response: Regulations no longer require the inclusion of criteria and
> conditions in short-term objectives. However, there is nothing in
> regulation to prohibit an ARC from writing benchmarks or short-term
> objectives in this manner.
>
>
> Contact Information for E 'Specially' DECS
> - Sammie Lambert (slambert@kde.state.ky.us
> <<mailto:slambert@kde.state.ky.us>>) at 502 564-4474 for information on
> content.
>
> - Chris Thacker (cthacker@kde.state.ky.us
> <<mailto:cthacker@kde.state.ky.us>>) at 502 564-5279 for technical
> difficulties in receiving E 'Specially' DECS.
>
> * * * * *
> * *
> Forwarding of E 'Specially' DECS is not only allowed, it is encouraged.
> Please send to staff in your district who may be able to benefit from this
> information.