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AAC Funding & Report Writing for Special Education

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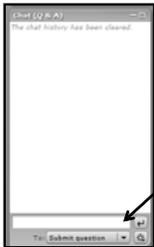
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Today's Presenter

- Lewis Golinker, Esq.
- Attorney with 29 years experience in expanding access to funding for SGDs Facilitator of the AAC Service at the Center for Disabilities and Development
- Advocacy director for the United States Society for Augmentative and Alternative Communication (USSAAC)
- Information posted at: www.aacfundinghelp.com and the [funding information posted at www.aac-rerc.com.](http://www.aac-rerc.com)

AAC Funding & Report Writing for Special Education

**AAC Funding and Report Writing for Special Education:
Identifying a Substantive Right for All Students to have a Voice, Including as Necessary, a Speech Generating Device to Supply that Voice**

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Special Education Process

Identify Refer Evaluate Recommend IEP meeting Secure resources Implement	}	Who Needs? What Services? How Much? Who Provides?
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For a student with severe communication impairment, when is an SGD appropriate?
 What purpose is it to serve?
 What capabilities must it have to achieve student goals?

Free Appropriate Public Education

- Origin: U.S. Constitution "Equal Protection" Clause
Brown v. Board of Education (U.S., 1954)
Pennsylvania ARC v. Commonwealth of PA.,
(1972)
Mills v. D.C. Board of Education, (1972)
- By 1975, 46 similar cases in 28 states
- Congress responded with: Education for All Handicapped Children Act, (1975); renamed IDEA (1990).

Free Appropriate Public Education

- Statutory Definition:
- A Free Appropriate Public Education consists of special education and related services that
 - Are provided at public expense, under public supervision and without charge;
 - Meet the standards of the state education agency;
 - Include an appropriate program; and
 - Are provided in conformity with an individualized education program.

Free Appropriate Public Education: What Services? How Much?

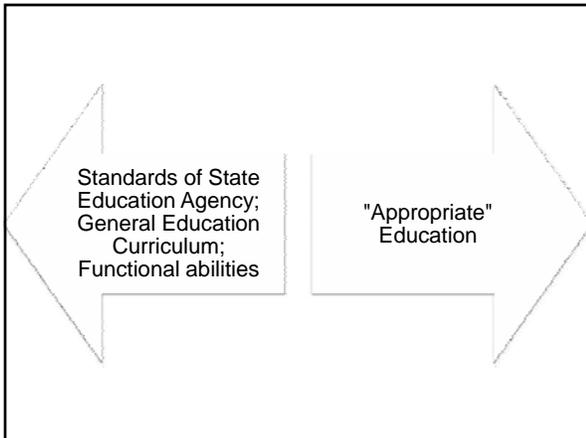
- Rowley (U.S., 1982).
- EAHCA/IDEA lacks a substantive standard to tell educators what kinds of services or how much must be provided.
- "Basic floor of opportunity;"
- "Some educational benefit;"
- Typically measured by child's ability to progress from grade to grade;
- No discussion of "meet the standards of the state education agency;" no discussion of "functional abilities."

Post Rowley Standard: "Appropriate"

- After Rowley, the substantive standard applied to opportunities for children with disabilities was what was "appropriate;"
- What programs and services provided a "basic floor of opportunity?"
- What programs and services provided "some benefit?"
- What programs and services allowed a student to progress from grade to grade?

Meet the Standards of the State Education Agency

- After Rowley, cases focused on parental placement and tuition reimbursement.
- "Accreditation" of private schools – one factor in whether schools were obligated to pay for private school programs.
- Standards of state education agency related to accreditation not helpful to resolve question of "what" and "how much" in typical IEP settings.



No Child Left Behind

- Enacted 2001.
- NCLB focuses on assessment and testing based on general education curriculum;
- NCLB requires schools to show adequate yearly progress based on the general education curriculum;
- NCLB applies to children with disabilities;
- Opportunity to excuse only 1 percent of students from assessment/testing obligations.

Standards of state education agency; general curriculum; and functional abilities

Appropriate education

Congressional Findings Regarding General Education Curriculum

- Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by –
 - (A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to –
 - (i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and
 - (ii) be prepared to lead productive and independent adult lives, to the maximum extent possible.

Evaluate

- IDEA evaluation requires
 - Use [of] a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining –
 - (ii) the content of the child’s IEP, including information related to enabling the child to be involved in and to progress in the general education curriculum

Special Education: Specially Designed Instruction

- Special Education means specially designed instruction....
- Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction –
 - (i) to address the unique needs of the child that result from the child’s disability; and
 - (ii) to ensure access of the child to the general curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Individualized Education Program

- Purpose: “ensuring that children with disabilities have access to the general curriculum is a major focus of the requirements for developing a child’s IEP.”
- IEP must state how “the child’s disability affects the child’s involvement in the general education curriculum” (i.e., the same curriculum as for nondisabled children).
- The IEP must include a statement of measurable annual goals, designed to meet “the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum.” This is a “primary consideration” in the development of IEP annual goals.
- The IEP must include a statement of special education and related services and supplemental aids and services to enable the child to “be involved in and make progress in the general education curriculum.”

Functional Abilities

- In addition to several references to “general education curriculum,” the IDEA and its regulations include several references to students’ “functional abilities.”
 - “It is not necessary to include a definition of “functional” in these regulations because we believe it is a term that is generally understood to refer to skills or activities that are not considered academic or related to a child’s academic achievement. Instead, “functional” is often used in the context of routine activities of daily living.”
 - Evaluation: ... gather relevant functional, developmental, and academic information....
 - Functional evaluation must meet the same standards as all other evaluation procedures.
 - “In developing the IEP, the IEP team must consider ... the academic, developmental and functional needs of the child.”
 - IEP content is to include “a statement of the child’s present levels of academic achievement and functional performance.”
 - Annual goals in IEP are to include “academic and functional goals.”

Assistive Technology

- IEPs must include a statement of the “assistive technology devices” and “assistive technology services” students require. AT can be special education, related services or supplementary aids and services.
- Assistive technology device is defined as: “any item, piece of equipment or product system,... that is used to increase, maintain, or improve the functional abilities of a child with a disability.”
- Whether an SGD will be considered an AT device depends on whether the device is used to increase, maintain or improve the functional capabilities of a child with a disability.
- An assistive technology service includes “the evaluation of the needs of a child with a disability, including a functional evaluation....”

IEP Special Factors

- The IEP team must:
 - (iv) consider the communication needs of the child,
 - (v) consider whether the child needs assistive technology devices and services.

Every Child Must Have a Voice

- The general education curriculum [IDEA; NCLB] and consideration of students' "functional capabilities" [IDEA] provide an objective standard to ensure that each child has a voice, and as necessary, a speech generating device to produce that voice.

State Education Standards

- State education departments have state-wide curricula for all grades and all elements of public education.
- These standards describe student performance expectations in each grade.
- These standards may be state-developed or common core standards.
- The Common Core Standards were developed by the National Governors' Association and have been adopted by 40 states. Not yet adopted in AK; ME; MI; MN; MT; NE; ND; TX; VA; WA. <http://www.corestandards.org/>

Standards Address Both Academic Subjects and Functional Capabilities

- State education department standards for the general curriculum address both academic or "content" subjects as well as functional capabilities.
- Content subjects include math; science; social studies; English; and foreign language.
- Functional skills or capabilities include reading, writing, *speaking* and listening.
- Functional skills development is described in the state standards as an equal outcome with those related to the content areas. Obviously, the functional capabilities also will serve as tools to enable the student to achieve the goals set for the content subjects as well.
- Looking back at prior slides, the IDEA regulations also clearly distinguish functional capabilities and academic achievement and describe them as of equal significance to students' education. E.g.,
 - Evaluation of functional skills to be measured just as others are evaluated;
 - Also, note that assistive technology is specifically tied to function, not academics
 - Assistive technology to improve or maintain functional capabilities (no mention of academics in purpose);
 - Comment about communication devices is as a functional tool
 - IEP special factors require AT needs to be considered in regard to communication

Foundation for a Right to a Voice

- IDEA states right to Free Appropriate Public Education;
- F-A-P-E is based on meeting state standards and conformity with IEP;
- NCLB requires almost all students with disabilities to meet state general education curriculum standards;
- IEP requires consideration of functional capabilities as well as academics;
- State general education curricula address both functional capabilities as well as academics;
- AT is to support functional capabilities, which in turn can support achievement of academic goals;
- For a student who cannot effectively meet the functional goals stated in the state standards related to speaking or the speaking requirements of content subjects, an SGD is an appropriate assistive technology device; and
- For a student who must use an SGD to meet the speaking requirements of the general curriculum, the student is entitled to all the training and supports the student needs to achieve those goals.

Example: New York Standards

- NY State education department established "state learning standards" (1996) defined as: the knowledge, skills and understanding that individuals can and do habitually demonstrate over time as a consequence of instruction and experience.
- Standards exist for 7 general curriculum areas:
 - English language arts
 - Math, science and technology
 - Social studies
 - Languages other than English
 - The Arts
 - Health, physical education and family and consumer sciences
 - Career development and occupational studies

New York: English Language Arts

- Students will listen, speak, read and write for information and understanding.... As speakers and writers, they will use oral and written language that follows the accepted conventions of the English language to acquire, interpret, apply and transmit information.
- Students will read and listen to oral, written and electronically produced texts and performances from American and world literature...
- Students will listen, speak, read and write for critical analysis and evaluation... As speakers and writers, they will use oral and written language that follows the accepted conventions of the English language to present, from a variety of perspectives, their opinions and judgments on experiences, ideas, information and issues.
- Students will listen, speak, read and write for social interaction. Students will use oral and written language that follows the accepted conventions of the English language for effective social communication with a wide variety of people....

New York: English Language Arts

- Note references to “listen, speak, read and write;”
- These are “functional capabilities” that support specific outcomes:
 - To exchange information;
 - To access literature;
 - To support analysis and evaluation;
 - To support social interaction.
- All students are expected to demonstrate these abilities: if they can't do it using their natural voice, then AT – an SGD – is needed to perform them.

Integration of State Standards into IEP Process

- State standards measure expected functional capabilities grade by grade
- At any point, use expected functional abilities as objective standard to measure deficit in student's current performance.
 - If student isn't able to perform speech tasks as expected of students in his or her grade, refer for evaluation;
 - Develop IEP based on achievement of outcomes stated in standards: plan should outline how student will achieve outcomes; if SGD is needed to meet speaking goals, include SGD in IEP; if supports and services are needed, include them as well;
 - Do not default to “some educational benefit” in planning IEP. NCLB limits schools' ability to excuse students from general education curriculum – to modify goals. Only 1 % of school population can be excused from state standards.

Example

- Looking at a child with severe speech impairment:
 - Referral for evaluation due to speech impairment should be an obvious task;
 - Evaluation: must include all aspects of general education curriculum, including functional abilities development;
 - IEP Development: Must address all subjects of state education standards and general education curriculum.
 Implications:
 - Speaking is an independent part of the curriculum with its own performance measures stated throughout the standards
 - Speaking for social interaction is itself an equal goal of the curriculum and of state standards and an SGD and training must be adequate to allow the student to communicate with peers on topics relevant to social interaction;
 - State standards reinforce that the “educational purpose” of communication is improved communication and speaking. By contrast, it is not directed to academic content. It is **wrong** to look at the educational purpose of speaking only in terms of what is needed to address academic content subjects or proceed from grade to grade.

National Core Standards

- Grade by grade "Language Arts" standards address reading, writing, speaking and listening.
- E.g., Grade 6 Language Arts standards for speaking and listening include
 - Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 6 topics and issues, building on others' ideas and expressing their own clearly.
 - Present claims and findings, sequencing ideas logically and using pertinent descriptions, facts and details to accentuate main ideas or themes
 - Demonstrate command of the conventions of standard English grammar and usage
 - Use knowledge of language and its conventions when speaking: vary sentence patterns for meaning, listener interest and style.

Key Speaking-Related Standards

- National Core Standards include objective of speaking to many different partners on many different subjects – 1 on 1; groups; diverse partners; variety of topics and issues;
- Speaking ability must be able to support the following objectives: formulate idea; prepare drafts; assess information; re-draft; use proper language rules; use appropriate vocabulary;
- Use these terms as functional capabilities to ensure students have the technology as well as the support services to achieve these outcomes, just as they are expected to be achieved by students without communication impairments.

Uses of State or National Core Standards

- Whether a device? Which device? How much support?
 - Key Question: Can the student achieve the speaking-related goals stated in the standards using natural speech? If not, the next question is, what does the student need to achieve those goals?
 - Which device? Because speaking goals are extensive, "simple" devices or strategy of using simple devices first may not be adequate to meet state standards.
 - How much support? No longer any justification for moving slowly – standards should force the pace; it is always easy to meet very low expectations.
 - It probably will not be OK to say state standards don't apply to this student.

- All day access?
 - Student who need an SGD must have “all day access.” There should never be a time the device is “put away.” It must accompany the student and be available for use in all the settings the student will encounter during the day, or alternatives must be available to enable the student to meet communication needs in places or activities where the device is inappropriate;
- Taking devices home?
 - How will a student be able to prepare a draft; review drafts; edit; and do other things related to speaking? Goals at higher grades include public speaking; role playing; dramatic performances. All require practice and rehearsal. If these activities will occur at home for students in general, then they have to be available to students who need SGDs.
 - How will a student get new vocabulary added to device; be introduced to the new vocabulary and be able to practice with it?

- Parent training?
 - State or National Core Standards provide obvious bases for adding parent training and collaboration with school staff to IEPs. IEPs must identify all persons involved in student’s program and state their role. Parents may be asked to add vocabulary; help student practice with device.
- 12 Month Program:
 - State and National Core Standards identify very specific functional abilities related to speaking; they are all expected to be achieved during the school year, and maintained. It is possible these speaking goals can’t be achieved along with all the others in the regular school year, and therefore, the year must be extended. Equally likely the student won’t be able to maintain these performance levels without ongoing services, again justifying the 12 month program.

- Transition: the focus of transition services is to “facilitate the child’s movement from school to post school activities.” It is specifically “focused on improving the ... functional achievement of the child.”
- Communication and speaking are fundamental to participation in society.
 - For all young people, post-school life will include: a safe place to live; opportunities to participate in meaningful activities; a reliable source of income and access to needed services; and the opportunity to develop friendships and relationships.
 - No matter what the post-school goals, functional communication skills, abilities and tools are essential.

- Effective communication requires access to knowledge (topics); vocabulary; and speed (strategies and tools).
- Transition services should focus on these outcomes: to “focus on improving the ... functional achievement of the child.”
- The goal of transition must be to provide the student with the highest degree of self-determination and strongest communication skills. Research shows these characteristics are tied to the highest quality of life for adults.

- Outcome Expectations for Communication**
- No student should exit schools without a “voice;”
 - For students who require an SGD:
 - The student’s SGD should support achievement of each year’s functional goals related to speaking and the student’s post-school – adult life – goals.
