



SOUTH CAROLINA
STATE DEPARTMENT
OF EDUCATION

Fall 2014
Special Education
Leadership Meeting

September 25 – 26, 2014
Medallion Conference Center

Office of Special Education Services





Thursday, September 25, 2014

Office of Special Education Services



***JOHN PAYNE, DIRECTOR
OFFICE OF SPECIAL
EDUCATION SERVICES***

**Alone we can do so little; together we
can do so much.**

Helen Keller



Enrich IEP

Partnerships

Read to Succeed

SSIP

Graduation Requirements

Dispute Resolution

Monitoring

FINANCE

Standards

PROFESSIONAL DEVELOPMENT



i'm not telling
you it is going to
be easy, i'm
telling you it's
going to be
worth it.

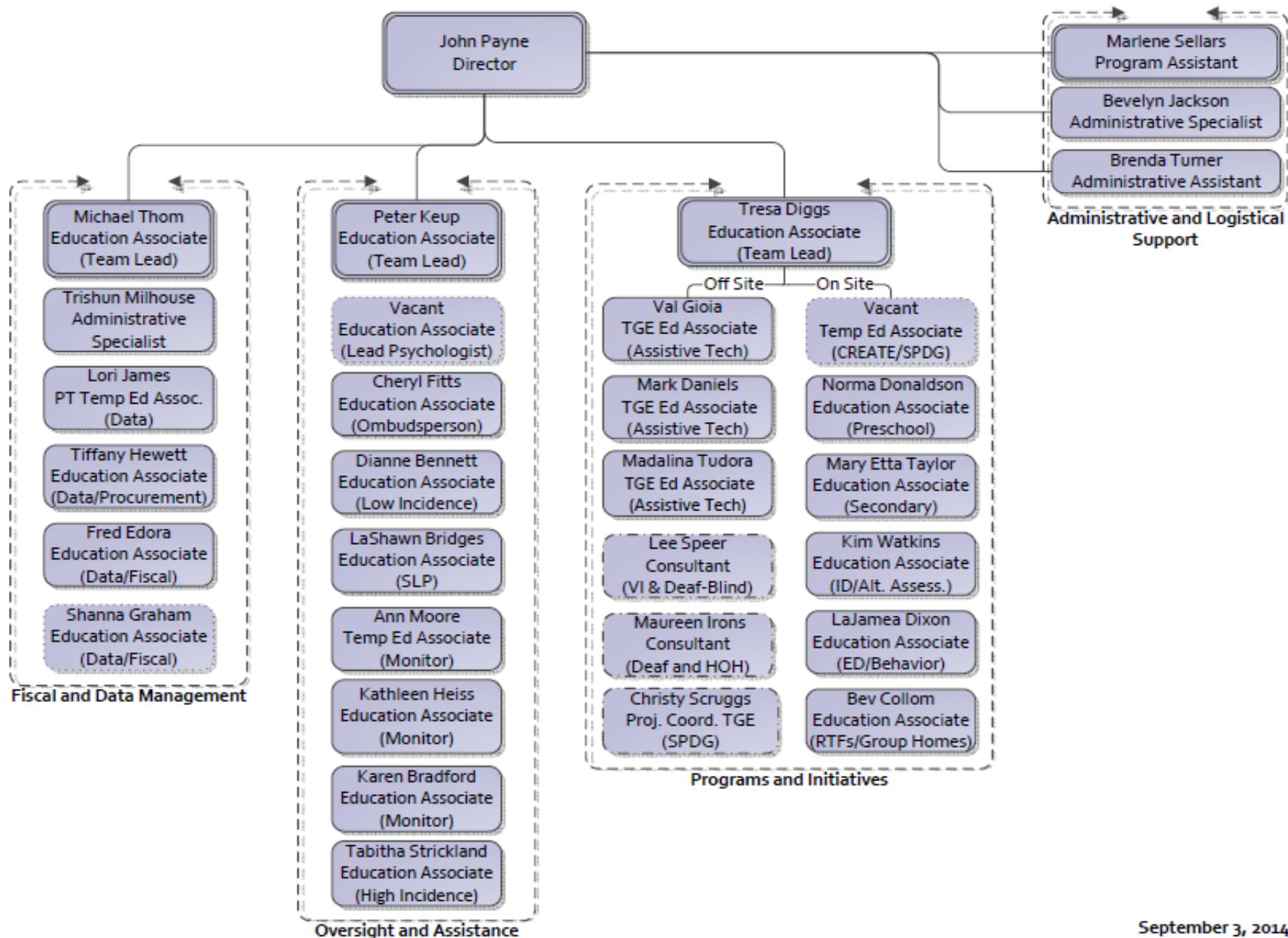


We must adjust to
changing times and
still hold to
unchanging
principles.

Jimmy Carter



**The morning refreshments are
arranged by
SC CASE**



Spring – Summer Highlights

- Advocacy Day for Access & Independence
- Research to Practice (138 sessions with 1200 participants)
- SSIP planning, data analyses, infrastructure development and stakeholder meetings
- SC Enrich IEP Training and rollout
- Multiple meetings renewing partnerships and collaborations
- Meetings & conferences with USED
- Postsecondary transition specialist endorsement

Legislative

- Read to Succeed
- Cursive Writing
- Standards/Assessments
- Act 155
- Provisos – 1.8, 1.49, 1.80

OSEP Updates

- State Determinations
- Local Determinations
- SSIP
- Awaiting additional public comments on items
- SC Maintenance of State Fiscal Support
- Other funding changes



Oversight and Assistance

Oversight and Assistance

Responsible for developing and implementing a system of general supervision and guidance that assists and supports LEAs in meeting the requirements of both federal and state regulations relating to students with disabilities.

Team Lead – Peter Keup

O & A Team Responsibilities:

- ❁ Programmatic compliance monitoring
- ❁ Technical assistance and professional development relating to compliance
- ❁ Informal parent complaints and concerns
- ❁ OSES website
- ❁ SC Enrich IEP
- ❁ SC Advisory Council

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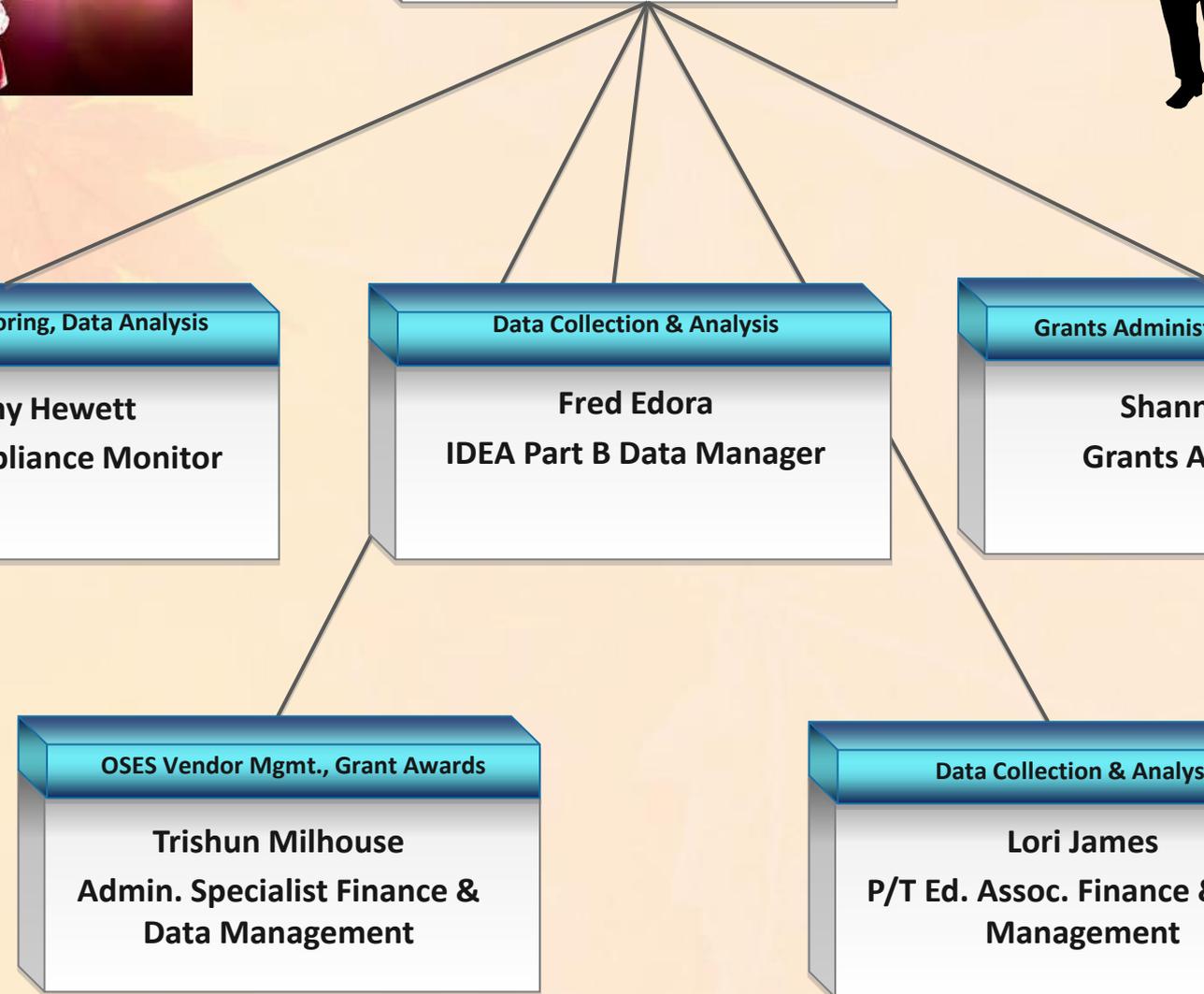
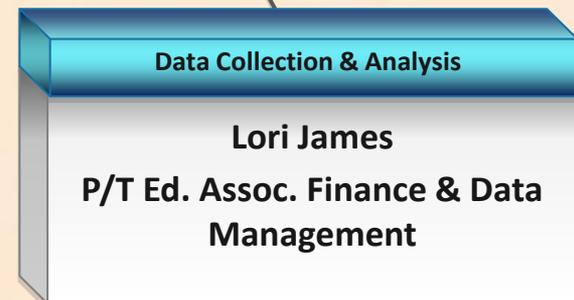
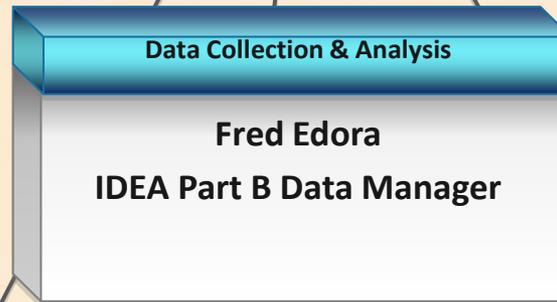
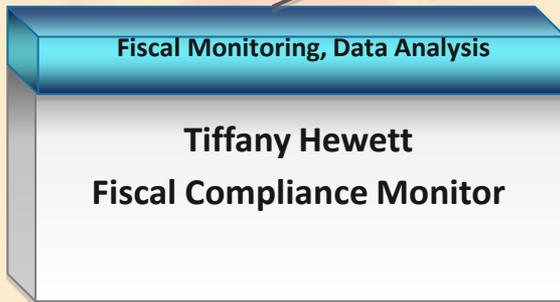
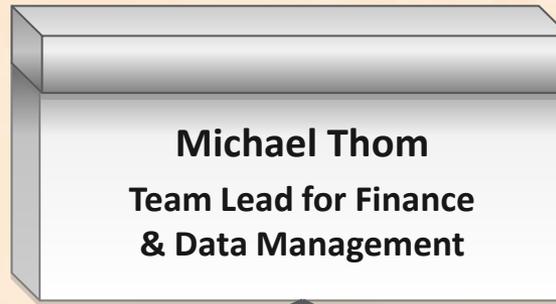
Finance and Data



OSSES Finance & Data Management (FDM)

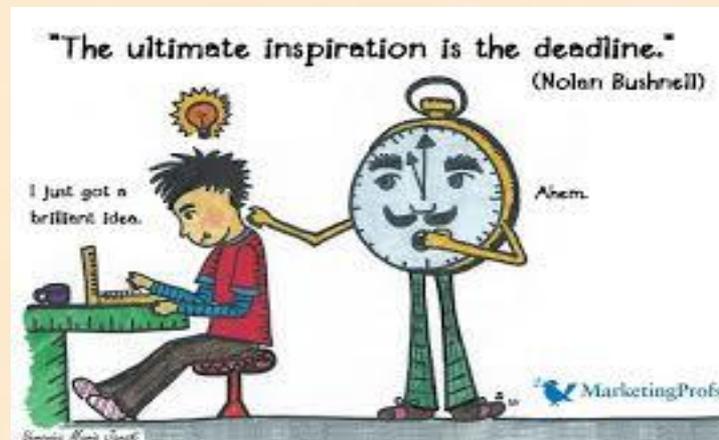
specialservicesfdm@ed.sc.gov

OSES FDM Organization Chart



2013 & 2014 Grant Reminders

- 13CA & 13CG grants expire 9/30/14
- Please amend and/or spend prior to **9/30/14**
- Deadline for receipt of final 13CA & 13CG expenditure claim is **10/15/2014**
- 14CA & 14CG grants expire 9/30/15

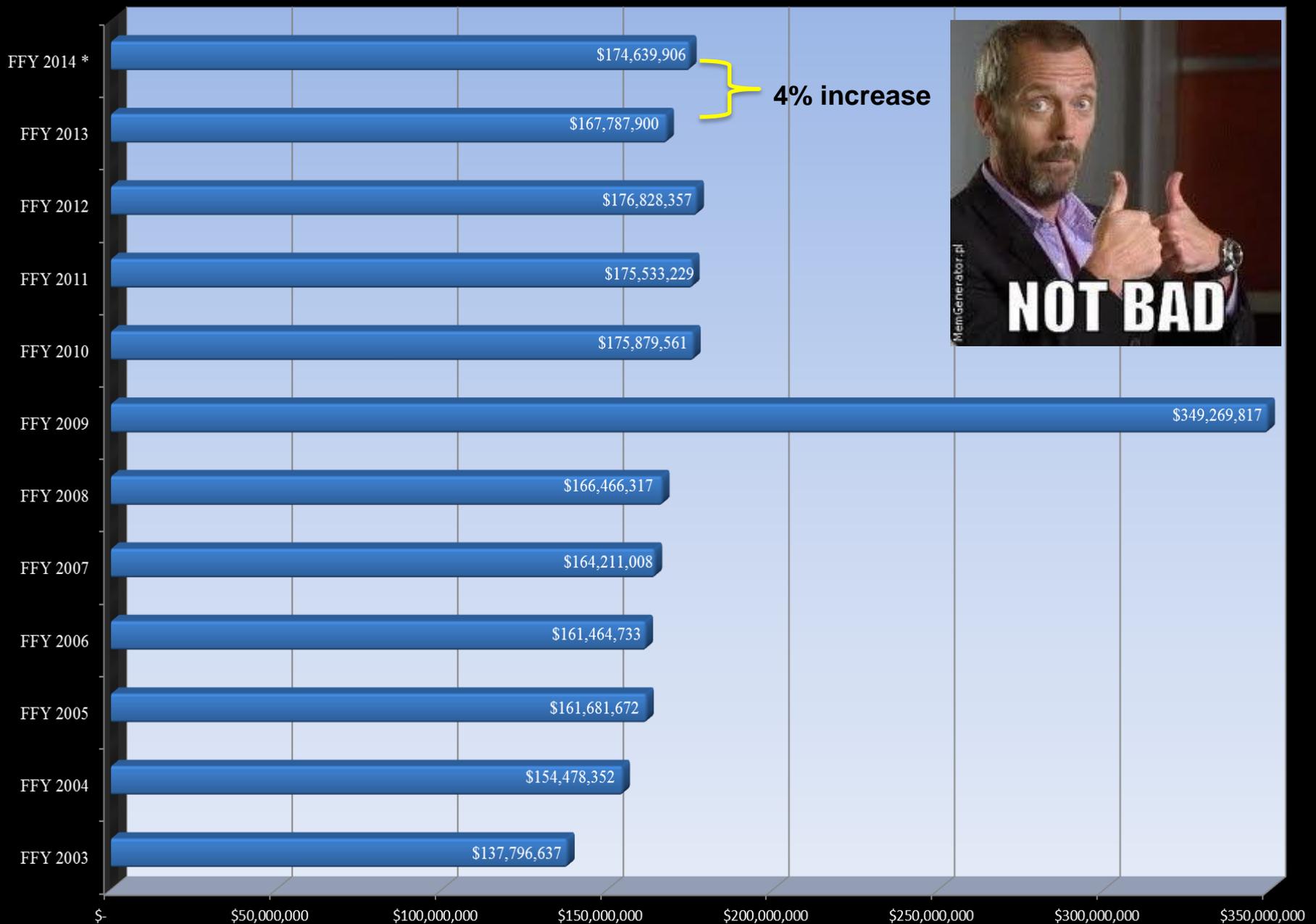


2015 IDEA & Preschool Allocations

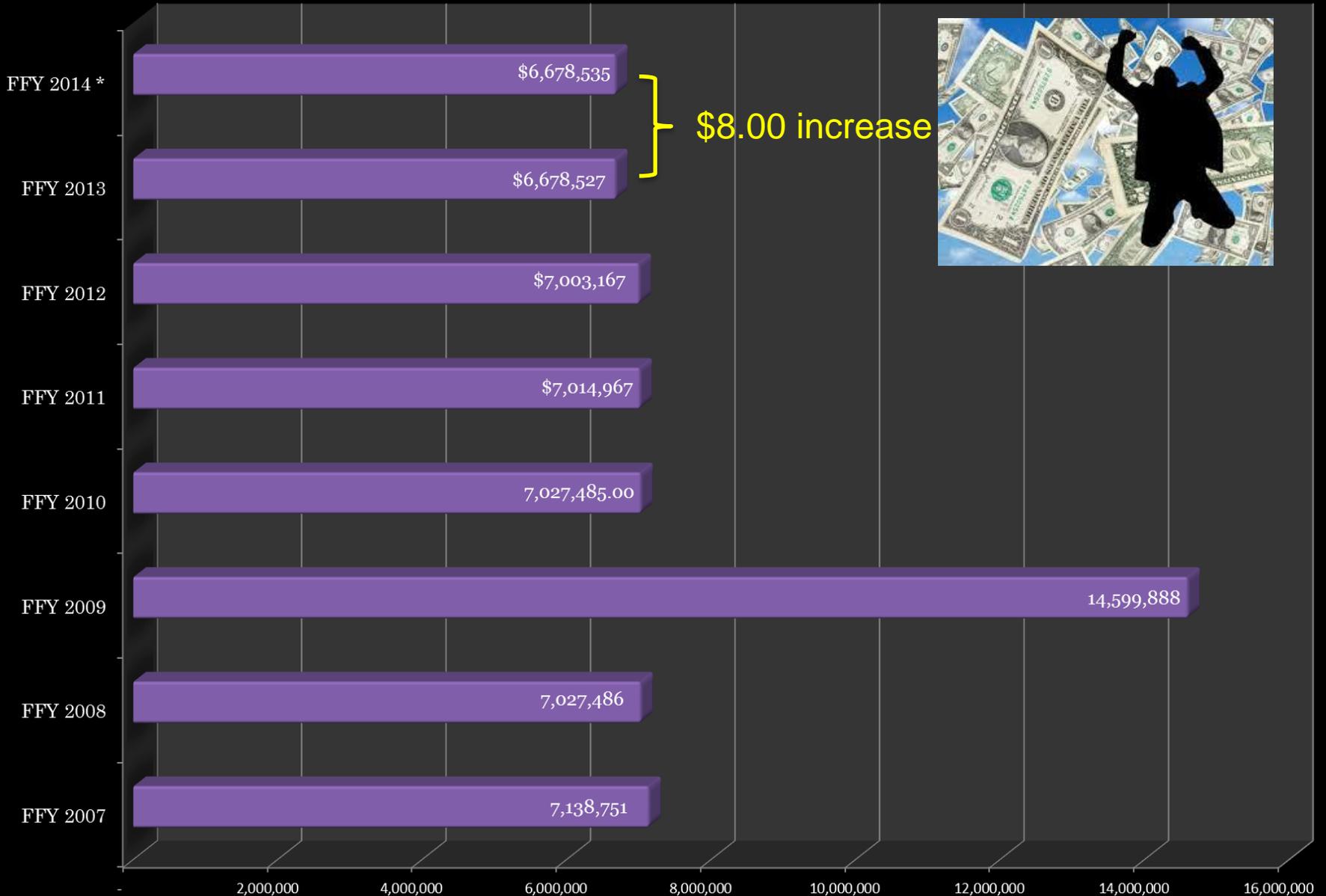


- 2015 IDEA & Preschool allocation amounts & application packages will be delivered some time in early October 2014.
- Slight increase in 2015 IDEA allocation amounts as compared to 2014 IDEA allocation amounts

IDEA Part B Grants to State of South Carolina



IDEA Preschool Grants to State of South Carolina



2015 SDE Grants Accounting Processing System (GAPS)

- ◆ 2015 IDEA (~~GA~~)-(203) & Preschool (~~CG~~)-(205) allocations and budgets will be entered in a new online SDE GAPS in October 2014.
- ◆ As of right now, 2014 project balances will remain in the old budget report and expenditure claims forms process.
- ◆ School district finance contacts have been alerted to GAPS budget amendment and expenditure claims system.
- ◆ District Special Education Director or designee should have been given a “role” in the new system.

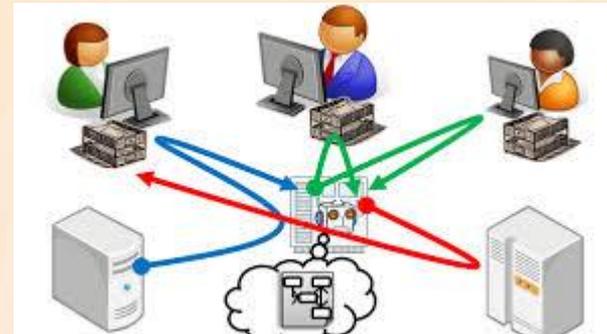


2015 SDE GAPS

Original Budget Workflow Process

1st Role Grant Coordinator –
Special Education Director/Designee

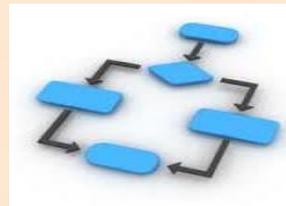
2nd Role District Finance -
Approves the budget prior to work
flow to OSES FDM.



2015 SDE GAPS

Original Budget Workflow Process

- ◆ Original allocation amount entered in GAPS by SDE Grants Office.
- ◆ Original Budget (function/object) entered in GAPS by District Special Ed Official (GAPS Grants Coordinator).
- ◆ Allocation amount and budget amount must match.
- ◆ Original Budget routes to District Finance Official prior to OSES FDM team for approval.



2015 SDE GAPS

Budget Amendments Process

- Budget amendments will workflow from the district to OSES FDM team in GAPS.
- Districts will have access to (function/object) balances at all times.
- No budget amendments sent via email!
- Field for explanation (required) must be filled out in detail.
- Districts will be notified automatically when budget is approved or rejected.



2015 SDE GAPS

- ◆ OSES FDM team can approve or reject original budget or amendment with notes.
- ◆ District is notified when original budget or amendment is approved.
- ◆ But, we can not approve an original budget until.....



IDEA Application Process



Narrative Section
Budget Report
Fiscal Section
IDEA Assurances
Lobbying Statement



12/31/2014



SDE Assurances Terms and Conditions



IDEA Application Reminders

- Complete all forms in their entirety.
- Send via email as long as signatures are present on the forms.
- Use the checklist.
- specialservicesfdm@ed.sc.gov
- [Submission Deadline 12/31/2014](#)



IDEA Application Process



- Anticipate a change in the OSES IDEA application process next year.
- Develop an online IDEA application system
- Average 95 pages for both 611 & 619 grant application folders (per district)
- 200 grant folders for each year (2 years open at a time)





Questions

OSSES FDM Team Contact Info



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mthom@ed.sc.gov

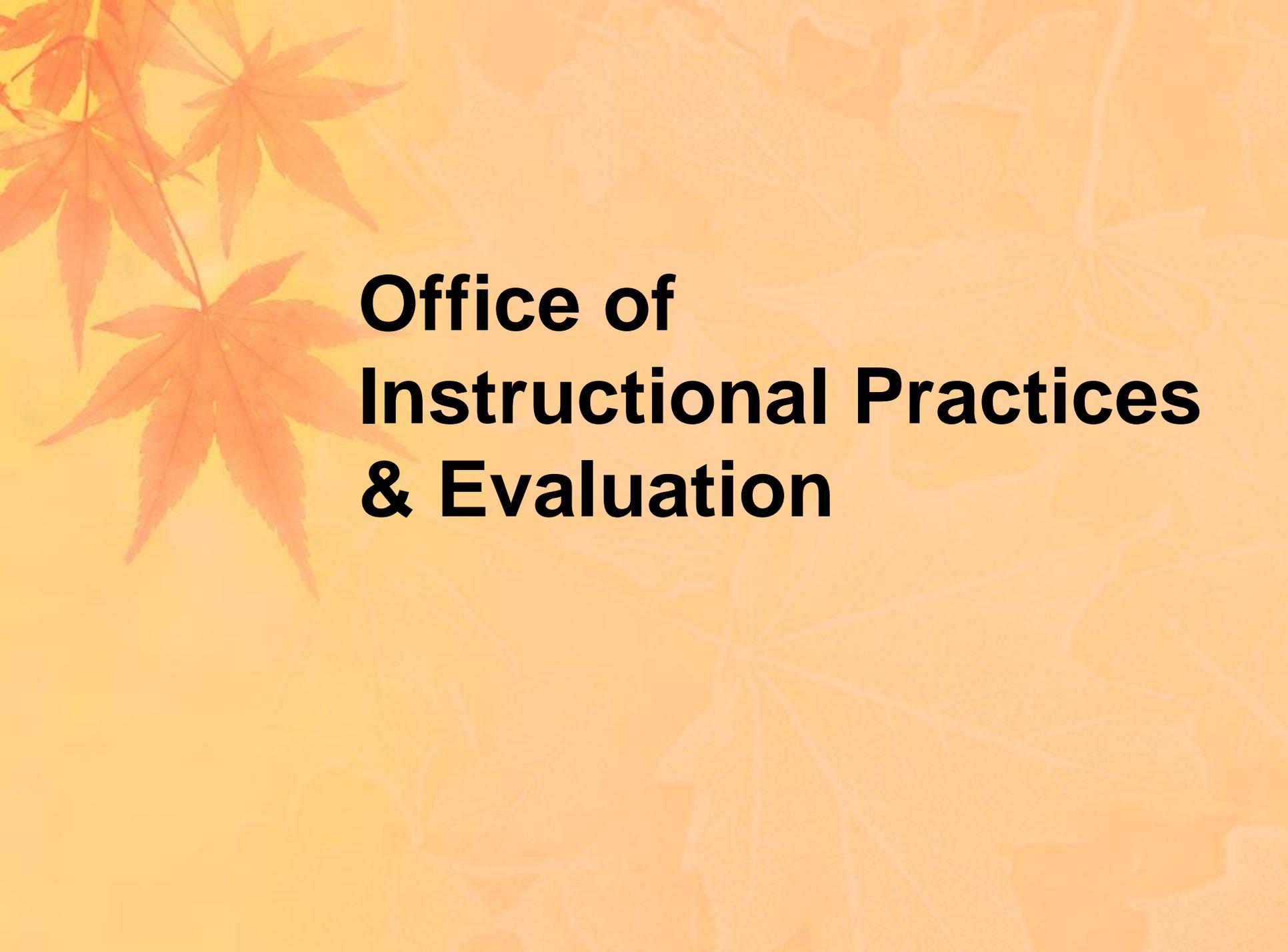
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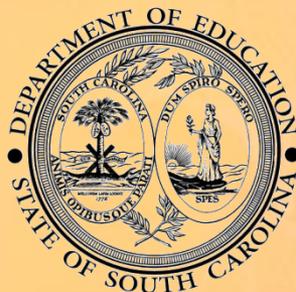
The background features a warm, autumnal color palette of oranges and yellows. Several maple leaves are scattered across the scene, with some in the foreground appearing more vibrant and detailed, while others in the background are faded and semi-transparent. The text is centered in the upper half of the image.

**Office of
Instructional Practices
& Evaluation**

High-Quality, South Carolina College- and Career-Ready Standards in ELA and Math

Fall Administrators' Meeting
September 25, 2014

Cathy Jones Stork
Office of Instructional Practices
and Evaluations



SOUTH CAROLINA

**STATE DEPARTMENT
OF EDUCATION**

Overview of Critical Facts Regarding Act 200

- Standards revision/development is normally an 18-24 month process.
- Standards must be approved by both the **State Board of Education** and the **Education Oversight Committee (EOC)** (a \geq 3 month process).
- Any standards **not developed in SC** must now ALSO be approved by a Joint Resolution of the General Assembly.

Overview of Critical Facts (Continued)

- **Common Core is the basis of instruction and assessment in the 2014-15 school year.**
- The Budget and Control Board is selecting the assessment that will be used in grades 3-8 and 11 for ELA and Math beginning in the spring of 2015.
- The assessment will be selected by September 30, 2014 and will be aligned to Common Core.
- All 11th grade students will take ACT WorkKeys starting this 2014-15 school year.



Ensuring every student acquires an education that provides the



Providing every parent the opportunity to choose a school



Providing schools that are led by effective principals and effective



Who is writing the standards?

- Total of 365 nominations received
- Selected using rubric
- Each team is organized by grade band.
 - Current classroom teachers
 - Instructional coaches
 - District leadership
 - Higher education faculty
 - Also seeking expertise from educators specialized in English Language Learners, special education, career and technology education, and assessment

How are the standards being written?

- Construction of college- and career-ready graduate portrait
- Teams meet an average of 2 days per week face-to-face
- Electronic collaboration other weekdays and weekends
- Review of Common Core and standards from other states with college- and career-ready standards
- Review of additional resources such as ACT College and Career Readiness Standards and test specifications for the SAT
- Knowledge of South Carolina's students' needs, Best Practices, and current research

College- and Career-Ready Portraits

- Academic Success and Employability
- Interdependent Thinking and Collaborative Spirit
- Intellectual Integrity and Curiosity
- Logical Reasoning
- Self-Reliance and Autonomy
- Effective Communication

Elementary Math

Key Concepts – Number Sense

Algebraic Thinking and Operations

Measurement and Data Analysis

Geometry

Middle Level Math

Key Concepts – Number System

- Ratios and Proportional Relationships
- Expression,
- Equations
- Inequalities (6 & 7)
- Geometry and Measurement
- Data Analysis and Statistics (6)
- Probability (7 & 8)
- Functions (8)

High School Math

- Algebra I – Key Concepts – Numbers and Expressions; Functions; Polynomial Equations and Functions; Rational/Radical Expressions and Equations; Exponential/Logarithmic Equations and Functions
- Algebra II – Key Concepts – Numbers and Expressions; Functions; Polynomial Equations, Functions, and Inequalities; Rational/Radical Expressions and Equations; Exponential/Logarithmic Equations and Functions
- Geometry – Key Concepts – Constructions, Transformations, and Coordinate Geometry; Reasoning and Proof; Lines and Angles; Triangles; Quadrilaterals and Other Polygons; Circles

High School Math (Continued)

- Pre-Calculus – Key Concepts – Number and Coordinate Systems; Functions; Algebra; Trigonometric Functions and Identities; Relations
- Probability and Statistics – Key Concepts* – Probability, Probability Distributions, Descriptive Statistics, Inferential Statistics, Correlation and Regression, Statistical Research

High School Math (Continued)

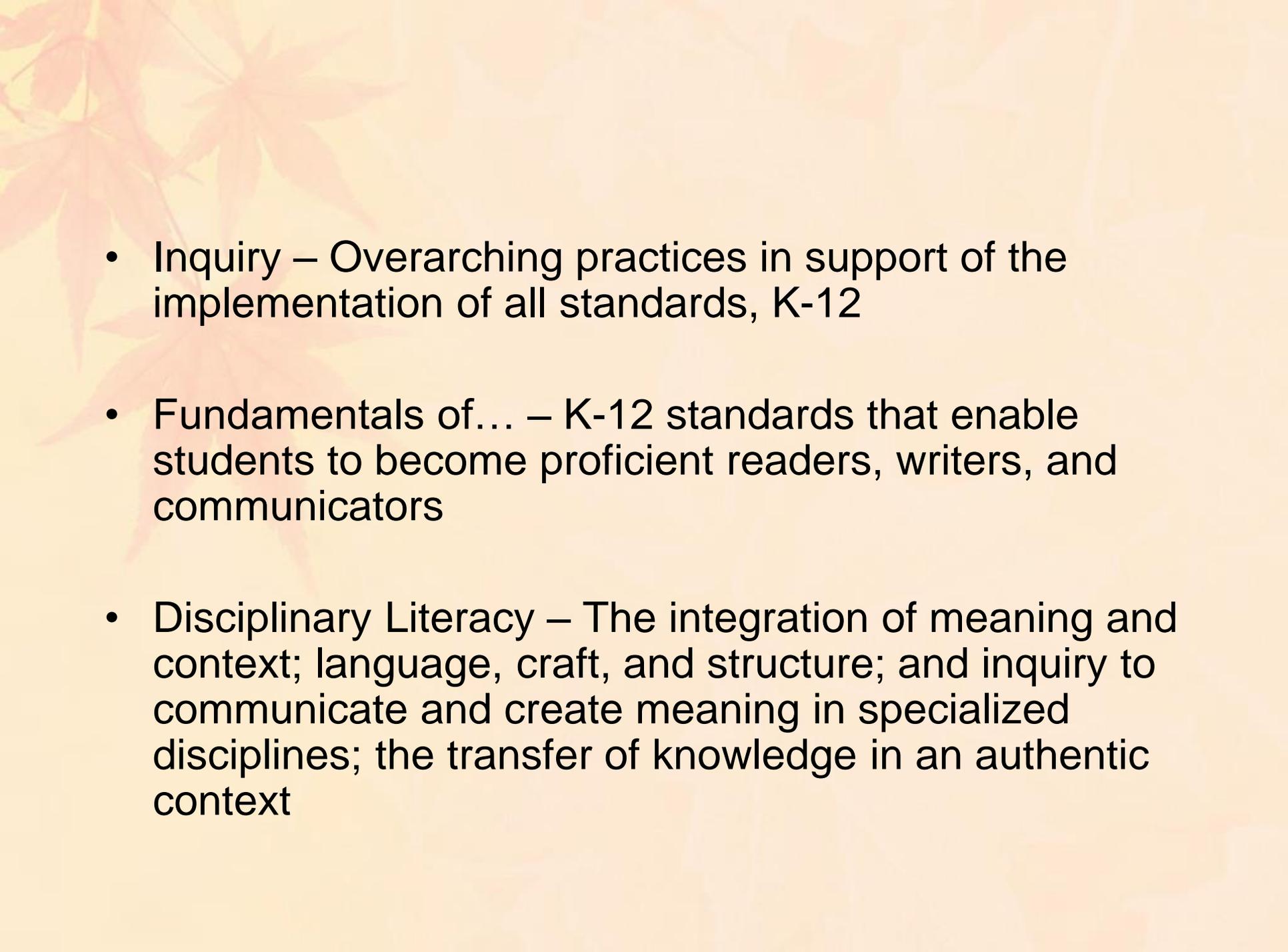
- Algebra I A/B (currently “Foundations and Structure in Algebra” and “Intermediate Algebra: Functions and Modeling”) – Will include all new Algebra I standards + partial Algebra II + partial Probability and Statistics

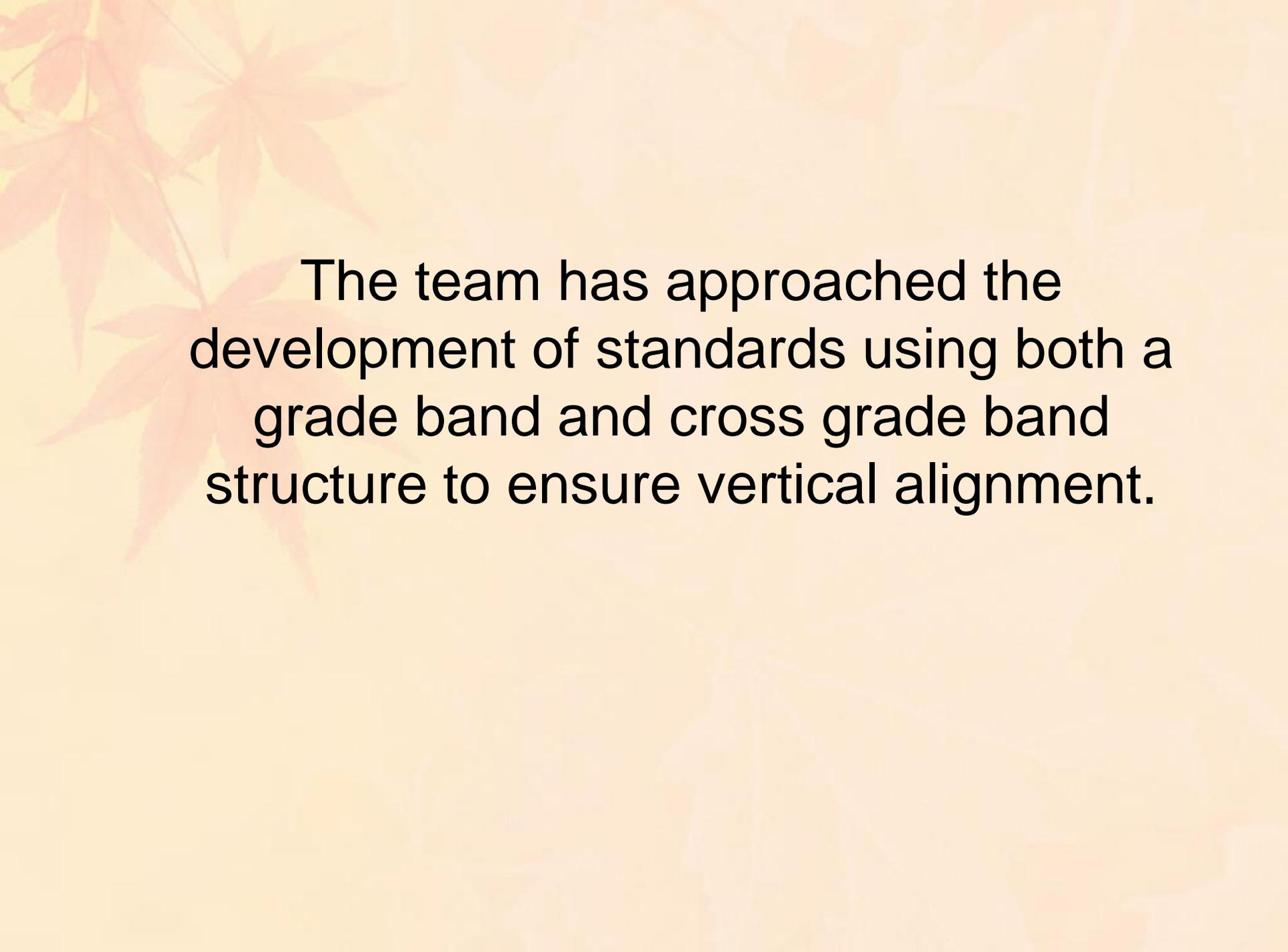
Vertical Alignment – Math

- Each grade band group within the Math team collaboratively wrote standards within each key concept, continuously organizing and aligning the standards within and across key concepts, grade levels, and courses.
- All three grade band groups are working together to ensure vertical alignment across key concepts, grade levels, and courses K – 12.

ELA

- Key Concepts (Strands) – Reading Literary Text; Reading Informational Text; Writing; Communication
- Key Ideas (Standards) – Fundamentals of..., Meaning and Context; Language, Craft, and Structure; Range and Complexity; Disciplinary Literacy

- 
- Inquiry – Overarching practices in support of the implementation of all standards, K-12
 - Fundamentals of... – K-12 standards that enable students to become proficient readers, writers, and communicators
 - Disciplinary Literacy – The integration of meaning and context; language, craft, and structure; and inquiry to communicate and create meaning in specialized disciplines; the transfer of knowledge in an authentic context



The team has approached the development of standards using both a grade band and cross grade band structure to ensure vertical alignment.

When will the standards be finished?

- Drafts completed: October 15, 2014
- Review by Commission on Higher Education: October 16, 2014
- Review by Task Force specified in Act 200: October 16-30, 2014
- Public comment period: November 1-30, 2014
- Writing teams revise based on feedback: December, 2014

Standards Timeline, Continued

1. Submit to State Board of Education by January 1, 2015
2. First Reading Approval: January 14, 2015
3. *Academic Standards and Assessments EOC subcommittee: January 26, 2015
4. *Full Education Oversight Committee approval: February 9, 2015
5. *State Board 2nd reading approval: March 11, 2015
6. Release to public: March 15, 2015
(*assuming approved by other body in previous step)

Need more information?

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btimmerman@ed.sc.gov

Cathy Jones Stork, Education Associate
Project and ELA Team Lead
cjones@ed.sc.gov

Mary Ruzga
Math Team Lead
mruzga@ed.sc.gov

The logo for Virtual SC features the word "Virtual" in a blue, sans-serif font. The letters "SC" are white and set against a green silhouette of the state of South Carolina. The background is a light orange color with faint, overlapping leaf patterns. On the left side, there are several larger, more detailed orange and red maple leaves.

Virtual SC

**A PROGRAM OF THE SOUTH CAROLINA
DEPARTMENT OF EDUCATION**

**Special Education Directors' Meeting
Thursday, September 25, 2014**



South Carolina Department of Education

Office of Virtual Education

Bradley Mitchell, Director

VirtualSC

Suzette Lee, Team Leader

What is VirtualSC?

- Supplemental program that offers courses for high school credit to students in grades 7-12.
 - Free-of-charge.
 - Not a school and does not issue credit or diplomas.
 - No limit to the number of courses per student.
 - Students must be enrolled in grades 7-12 in a South Carolina public, private, homeschool or adult education program.
 - Enrollment is based on a first-come, first served basis with priority enrollment for Juniors and Seniors.



Students with Accommodations

- VirtualSC is an option for students, including those with disabilities who have an IEP, provided an online course is an appropriate instructional delivery method for the individual student.
- VirtualSC collaborates with the student's sponsor school to make sure that accommodations are met.
- VirtualSC courses will be reviewed in the 2014-2015 school year for Quality Matters.

What content areas does VirtualSC offer?

- CATE
- English
- Fine Arts
- Mathematics
- PE/Health
- Science
- Social Studies
- World Languages

What courses are new in 2014-15?

- World Language
 - French 1
 - Spanish 4 Honors
- English
 - English 1 Honors
- Advanced Placement
 - Biology
 - Computer Science A
 - European History
- In Development
 - Astronomy
 - German 1
 - 8th Grade History (SC History)



What else is new?

- Rebranding

- New name—

- New logo—

- New webpage—virtualsc.org

- New student information system—OpenSIS



When do students register?

- Fall semester
 - August 29-Sept 5, 2014 (2 weeks)
- Winter/Spring semester
 - January 5-15, 2015 (2 weeks)
- Summer semester
 - May 18-June 4, 2015 (3 weeks)



Does VirtualSC offer test preparation?

- Yes!
- Free-of-charge to all SC students
- Vendors
 - USA Test Prep -HSAP
 - Shmoop
 - ✓ Advanced Placement (AP)
 - ✓ National college entrance exams
 - Explore/ACT
 - PSAT/SAT



What are the options for using VirtualSC?

Option 1 – Individual Student Enrollment

Option 2 --Virtual Learning Lab

- Why?
 - Course not available at your school.
 - Unable to find a licensed teacher.
 - Emergency situations.
- What?
 - Standards-aligned course taught by a Highly Qualified educator licensed by the South Carolina Dept. of Education
- Where and When?
 - In a virtual lab (computer lab) at your school.
 - During the regular school day.
- Cost?
 - \$3,500 per section (20-25 students) per course.



Options Continued

Option 3 – Franchise

- What?
 - An eLearning solution for students, grades 7-12
- When?
 - 365-day flexible or 180-day traditional school calendar
- Who?
 - Your own teachers
- Benefits?
 - VirtualSC Student Information System (SIS) for registration
 - VirtualSC Learning Management System (LMS), Moodle
 - Our standards-based courses
 - Student support and staff/teacher trainings provided
- Cost?
 - \$100 per seat license (for active users at a given time) per contract year
 - Retain per pupil expenditure

Options Continued

Option 4 – Middle School Assistance

- What?
 - Supplementary online learning for middle level ELA and math.
- When?
 - Available beginning October 2014.
 - Can be used as a summer school resource
- Who?
 - 6th, 7th and 8th grade students.
- Benefits?
 - Promotes student achievement.
 - Prepares students for the next grade level.
 - Online progress tracking.
- Cost?
 - Free!

Who do I contact for VirtualSC information?

Student Services Team

Phone: 803-734-8039

Student Services Manager

- Sarah Rotureau – srotureau@ed.sc.gov

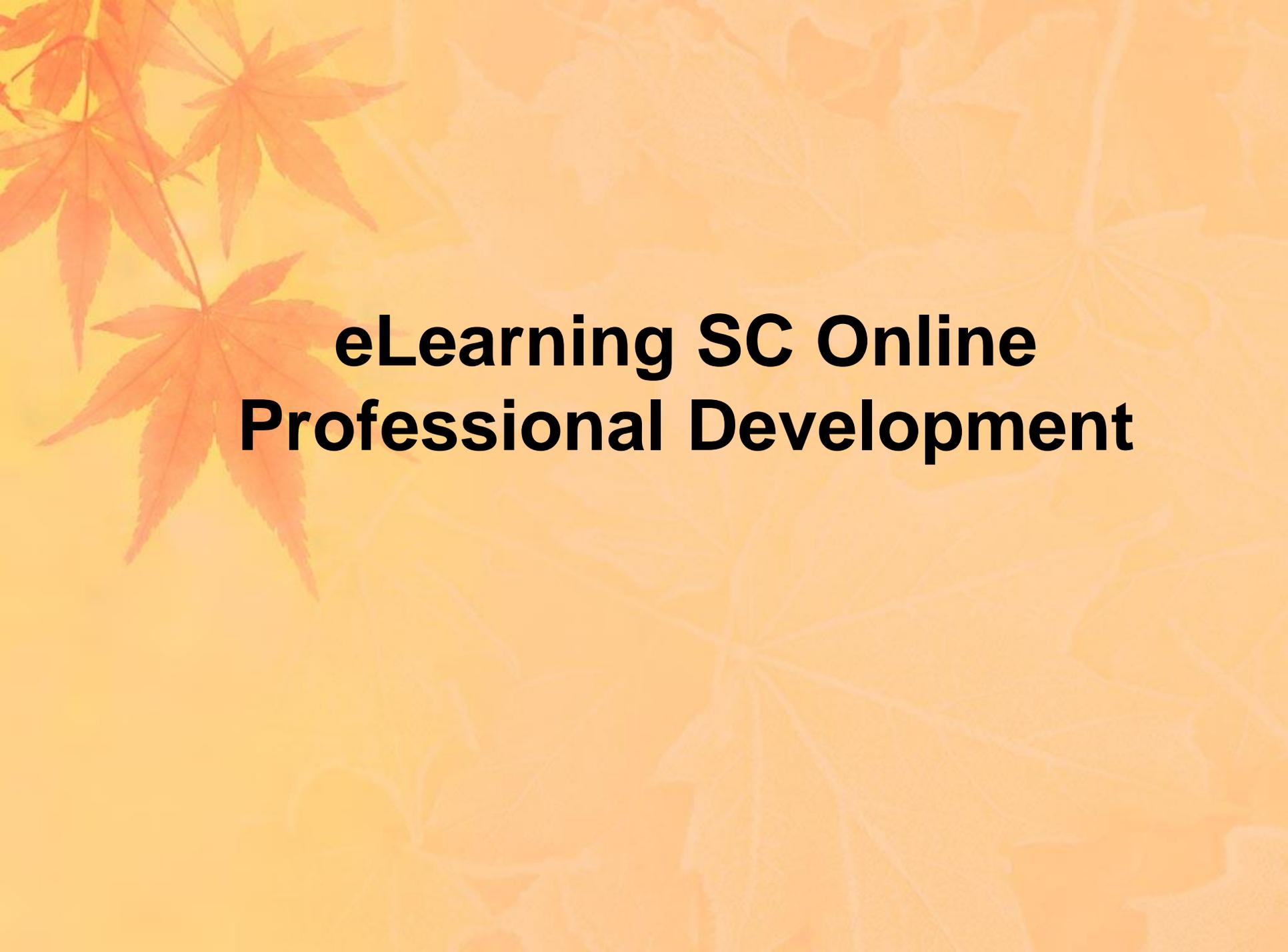
Student Services Coordinators

- Bernardo Velasquez – bvelasquez@ed.sc.gov
- Courtney Howard – cphoward@ed.sc.gov

Guidance Counselor

- Katina Montgomery –
kmontgomery@ed.sc.gov





**eLearning SC Online
Professional Development**

Who We Are

eLearningSC delivers high-quality online professional development that increases teacher knowledge and skills to improve student performance.

Need Renewal Credits?

- Our program offers both renewal & graduate credits
- Courses are approved by SCDE Office of Educator Services
- Graduate courses are in partnership with The College of Charleston

Key Teacher Benefits of eLearningSC

- Courses run four times a year—over 75 courses!
 - Empowers teachers to plan own professional development
 - No more – “one size fits all” approach
- Students access content 24/7
- Highly trained facilitators assist and provide feedback

Course Costs

[About](#) ▾[Announcements](#)[Transcripts](#) ▾[Course Info](#) ▾[Resources](#) ▾[Tutorials](#)[Contact Us](#)[Home](#) ▸ [Course Costs](#)

Course Costs

Below are the current costs for eLearningSC courses. There are no additional hidden fees beyond the fees listed below for any of our courses.

Course Pricing

We pride ourselves on offering a high quality online experience with a highly qualified online instructor at a reasonable price. See the information below for current pricing for renewal and graduate courses taken through eLearningSC.

Type of Course	Cost per Participant
Renewal Courses	\$70.00
3 Graduate Credit Courses	\$225.00
Renewal Cohorts	Contact Tammy Hegler ☎ 803-734-8030
Graduate Cohorts	Contact Tammy Hegler ☎ 803-734-8030
Graduate Out of State Fee (3 Graduate Credits) Out of State Residents ONLY	\$375.00

Online Teaching Endorsement

Online Teaching Endorsement

Interested in acquiring an add-on Online Teaching Endorsement to your license? We offer coursework intended to enhance an educator's skills and knowledge beyond those that are required for traditional teaching and to prepare the individual to teach classes within an online environment.

Individuals who wish to add Online Teaching to an existing license must meet the following requirements:

- (1) Bachelor's degree
- (2) Initial or professional license at the middle, secondary, or preK–12 level
- (3) Minimum qualifying score(s) on the content area examination(s) required by the State Board of Education
- (4) **Specialized preparation 2 (required courses)***

Course	Semester Hours
Facilitating Online Courses Effectively	3 Graduate Credits
Effective Online Course Management	3 Graduate Credits

- (5) **Elective Courses (select two courses from the list below)***

Course	Semester Hours	Additional Information
Approaches and Tools for Developing Web-Enhanced Lessons	3 Graduate Credits	
Differentiating Instruction to Accommodate Learning Styles	3 Graduate Credits	
Learning and Teaching with Web 2.0 Tools	3 Graduate Credits	

eLearning SC offers these courses on a rotating basis

Contact Information:

Tammy Hegler

Team Leader eLearningSC

Office of Virtual Education

Division of School

Effectiveness

South Carolina Department of
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Bonnie McMurray

Instructional

Trainer/Coordinator I

Office of Virtual Education

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Catherine Musgrove

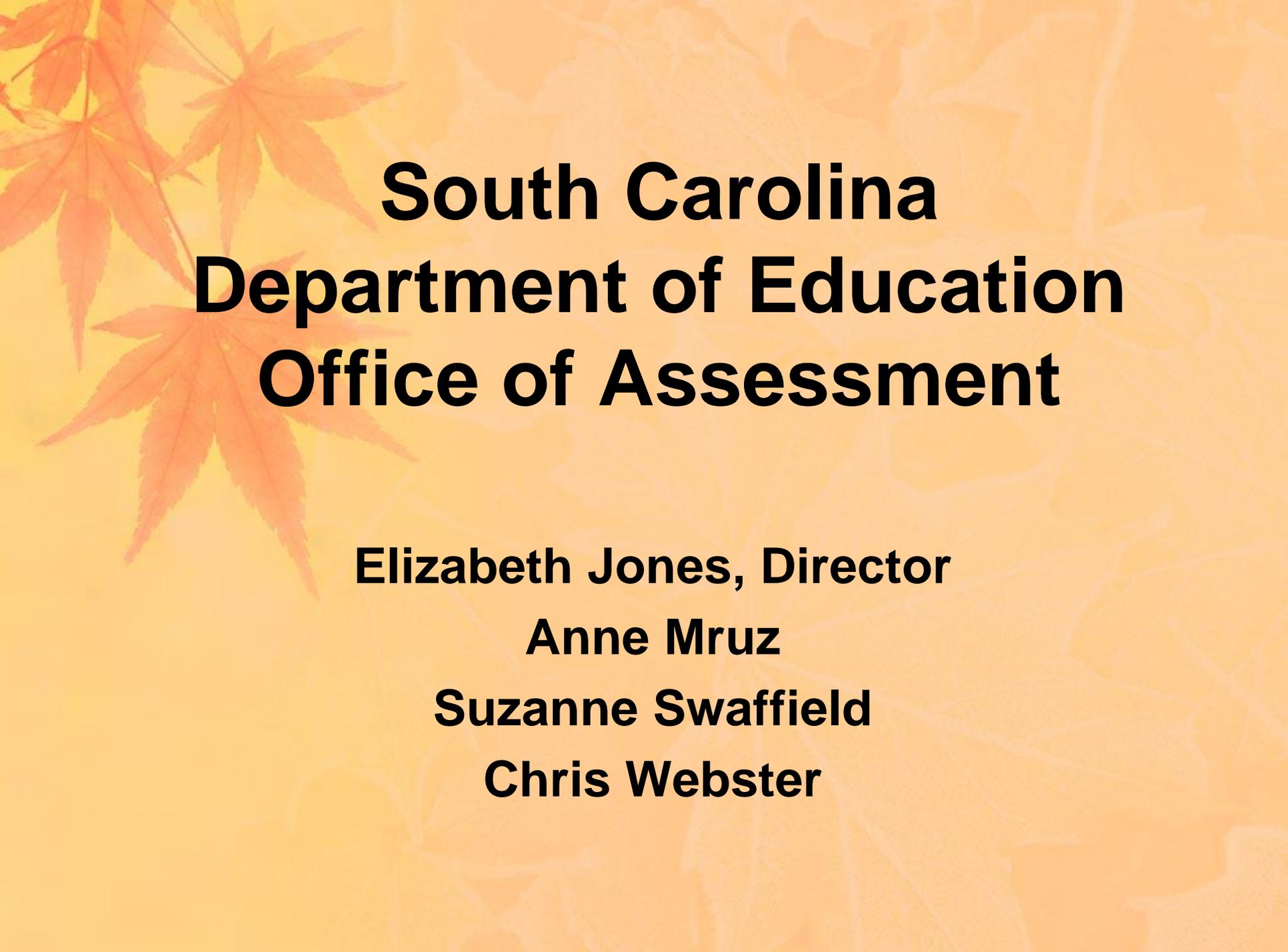
Instructional

Trainer/Coordinator I

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www.elearningscpd.com



**South Carolina
Department of Education
Office of Assessment**

Elizabeth Jones, Director

Anne Mruz

Suzanne Swaffield

Chris Webster

The background of the slide is a warm, orange-toned pattern of overlapping autumn leaves. Some leaves are in sharp focus, showing detailed vein structures, while others are faded or semi-transparent, creating a layered, textured effect. The overall color palette is a range of oranges, from light and airy to deep, rich tones.

The Changing Landscape of Testing in South Carolina

2014-15

mCLASS: CIRCLE

Readiness Assessment

- Pre-K and Kindergarten Students
- Test Dates: by the 45th instructional day
- Provisos 1A.76 and 1A.3 of the General Appropriations Act of 2014

<https://www.amplify.com/assessment/mclass-circle>

Cognitive Abilities Test (CogAT) and Iowa Assessments (IA)

Gifted and Talented Identification

- Grade 2 Ability Assessment
- Grade 2 Norm-Referenced Achievement Test
- South Carolina Performance Tasks
- Test Dates: October 22- November 13

Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs)

English Language Learners

- Replaces ELDA for 2015
- Administered in grades K-12
- Includes an alternate assessment for ELLs with significant cognitive disabilities
- Test Dates: February 17- March 30, 2015

<http://www.wida.us/assessment/ACCESS/>

Alternate ACCESS for ELLs

Students identified as English Language Learners with significant cognitive disabilities

- Grades 1-12 (ages 6-18)
- Test Dates: February 17- March 30, 2015

<http://www.wida.us/assessment/alternateaccess.aspx>

WorkKeys

Career Ready Assessment

- Grade 11
- Required by Act 155
- Test Date: April 29, 2015

<http://www.act.org/products/workforce-act-workkeys/>

End-of-Course Examination Program (EOCEP)

- Algebra 1/Mathematics for the Technologies 2
- English 1
- U.S. History and the Constitution
- Biology 1/Applied Biology 2
- Test Dates: Winter and Spring

SC Palmetto Assessment of State Standards (SCPASS)

Science and Social Studies

- **Grades 4-8**
- **All students will participate in both content areas**
- **Test Dates:**

Paper Pencil

Science- May 7, 2015

Social Studies -May 8, 2015

Online

May 7-May 22

May 8- May 22

New Assessment

English/language arts and mathematics

- **Grades 3-8 and 11**
- **Grades 9 and 10, if funds are available**
- **Test Dates: Spring 2015**
- **Replaces SCPASS ELA and math**
- **Mandated by Act 200**

South Carolina Alternate Assessment (SC-Alt)

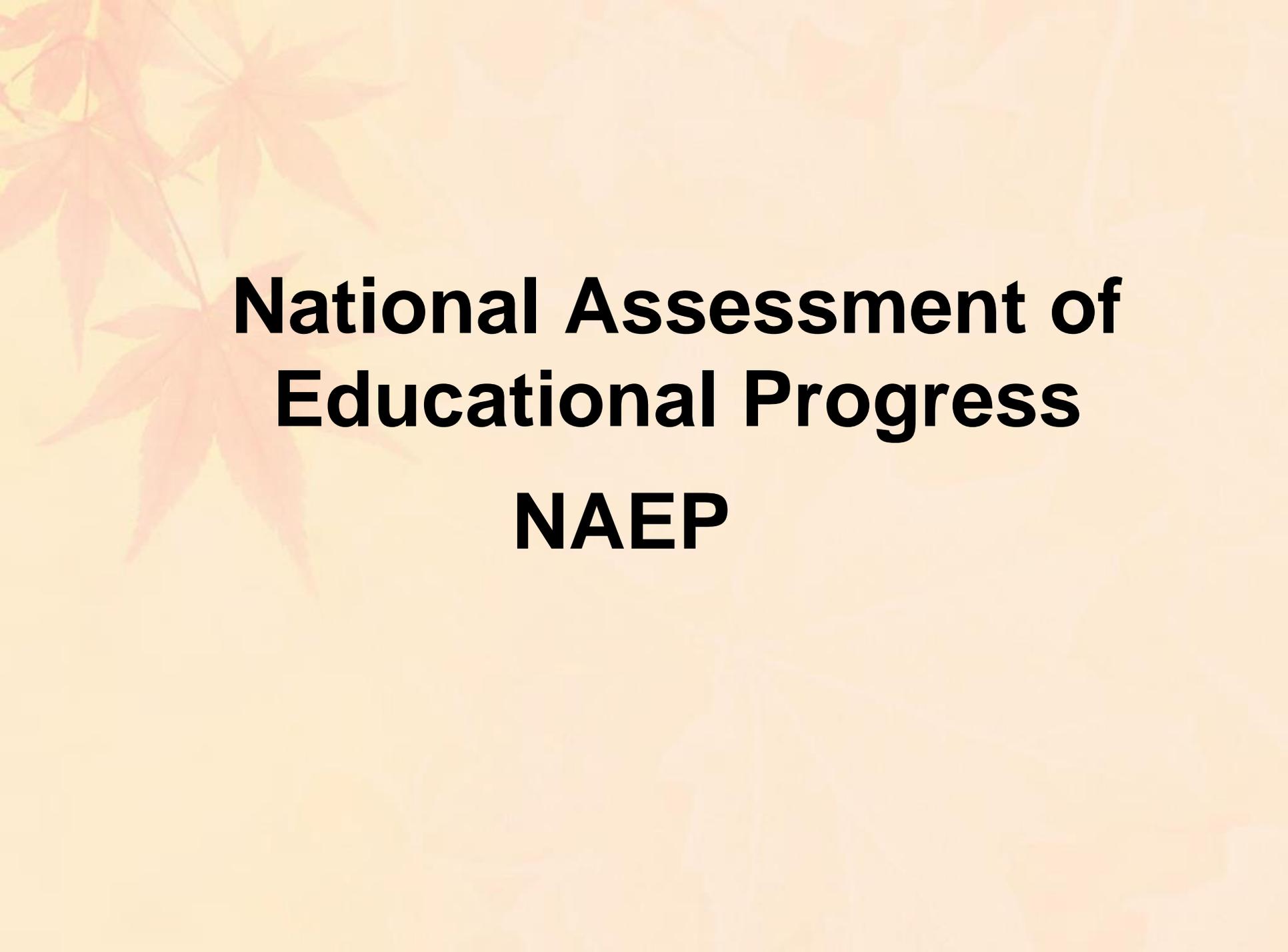
- Alternate assessment on alternate achievement standards
- Students with significant cognitive disabilities
 - Science and social studies
 - All students take both content areas
 - Ages 9-13 in 2015
 - Note: for 2015 only, no high school science/biology
 - Test Dates: March 2–April 24, 2015

National Center and State Collaborative (NCSC)

- Alternate assessment on alternate achievement standards
- Students with significant cognitive disabilities
 - English language arts (ELA) and mathematics
 - Ages 8-13 and 16
 - Test Dates
 - Fall Pilot Test
 - October 20—November 14, 2014
 - Spring Operational Test
 - March 30—May 15, 2015

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

https://wiki.ncscpartners.org/mediawiki/index.php/Main_Page



National Assessment of Educational Progress

NAEP

NAEP Inclusion/SD Achievement Results

NAEP Mathematics

Grade	Percent	2009	2011	2013
Four	of SD Included	87	91	93
	at/Above Basic	43	46	43
Eight	of SD Included	65	67	90
	at/Above Basic	29	26	26

NAEP Inclusion/SD Achievement Results

NAEP Mathematics

Grade	Percent	2009	2011	2013
Four	of SD Included	87	91	93
	at/Above Basic	43	46	43
Eight	of SD Included	65	67	90
	at/Above Basic	29	26	26

NAEP Inclusion/SD Achievement Results

NAEP Reading

Grade	Percent	2009	2011	2013
Four	of SD Included	68	82	89
	at/Above Basic	32	18	18
Eight	of SD Included	54	57	85
	at/Above Basic	29	30	25

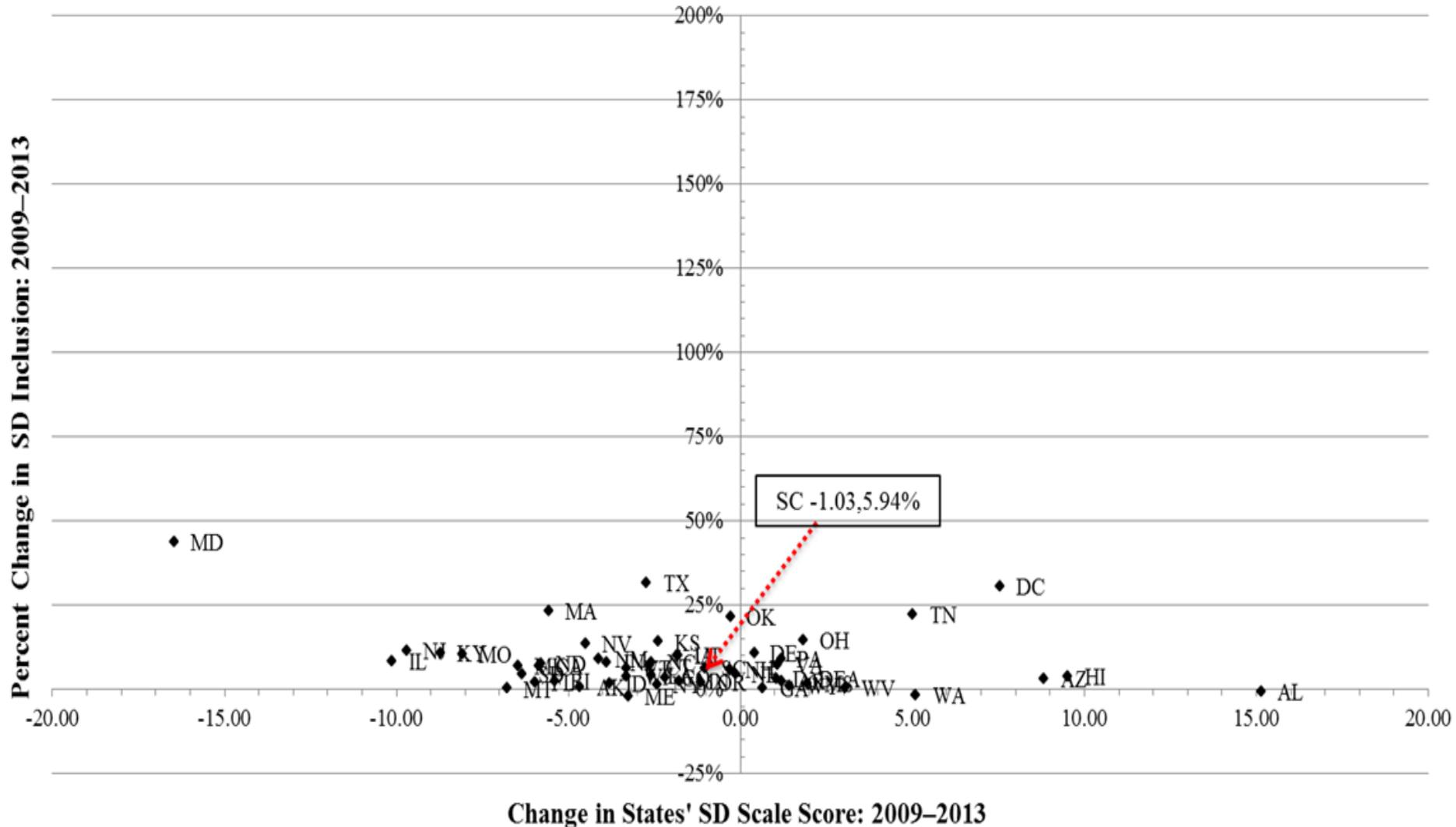
NAEP Inclusion/SD Achievement Results

NAEP Reading

Grade	Percent	2009	2011	2013
Four	of SD Included	68	82	89
	at/Above Basic	32	18	18
Eight	of SD Included	54	57	85
	at/Above Basic	29	30	25

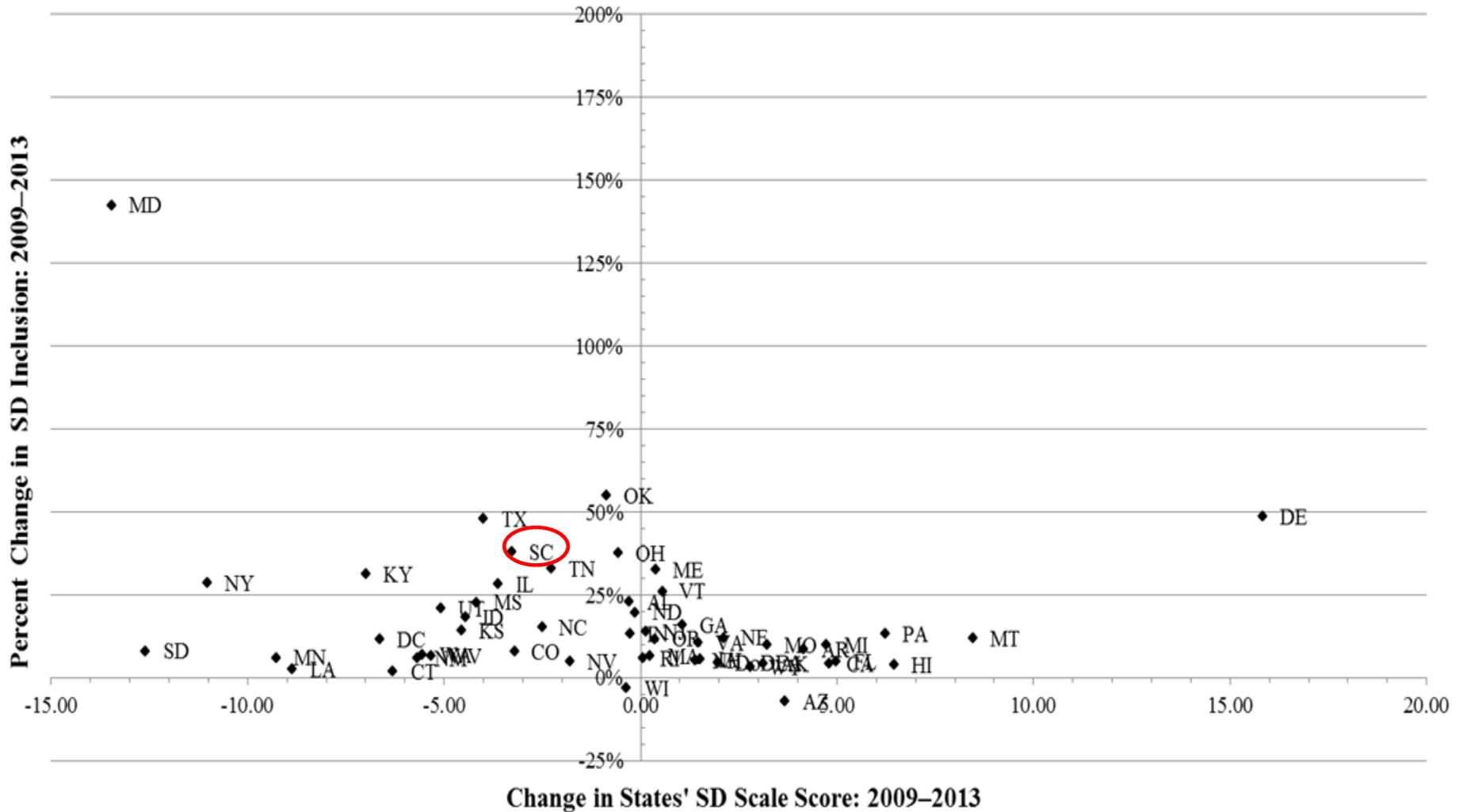
SC Change Compared to Other States

NAEP Grade Four Math: Change in Scale Score by Change in Inclusion of SD



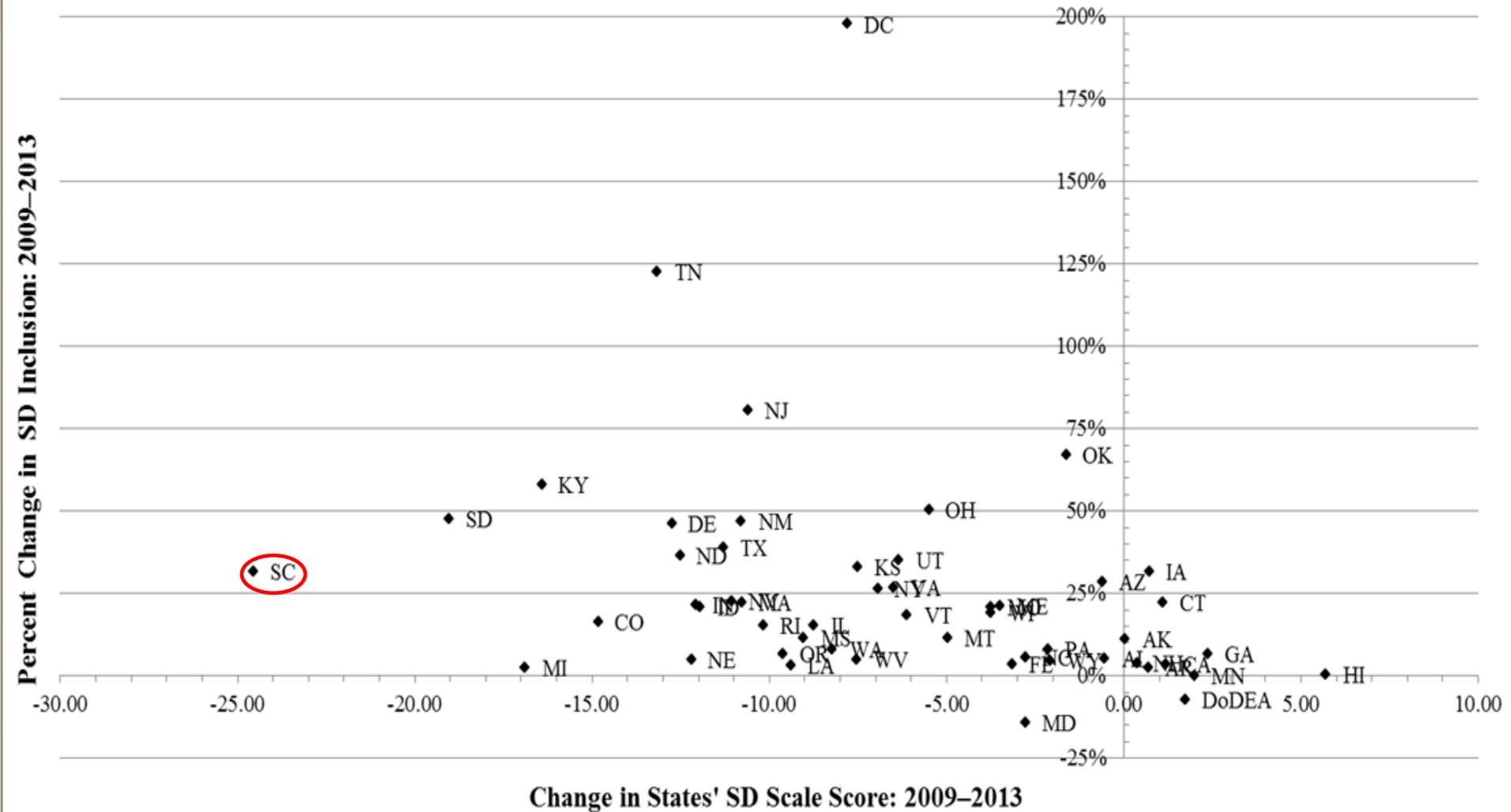
SC Change Compared to Other States

NAEP Grade Eight Math: Change in Scale Score by Change in Inclusion of SD



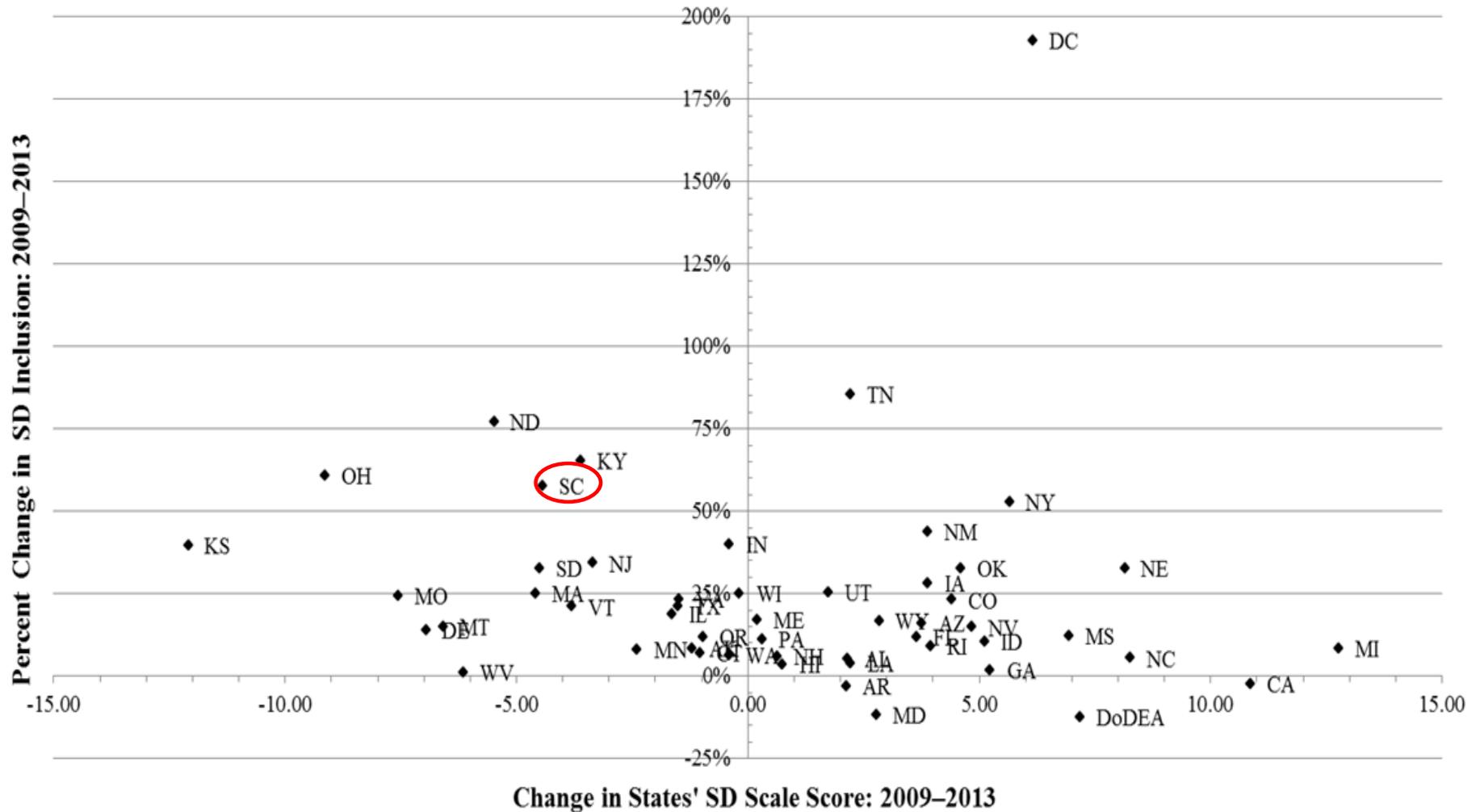
SC Change Compared to Other States

NAEP Grade Four Reading: Change in Scale Score by Change in Inclusion of SD



SC Change Compared to Other States

NAEP Grade Eight Reading: Change in Scale Score by Change in Inclusion of SD



Contact Information

Office of Assessment

Elizabeth Jones, Director

ejones@ed.sc.gov

Website

<http://ed.sc.gov/agency/ac/Assessment/>

**Contact
Information**

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Anne Mruz

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Jill Christmus

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Chris Webster

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cwebster@ed.sc.gov

The background features a warm, orange-to-yellow gradient with faint, overlapping maple leaf patterns. On the left side, there are several more prominent, detailed maple leaves in shades of orange and red, some overlapping the text area.

Office of School Transformation



Read to Succeed Update and Overview

Fall Leadership Meeting

Read to Succeed (R2S)

- Signed by the Governor on June 11, 2014
- Office of Reading to be established by August 1, 2014
 - Reading and Early Learning Team
 - Candice Walsh, R2S Coordinator/ Team Leader
 - Penny Danielson, CDEP Coordinator
 - Amy Smith, CDEP Education Associate
 - Jamie Sanders, CDEP Program Coordinator

Components of R2S

1. Reading Plans (state, district, and school)
2. 3rd Grade Retention
3. Summer Reading Camps
4. Interventions
5. Literacy Competencies
 - Literacy Teacher Endorsement
 - Literacy Requirement

Components of R2S

6. CDEP - Child Development Program (Early Literacy and Learning)
7. Teacher Preparation
8. Reading Coaches

Reading Plans

- State Plan:
 - Must be approved by the State Board
February 1, 2015
- District Plans:
 - Begin writing after State Plan is approved
 - Due in the fall of 2015
- School Plans:
 - Begin writing after District Plan is approved

Reading Plans

- We will post templates and other materials on the R2S website for districts.
- Failure to submit an approved district plan by the established date will result in loss of state reading funds until the plan is approved.

3rd Grade Retention

- 2017-2018
 - A student must be retained if he/she fails to demonstrate reading proficiency at the end of third grade.
- Guidance for this regulation will be created during the 2014-2015 school year.

Summer Reading Camps

2014-2015

- Students who are not reading proficiently at the end of the third nine weeks and who are eligible for retention are required to attend a summer reading camp.
- Concerns: parents can opt out, difficult to find qualified teachers, transportation, length of the camp, and funding
- Guidance documents and informational sessions will be held in January, 2015.

Interventions

- ALL students preK- 12th grade who are not substantially demonstrating reading proficiency at the current grade level will receive interventions.
- Classroom teachers must provide interventions within the classroom and document those interventions.

Interventions

- Who can provide these interventions outside of the regular classroom?
 - Interventionists (must have the Literacy Teacher Endorsement)
- What is not an intervention?
 - Assigning students to a computer lab to complete an online program
 - Requiring students to complete extra work

Literacy Competencies

- Literacy competencies were published as required by August 1, 2014.
 - PreK- 5th Grade
 - Middle/High School Content Teachers
 - Middle/High School Reading (ELA) Teachers
 - Administrators
 - Reading Coaches

Literacy Competencies

- These competencies will be the basis for all professional development and or graduate coursework that is approved and offered in the state.
- These competencies are based on International Reading Association standards, best practices, and input from South Carolina stakeholders.

Current Teachers

Early Childhood teachers
Elementary teachers
Special Education teachers
Speech Pathologists
Media Specialists

**must earn the
Literacy Teacher Endorsement
within 10 years
of their most recent certification.**

Literacy Teacher Endorsement Beginning 2015-16

- Option #1: Enroll in SCDE-approved college coursework to complete the required 4 courses (12 credit hours)
- Option #2: Enroll in a SCDE-approved professional development program and earn the 240 renewal credits
- Option #3: Enroll in a combination of college credit and professional development

Current Teachers

Middle and Secondary teachers

**must complete the
Literacy Requirement
within 5 years
of their most recent certification.**

Literacy Requirement

- Option #1: Enroll in one SCDE-approved college course
- Option #2: Complete 60 renewal credits with SCDE-approved professional development

Others

Principals

School Psychologists

Guidance Counselors

**are required to take one college course
(3 credit hours) or 60 renewal credits
within 5 years of their most recent certification.**

SCDE will be providing an online professional development course by which this can be accomplished. (Participant will have to incur cost.)

Approval Process

All college coursework (virtual and face-to-face) and professional development intended to meet the Literacy Teacher Endorsement and/or the Literacy Requirement must be approved.

CDEP

- Child Development Education Program
- Early learning and literacy

CDEP Coordinator

Penny Danielson

pdanielson@ed.sc.gov

Teacher Preparation Programs

2014-2016

- Institutions of Higher Education (IHEs) will begin evaluating their current coursework to make sure they meet the competencies and the Literacy Teacher Endorsement and/or the Literacy Requirement.

2016-17

- IHE catalogs must reflect updated courses for candidates entering preparation programs.

Teacher Preparation Programs

SCDE staff will release specific guidelines for EPPs by October 1, 2014, after dialogue between offices and with teacher education deans.

Reading Coaches

Three ways in which a Reading Coach can be hired:

- Holds a Bachelor's degree or higher in Elementary Education *and* Literacy Coach add-on certification ***or***
- Holds a Master's degree in Reading *and* pursuing his/her Literacy Coach Endorsement ***or***
- Holds a Bachelor's degree or higher *and* is actively pursuing his/her Literacy Coach Endorsement.

Reading Coach Institute

Those districts who accepted state allocated funds for a Reading Coach will send their Reading Coach to the SCDE Reading Coach Institute.

Literacy Coach Endorsement

- Option #1
 - Completed Literacy Teacher Endorsement
 - Enrolled in courses that have been approved
- Option #2
 - Enrolled in the SCDE Literacy Leader/ Reading Coach Institute or an approved professional development program for Literacy Coach Endorsement

Reading Coach Institute

In order to meet the allocation guidelines for the funds for state funded school based Reading Coaches, reading coaches must attend the twice a month training that is provided by the SCDE.

Communication Plan

- R2S Liaisons will be the point of contact between the SCDE and the district.
- Monthly virtual sessions will be held to disseminate information to district and school level administrators. This will occur prior to the Reading Coach Institute each month.

Contact Information

Candice Walsh, R2S Coordinator

clwalsh@ed.sc.gov

803-734-0091

Penny Danielson, CDEP Coordinator

pdanielson@ed.sc.gov

803-734-8251



2014 Fall Special Education

Leadership Meeting

Medicaid Services

September 25, 2014

Medallion Conference center

Columbia, S.C.

Medicaid Services

- School-Based Rehabilitative Therapy Services: Speech-Language Pathology, Audiology, Occupational Therapy, Physical Therapy, Orientation and Mobility
- Nursing
- Rehabilitative Behavioral Health Services (RBHS)
- Special Needs Transportation (SNT)
- School District Administrative Claiming (SDAC)

SCDHHS/SCDE Annual QA Report

Discrepancies in SY13 – SY14

Corrective Action Plan (CAP)

111 CAP causing discrepancies

Occupational Therapy, Speech, and Psychological services tied for the highest (23 discrepancies):

- Invalid referrals
- Invalid evaluations/re-evaluations
- Invalid Progress Summary Notes
- Invalid Clinical Service Notes

LEA Medicaid Reimbursements

Service	FY 2011-12	FY 2012-13
Speech Language Therapy	20,139,967	18,460,939
Nursing	7,683,375	8,030,730
RBHS	6,222,513	4,282,272
Occupational Therapy	4,116,952	4,264,721
School Psychology	2,763,048	2,998,049
MAPPS	1,774,892	1,781,894
Physical Therapy	1,479,400	1,487,877
Orientation & Mobility	62,698	65,659
Non-Emergency Transportation	144,347	65,134
Audiology	3,470	14,964
Total Reimbursements	44,390,662	41,452,243

LEA Medicaid Reimbursements

Decrease in Reimbursement:

- Lack of qualified and adequate staff to provide services
- Lack of training and technical assistance
- Retirement, resignations, and staff departures
- Program closures due to a lack of sustainability

FY 2011-12 and FY 2012-13 SDAC Medicaid Reimbursements

The participating districts generated \$4,145,644 in Medicaid reimbursements, a **decrease of \$352,759** from the prior year of \$4,498,403 in Medicaid reimbursements.

Service	FY 2011-12	FY 2012-13
SDAC	4,498,403	4,145,644

Factors Leading to a Decrease in SDAC Reimbursement, cont'd.

- Decrease in district-wide expenditures for purchased services and supplies related to staff on the SDAC roster
- Decrease in district-wide non-federal salaries and fringes reported by district finance/business department
- Decrease in the number of participants participating in the random moment sampling because of ineligibility related to job function changes, retirement, resignation, extended medical leave, and staff departures

Rehab Updates and Changes

SCDHHS Reviewing: LLR Board clarification on referrals across discipline:

“A beneficiary is referred by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law.” **LEA Manual, p.2-11**

“An occupational therapist’s (OT) scope is limited to occupational therapy. A speech-language pathologist’s (SLP) scope is limited to the practice of speech language pathology. A registered nurse’s (RN) scope is limited to nursing. Accordingly, referring across disciplines would be outside the scope of practice
for OTs, SLPs, and RNs.” **LLR Board**



School District RBHS Programs

RBHS Updates and Changes

- **Elimination of the 254 Form (outpatient services) and 257(residential or hospital treatment)** for private providers (SCDE creates and recommends use of a separate referral form)
- **Elimination of the DHHS Form 255** for referral for Psychological Evaluation and Testing (SCDE creates and recommends use of a separate referral form)
- **Diagnostic Assessment** now required to determine Medical Necessity and must be provided before any RBHS services

RBHS Updates and Changes

- **The Individual Plan of Care is required for RBHS**, the IEP will not be accepted as the treatment plan
- **ICD-10 implementation date extended to October 15, 2015**

Emerging Trends and Opportunities

- School Based Health Services
- Telemedicine
- Rehabilitative Behavioral Health Services (RBHS)

**SCHOOL DISTRICT RBHS
PROGRAMS**

TOTAL

District Provides RBHS

23

District Contracts with SCDMH

59

**Districts Provides and Contracts with
SCDMH**

18

No RBHS Contract Approval

59



SOUTH CAROLINA
STATE DEPARTMENT
OF EDUCATION

Fall 2014
Special Education
Leadership Meeting

September 25 – 26, 2014
Medallion Conference Center

Office of Special Education Services





Friday, September 26, 2014

Office of Special Education Services



**The morning refreshments are
arranged by
SC CASE**

Coming together is a beginning; keeping together is progress; working together is success.

Henry Ford



**JOHN PAYNE, DIRECTOR
OFFICE OF SPECIAL
EDUCATION SERVICES**

If you can dream it, you can do it.

Walt Disney



PROGRAMS & INITIATIVES



PROGRAMS AND INITIATIVES

Tresa C. Diggs Ed.D., Team Lead

Education Associates:

- ✦ Bev Bequeath-Collom, Reading
- ✦ LaJamea Dixon, ED/Behavior
- ✦ Norma Donaldson-Jenkins, Preschool
- ✦ Mary Etta Taylor, Mild Disabilities- Secondary; Transition
- ✦ Kim Watkins, ID/Alternate; Assessment

SPDG / Gateways

Team Members

CREATE

- 🍁 Dr. Joe Sutton, Coordinator

Assistive Technology Specialists

- 🍁 Mark Daniels, Upstate
- 🍁 Val Gioia, Pee Dee
- 🍁 Madalina Tudora, Coastal

Consultants

- 🍁 Lee Speer, Visual Impaired
- 🍁 Maureen Irons, Deaf & Hard of Hearing

PROGRAMS AND INITIATIVES

Responsible for projects, events, meetings, programs, and committees or work groups that have been, or will be, developed by the Office of Special Education Services (OSES) to improve educational outcomes for students with disabilities.



STATE SYSTEMATIC IMPROVEMENT PLAN (SSIP)



Systematic School Improvement Plan

A TEAM EFFORT

- ❁ Coordinated by Norma Donaldson-Jenkins with the assistance of the Mid-South Regional Resource Center Program
- ❁ Core Team: LaJamea Dixon, Mary Etta Taylor, Cheryl Fitts, Beverly Collom, Kim Watkins, Fred Edora
- ❁ Stakeholder and Core Team Meetings



PROFESSIONAL DEVELOPMENT & TRAINING

PROFESSIONAL DEVELOPMENT

New Directors' Leadership Academy (NDLA)

- ✿ Wednesday, November 5, 2014, Olympia Learning Center
- ✿ Wednesday, January 21, 2015, Olympia Learning Center
- ✿ Thursday, March 12, 2015, Lyon Street Student Services Center

Fall Administrators' Conference

- ✿ September 25 & 26, 2014, Medallion Conference Room, 7309 Garners Ferry Road, Columbia, SC 29209

Spring Administrators' Conference

- ✿ TBD

Research to Practice

- ✿ July 13 – 17, 2015

Professional Development

- ✦ Early Intervention Training
- ✦ Universal Design for Learning
- ✦ Post Secondary Transition
- ✦ Crisis Intervention
- ✦ Assistive Technology
- ✦ Vision/Hearing Technical Assistance
- ✦ Alternative Assessment

Assistive Technology Specialists

- ✿ Provide technical assistance to districts within assigned region
- ✿ Train school staff on various devices and accommodations needed by students
- ✿ Participate in district assistive technology team meetings
- ✿ Conduct trainings for community agencies

Assistive Technology Specialists

Upstate Region

Mark Daniels, M.Ed.

Greenville, SC

864-355-3708

mdaniels@ed.sc.gov



Pee Dee Region

Valeska N. Gioia, Ed.S. ATP

Sumter, SC

803-316-3190

vgioia@ed.sc.gov



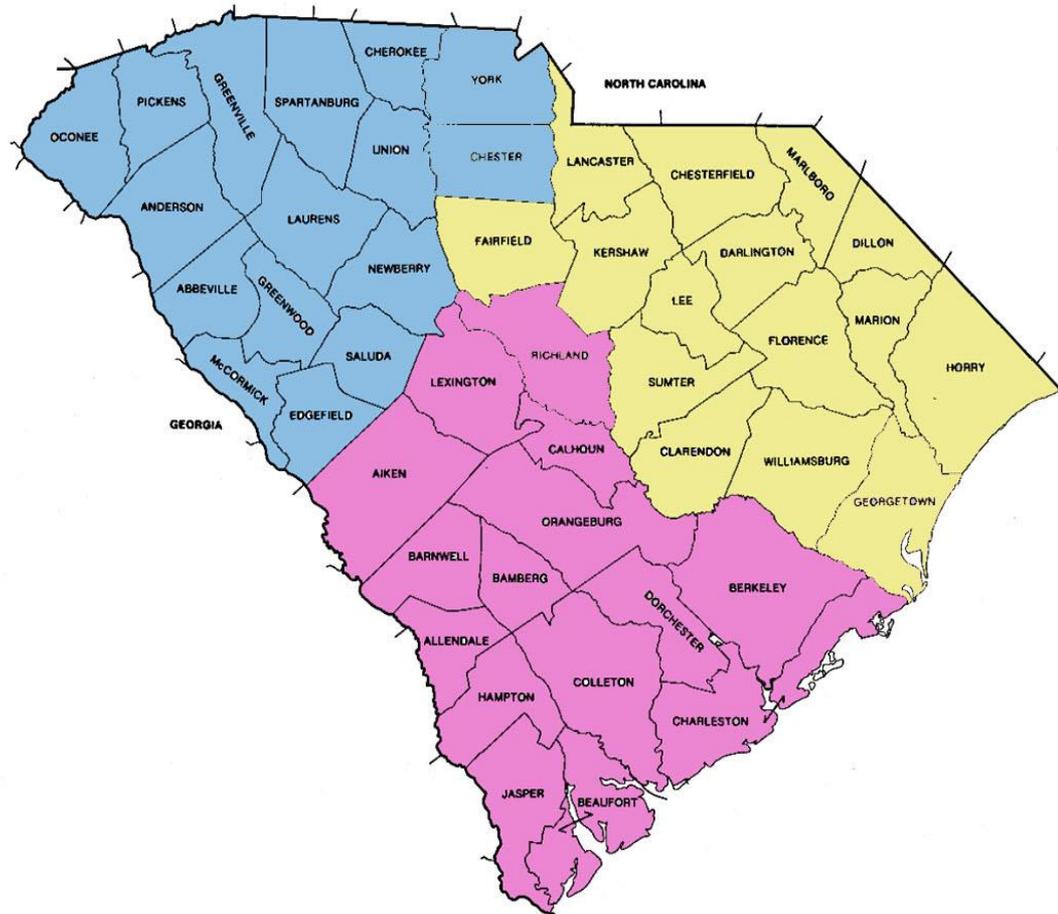
Coastal Region

Madalina Tudora, M.Ed., ATP

Columbia, SC

803-734-8224

mtudora@ed.sc.gov



Consultants

- ✦ Maureen Irons— Consultant for Deaf & Hard of Hearing, SC School for the Deaf and Blind
- ✦ Lee Speers— Consultant for the Vision Impaired, SC School for the Deaf and Blind
- ✦ Travel statewide to provide technical assistance to districts with hearing impaired students

State Personnel Development Grant (SPDG)

South Carolina Gateways: Cradles to Careers



SPDG

SC Gateways: Cradles to Careers

- ✿ A 5-year federally-funded grant with a vision of enriching personnel preparation and professional development systems for preschool, education and transition services that will lead to improved results for children with disabilities.
- ✿ Beginning Date 10/1/2010
- ✿ Ending Date 9/30/2015

SC Gateways Participating Districts

Barnwell 29	Fort Mill	Spartanburg 2
Charleston	Georgetown	Spartanburg 6
Colleton	Lancaster	Williston
Dillon	Lexington 2	
Florence 3	Newberry	



**Centers for the Re-Education and Advancement of
Teachers in Special Education and Related
Services Personnel**

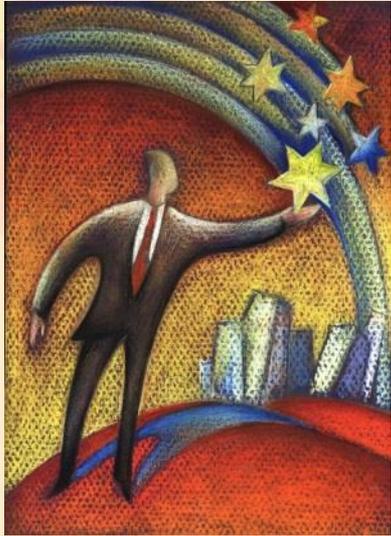
The South Carolina Department of Education (SCDE) seeks to grow a highly qualified and effective special education teacher and related services workforce in South Carolina public and charter schools.



Through a collaborative partnership with local school districts and 13 of the State's leading colleges and universities, CREATE assists qualified individuals in obtaining:

- (a) add-on, alternative, or initial licensure in special education,
- (b) advanced certification in speech-language pathology, or
- (c) national certification as a board certified behavior analyst.

Course scholarships provide financial support for tuition and textbook costs.



**We are committed to
providing support.**

**Your success is our
success.**



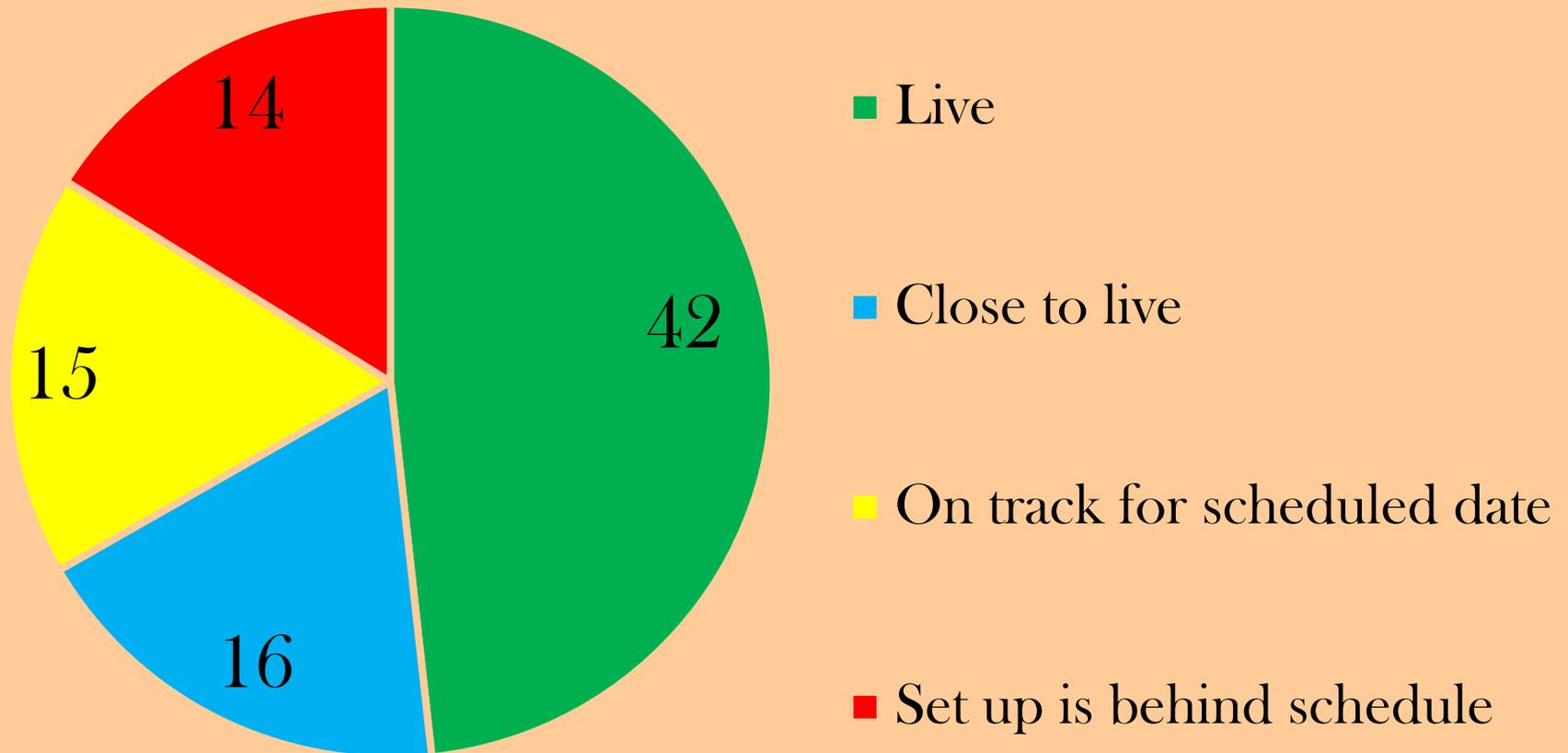
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State Systemic Improvement Plan

SC Enrich IEP Updates

Implementation Status Report

SC Enrich IEP Implementation (as of 9/19)



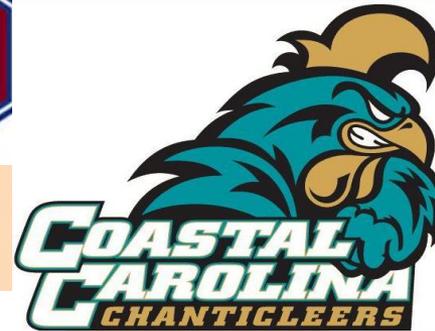
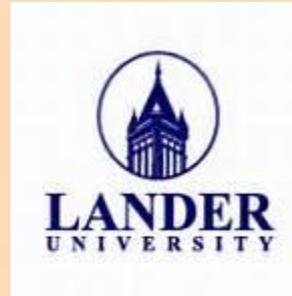
Configuration Changes



Examples:

- Revised Initial Evaluation Process
- Transportation Form
- Statewide Assessments

Enrich University



SC Enrich IEP Resource Materials

- SC Enrich IEP Project Portal
 - Deployment information
 - Guides
 - Training documents
- Help function within Enrich system
 - Guides
 - Product release notes
 - Sample documents
- OSES website – SC Enrich IEP page
 - Links
 - FAQs
 - OSES memos
- Materials created by other districts

OSSES Support

- Surveys
- SCASA Meeting
- Consortium Meetings
- District Visits
- Conference Calls
- GoToMeetings



SC Enrich IEP Regional Clinics

- State split by regions
- 2 Enrich IEP power users per district
- Laptops
- To register send the names of the two participants and their emails to Tabitha Strickland at tstrickland@ed.sc.gov.

Time: 10:00 am – 3:00 pm

Regional Dates: See next slide

Lunch on your own

SC Enrich IEP Regional Clinics

1

2

3

4

Abbeville	Cherokee	Aiken	Calhoun
Anderson 1	Laurens 55	De La Howe	DJJ
Anderson 2	Laurens 56	Edgefield	Lee
Anderson 3	SC Governor's School	Lexington 1	Orangeburg 4
Anderson 4	SCSD&B	Lexington 2	Orangeburg 5
Anderson 5*	Spartanburg 1	Lexington 3*	Palmetto Unified
Greenwood 50	Spartanburg 2	Lexington 4	Richland 1
Greenwood 51	Spartanburg 3	Lexington 5	Richland 2
Greenwood 52	Spartanburg 4	McCormick	SC Felton Lab
Oconee	Spartanburg 5	Newberry	SC Public Charter School*
Pickens	Spartanburg 6*	Saluda	Sumter
	Spartanburg 7		Wil Lou Gray
	Union		
10/14/14	10/13/14	10/07/14	10/07/14

SC Enrich IEP Regional Clinics

5

6

7

8

Chester*	Allendale	Berkeley	Darlington
Chesterfield	Bamberg 1	Charleston	Dillon 3
Fairfield	Bamberg 2	Clarendon 1	Dillon 4
Kershaw	Barnwell 19	Clarendon 2	Florence 1*
Lancaster	Barnwell 29	Clarendon 3	Florence 2
York 1	Barnwell 45	Dorchester 2	Florence 3
York 2	Beaufort	Dorchester 4*	Florence 4
York 3	Colleton	Georgetown	Florence 5
York 4	Hampton 1*	Orangeburg 3	Horry
	Hampton 2	Williamsburg	Marion
	Jasper		Marlboro
10/09/14	10/09/14	10/08/14	10/08/14

SC Enrich Data Collection (Enrich Central)

*** This is a training/demo system *** Not a permanent record ***



Home > Administration

 Administration

Sign Out

 Help



Users and Security

-  Add New User
- » View All Users
- » Roles
- » Sign-In Contexts
- » Security Notifications



Programs

- » Setup Responsibilities
- » Setup Text Assistant
- » Setup Special Factors
- » Probe Score Import
- » Manage Buses
- » Configure Modifications/Accommodations

Special Education

- » Plans & Actions
- » Structure
- » Progress Monitoring
- » Services
- » Compliance Checks
- » Documents
- » Formlets



System Settings

- » Sign-In Message
- » Mail Server
- » Updates
- » User Experience Improvement
- » Health Check
- » Support Dashboard
- » Manage APIs
- » Link API



Imports

- » Unpause Records
- » Merge Duplicate Records
- » Configure SIS System Settings



Data Collections



Test Scores

- » Manage Tests

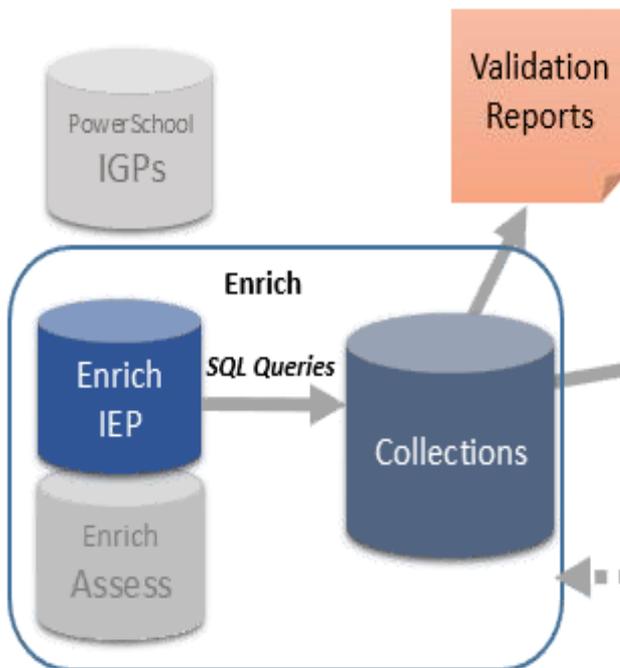
Enrich Central

IEP Data Collection Process



District

2. Login to Enrich locally and run local data collection (or schedule automated collections).



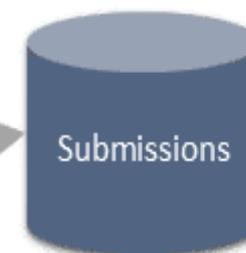
3. Run validation reports locally and fix errors.

4. Send files to SCDE.

SCDE



5. Login to Enrich Central and run reports.



1. SCDE publishes queries and validation rules to district Enrich systems as needed.

Enrich® version 10.0



Knowledgebase

Search

Additional Information

- [Product Documentation](#)
- [Feature Release Notes](#)
- [Product Videos](#)
- [Known Issues](#)
- [System Update History](#)



Update Notifications



System Settings

- » Sign-In Message
- » Mail Server
- » Updates
- » User Experience Improvement
- » Health Check
- » Support Dashboard
- » Manage APIs
- » Link API

System Settings

Sign-In Message Mail Server **Updates** User Experience Improvement Health Check Support API Management

Updates

Print Help

Check for Update Now System Update History

Enrich will check for updates periodically. Please specify the settings for when updates are installed below.

Available Updates No updates are available as of 9/19/2014 7:25:07 AM

Send Notifications To
You may enter multiple addresses. Example: name1@address.xyz; name2@address.xyz

Automatic Scheduling When an update becomes available it will be scheduled for installation according to the following settings.

Time

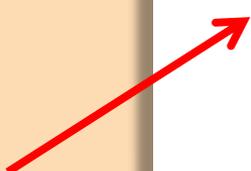
Automatically schedule maintenance updates

Automatically schedule feature updates:

Only On Mon Tue Wed Thur Fri Sat Sun

Review weekday(s) before installing

Save Cancel



The CC&S Team *Project Phases*

✓ Implementation

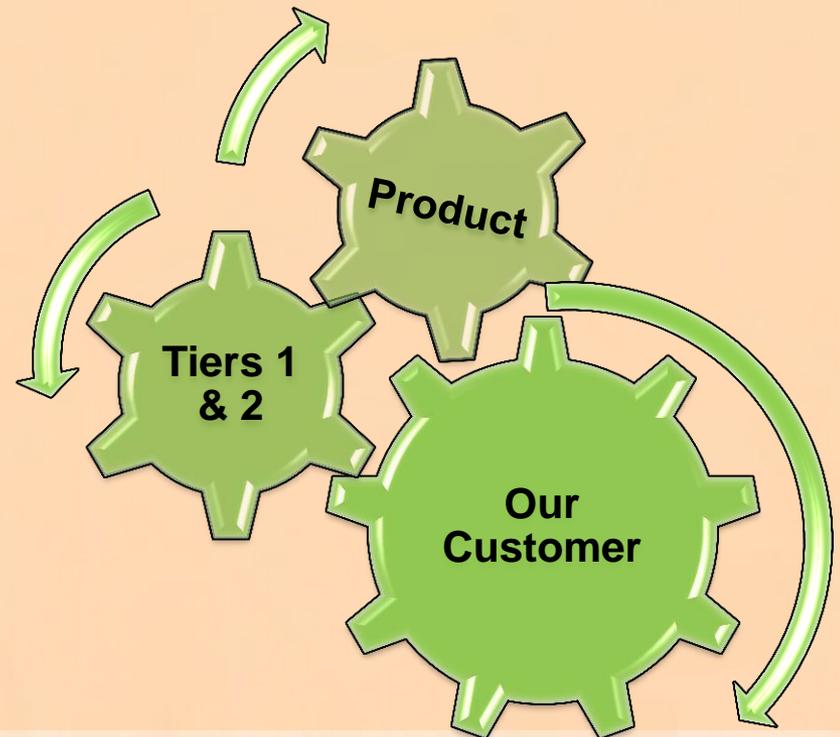
- Data issues - Excent data team
- Other questions - Linda Snapp

✓ Post transition to Customer Care

- Helpdesk@excent.com
- Customer Care Portal

✓ Live but not transitioned

- Contact Linda Snapp



Please hand-in any questions you may have to one of the staff of the Office of Special Education Services.





***On behalf of the staff
at the SC Department
of Education...***

THANK YOU

***for all you do for the
children of South
Carolina***

Please drive safely on your way home!

FALL ADMINISTRATORS' TRAINING 2014

**Barbara A. Drayton
Deputy General Counsel
South Carolina Department of Education
Office of General Counsel
bdrayton@ed.sc.gov**

HOT TOPICS

(Still)



Money



Maintenance of Effort (MOE)

**In the Matter of
The S.C. Department of Education
(SCDE)**

v.

**The United States Education
Department (USED)**

Proviso 1.80

SDE: Educational Credit for Exceptional Needs Children

(B) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for students with 'exceptional needs' to attend an independent school.

(C) An 'exceptional needs' child is defined as a child who

Option #1:

(1)(a) who has been evaluated in accordance with South Carolina's evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act;

OR

Option #2:

(1)(b) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psycho-educational, or other comparable licensed healthcare provider as having a neurodevelopmental disorder; a substantial sensory or physical impairment (such as deaf, blind, or orthopedic disability); or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs; and

(2) the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.

Most Common Issues of Noncompliance



- 1. Failure to fully implement the individualized educational program (IEP).**
- 2. Failure to include measurable annual goals in the IEP.**
- 3. Failure to include appropriate present levels of academic achievement and functional performance in the IEP.**
- 4. Failure to issue progress reports or progress reports that provide any valuable information.**
- 5. Failure to provide instruction by an appropriately certified and highly qualified teacher.**

6. **Failure to issue prior written notice (PWN) or sufficient PWN.**
7. **Failure to accurately explain the extent, if any, to which the student WILL NOT participate with non-exceptional students in the regular class and/or in extracurricular and other non-academic activities.**
8. **Failure to evaluate in an timely manner (child find).**
9. **Failure to consider the need for positive behavioral interventions, supports, and strategies.**
10. **Overall denial of a free appropriate public education (FAPE).**

Shortened School Day

Reasons initiated by the local educational agency (LEA) that cause findings of noncompliance

- School Bus or Bus Driver Shortages**
- Location of Programs**
- Lack of Services, Support, or Personnel**
- Budgetary Constraints**
- Interfering Behaviors**
- Across-the-Board Policies**
- Failure to First Consider the Need for Accommodations**

Shortened School Day

- ◆ **Establish policies and procedures;**
- ◆ **Convene the IEP team to address any contention or allegation by a parent that the related services in a student's IEP are not appropriate or sufficient to provide the child a FAPE;**

- ◆ **Consider parental requests for additional related services;**
- ◆ **Explain that it is within the authority of the student's IEP team to review a parental request for an abbreviated school day and determine what amount, type, and frequency of special education and related services a student needs to benefit from his or her educational program; and**
- ◆ **Determine if additional services are necessary for the student to receive a FAPE.**

- ◆ **If the IEP team determines that the related services at issue are not necessary to provide the student a FAPE or are not appropriate, determine if there are any other supports or services that the student may need to benefit from or access his or her educational program in the least restrictive environment (LRE).**
- ◆ **If no, explain the decision to the parents and issue the appropriate PWN.**

Shortened School Day Considerations

In accordance with S.C. Code Ann. Regs. 43-274, the District board of trustees, or its designee, has the authority to approve or disapprove any absences in excess of ten days, whether lawful, unlawful, or a combination thereof, for children in grades kindergarten through twelve.

On the other hand, if a school district institutes a carte blanche waiver of the attendance policy that allows parents of children with disabilities to elect to only have their children attend school for a partial day or a partial week, the school district runs the risk of children with disabilities being consistently absent from school during periods of special and general education instruction and related services.

- ◆ **This will most likely lead to students with disabilities failing to meet the academic and functional goals in their IEPs and missing out on the opportunity to receive a FAPE.**
- ◆ **Excessive absenteeism creates gaps in children's education and makes it difficult for school districts to ensure that students with disabilities receive appropriate Individuals with Disabilities Education Act (IDEA)-related services.**

An uneven application of the state's compulsory attendance laws and district's attendance policies, simply based upon whether a student has a disability or not, could leave a school district open to a claim of discrimination based upon the failure to ensure that students with disabilities attend school and have equal access to educational programs in the same manner as nondisabled students.

- ◆ **The Department of Disabilities and Special Needs (DDSN) has notified school districts in the state and private providers that the waived services approved by the Centers for Medicare and Medicaid Services pertaining to Pervasive Developmental Disorder (PDD) are not to be provided in a setting where educational services are being provided. The DDSN expressly states that the intent of this waiver is not to supplant or interfere with any services provided by certified educational entities.**
- ◆ **State law also prohibits persons from enticing students away from school.**

Parental Requests for Shortened School Days

◆ Doctors' Recommendations for Program Modifications

K.E. v. Indep. Sch. Dist. No. 15, 57 IDELR 61 (8th Cir. 2011)-Court held that the record was clear that district considered evaluation and recommendations of doctor ... and IEP team considered, took into account, and accommodated the reported mood and bipolar disorders that had been diagnosed.

◆ Medical Reasons

Lewisville Indep. Sch. Dist., 110 LRP 17630 (SEA TX 08/30/05)-Parent could not sustain burden to justify shortened school day after district's expert medical witness opined that student's records did not present anything to require shortened school day.

Shortened School Day

Ruling from the United States Department of Education, Office for Civil Rights

The complaint was filed with the District of Columbia Office of the Office for Civil Rights (OCR), U.S. Department of Education (the Department), on December 13, 2013, against (the District).

The Complainant alleged the District discriminates against students with disabilities by refusing to excuse the absences of students with therapeutic appointments during the school day.

The Complainant alleged the District discriminates against students with disabilities who may need outside therapies.

The Complainant based this assertion on a series of letters issued by the District and its counsel, which identify how schools are to handle student absences/tardies due to third-party therapy appointments during the school day and further asserts that, because of these letters and the attendance practice, parents of students with disabilities are ending their third-party therapy sessions for fear of facing truancy issues.

On June 6, 2013, the District issued a letter to all parents informing them that tardies and absences during the school day for private, third-party services, therapies or educational services (collectively, therapies) would no longer be excused. Additionally, the letter informed parents that any absences/tardies due to these therapies would be handled consistent with the District's Attendance Policies and Procedures.

Attached to the June 6th letter to parents was a June 4th letter to school principals from the District's director of special services.

This letter informed principals that it is the SCDE's position that "school districts may not allow students with disabilities to be habitually absent from school to accommodate the families' preferences for private, third-party services, therapies, or educational services not included in the student's [individualized educational program] IEP, during the student's regularly scheduled school day."

The OCR noted that the June 2013 letter articulates a facially-neutral policy that applies to both students with and without disabilities. In the absence of any evidence of intentional discrimination, the OCR analyzed this policy under the disparate impact framework.

The threshold question for this analysis is whether the challenged policy has a disparate impact on students with disabilities.

OCR's Conclusion

The OCR also did not find any examples of students with disabilities (or without disabilities) who were deterred from seeking therapeutic services outside of the school.

With regard to students who seek therapeutic services because of their disabilities, the OCR notes, under the FAPE discussion below, that the District explicitly contemplated this situation, and required schools to convene IEP meetings to ensure that students with disabilities are receiving proper services.

This requirement will likely prevent students with disabilities from discontinuing any therapeutic services that are related to their disabilities and instead will ensure that the District is providing the students with appropriate services.

The OCR has no evidence that students with disabilities are more likely than students without disabilities to seek therapeutic services that are not related to their disability. As a result, the OCR did not find any evidence that the District's policy has a disparate adverse impact on students with disabilities.

FAPE Analysis

The OCR also considered whether any student was denied a FAPE due to the June 2013 policy. The June 4th letter also informed staff that steps must be taken to address student absences and reminded staff that when a school learns of a student's absences due to participation in private therapies, the school should reconvene that student's IEP team to determine if additional therapies are needed in the school setting.

The letter cited SC Code § 16-17-510, which makes it "unlawful" for providers to encourage or require their clients to miss the regularly scheduled school day to receive therapy and concluded by stating that the District now will address these absences through the same avenues the District would use for students without disabilities.

Based upon our review of the information gathered and the applicable law, we have determined that there is insufficient evidence to conclude a violation of the law as alleged.

The United States Justice Department

The background of the slide features a large, faint, light blue watermark of the United States Department of Justice seal. The seal is circular and contains the text "DEPARTMENT OF JUSTICE" at the top and "QUI PRO DOMINA JUSTITIA SEQUITUR" at the bottom. In the center of the seal, there is a figure of a woman holding a scale of justice, with a sword and a laurel wreath. The seal is positioned behind the main text, which is centered on the page.

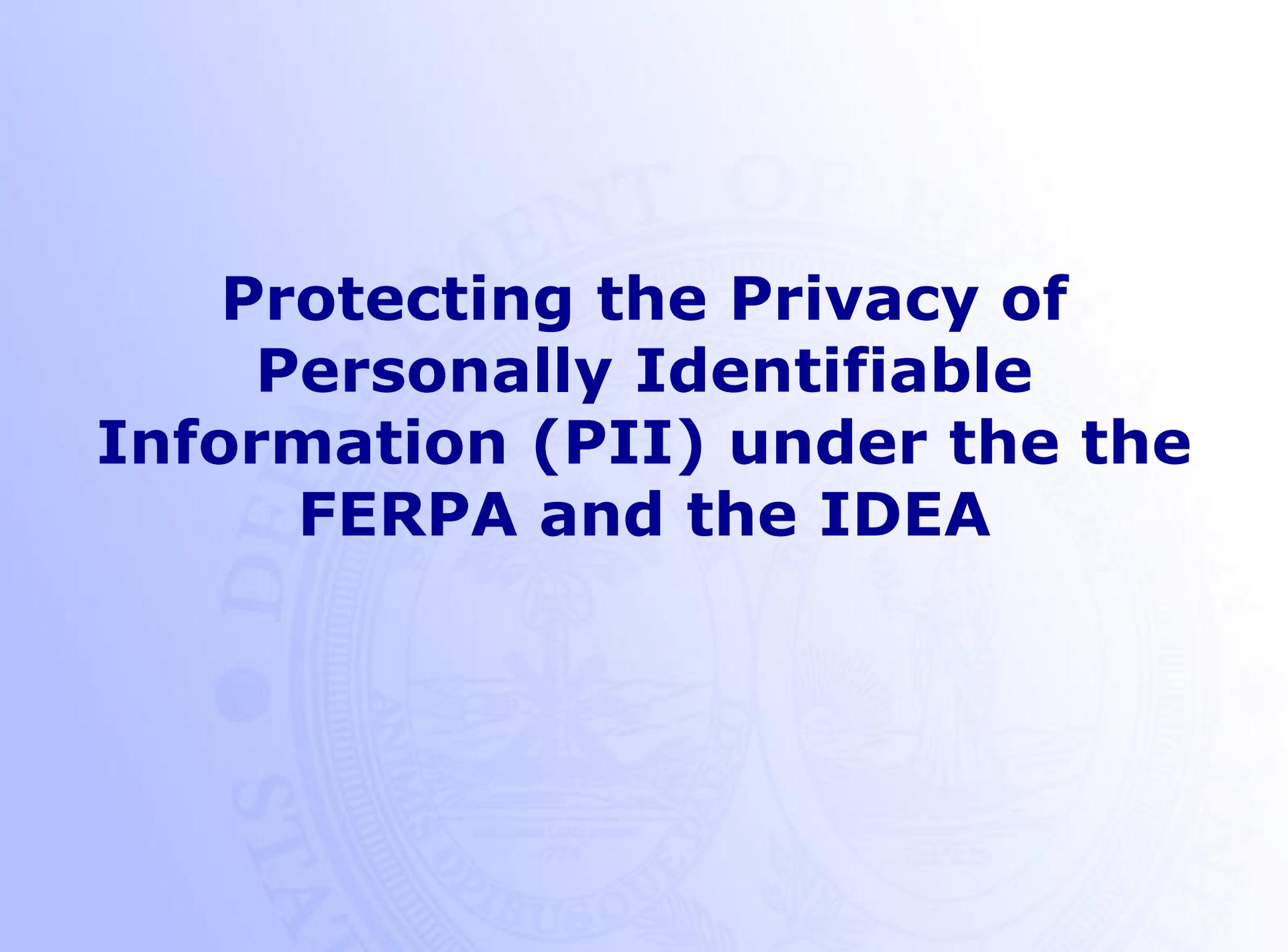
S.S. v. City of Springfield, Mass.

No. 3:14-cv-30116-MGM

(D. Mass. 08/27/14, statement of interest filed)

When the parents filed a lawsuit under the Americans with Disabilities Act (ADA) after losing their IDEA-related case, the school district argued a student who has lost his due process claim at the hearing officer and state review levels must appeal the decision in court to satisfy the exhaustion requirement.

The Department of Justice takes the stance that the plaintiffs opted to forego the IDEA's special education-related protections and to instead invoke the ADA's nondiscrimination and equal opportunity promises. The decision to choose among the available basis for relief is, quite simply, the plaintiffs' prerogative.



**Protecting the Privacy of
Personally Identifiable
Information (PII) under the the
FERPA and the IDEA**

School-Based Telemedicine

(and Other Agreements with Outside Parties)

FERPA § 99.30 - Prior consent required to disclose PII

- (a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in § 99.31.**
- (b) The written consent must:**
 - (1) Specify the records that may be disclosed;**
 - (2) State the purpose of the disclosure; and**
 - (3) Identify the party or class of parties to whom the disclosure may be made.**

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

IDEA § 300.622 - Consent

- (a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 C.F.R. part 99.**

- Any and all standardized testing or activities required by law, under which individual student data are collected and/or shared with the federal government or other entities outside of the local school district; or are used for the purposes of school, student, or teacher accountability, including but not by way of limitation to, academic, achievement and annual tests, state-wide performance assessments and Common Core State Standards aligned assessments and pilots, computer adaptive testing and assessments designed by Smarter Balanced Assessment Consortium (SBAC) or Partnership for Assessment of Readiness for College and Careers (PARCC).**

- Any and all tests, assessments, or surveys not limited solely to proficiency in core academic subjects.**
- Any and all tests, assessments, or surveys used to measure pupils' values, attitudes or beliefs.**
- The sharing with any party outside of the local school district of my child's student ID number, social security number, or other unique identifying number.**

- **Any computer or online based educational services activities or assessments through which individual student data or metadata is stored in a manner inconsistent with industry requirements and best practices or is shared with any party outside the local school district.**
- **Any Common Core State Standards aligned activities, surveys or assessments that concern the attitudes, beliefs, including religious or political beliefs, or value systems of individual students.**

There is no state provision for parents or eligible students (who are age eighteen or older) to opt-out of state-wide or district-wide testing. The current state-mandated system was created in 1998, when the South Carolina General Assembly passed the Education Accountability Act (EAA) (S.C. Code Ann. § 59-18-100 *et seq.* (Supp. 2014)) to hold public schools accountable for the performance of their students. Section 59-18-320 of the EAA states that “the standards based assessment of mathematics, English/language arts, social studies, and science will be administered to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act” (emphasis added).

- **In addition, Act 200 of 2014, which amended S.C. Code Ann. § 59-18-325 of the EAA, as added by Act 155 of 2014, requires the South Carolina Budget and Control Board to procure a summative assessment system to be administered to all students in grades three through eight (and if funds are available, administered to students in grades nine and ten), beginning in 2014–15.**
- **The summative assessment must assess students in English/language arts and mathematics, including those students as required by the IDEA and by Title I of the ESEA.**

- **The SCDE also must administer the state-developed and adopted assessments in science and social studies to all students in grades four through eight, and a college readiness assessment and WorkKeys assessment to all students in grade eleven.**
- **The IDEA regulation at 34 C.F.R. § 300.160 mandates that a state ensure that all children with disabilities are included in all general state and district-wide assessment programs, with appropriate accommodations and alternative assessments, if necessary. See the IDEA Regulation 34 C.F.R. § 300.160.**

In accordance with the Family Educational Rights and Privacy Act 34 - C.F.R § 99.31

- Schools May Disclose Records Without Consent if a federal exception applies. One such exception is to certain government officials in order to carry out lawful functions.**
- Authorized federal authorities, including representatives of the U.S. Comptroller General and the Secretary of Education, and state education authorities may have access without consent to students' education records to audit and evaluate federally funded education programs. The U.S. Attorney General, and agency officials working on the Attorney General's behalf, may have access for law enforcement purposes. Federal and state authorities must prevent unauthorized disclosure of the data they receive.**

In accordance with the IDEA regulation at 34 C.F.R. § 300.622

(a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 C.F.R. part 99.

(b)(1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.

- **As established by Act 200, the SCDE's Data Use and Governance Policy (S.C. Code §59-1-490), ensures that all student data collected, managed, stored, transmitted, used, reported, and destroyed by the SCDE is conducted in a manner to preserve and protect individual and collective privacy rights and confidentiality and security of collected data, in compliance with the FERPA.**
- **The policy provides that all data elements collected and transferred from the SCDE to the United States Department of Education (USDE) must be based on the reporting requirements contained in ED Facts as provided by the USDE, or other federal laws and regulations, and only may include aggregated data with no personally identifiable data.**



WHAT ARE THE COURTS SAYING?

***T.M., by A.M. and R.M., his
parents, Plaintiff-Appellant
Cross-Appellee, v. Cornwall
Central School District,
Defendant-Appellee Cross-
Appellant***

752 F.3d 145

U.S. Court of Appeals, Second Circuit

12-430112-4484

April 2, 2014

School districts in New York, Connecticut, and Vermont should make sure they have a continuum of extended school year (ESY) placements available for students with disabilities who require special education services over the summer months.

In a case of first impression, the 2d Circuit held that the LRE requirement applies to ESY programs in the same manner it applies to school year placements.

The 2d Circuit rejected a New York district's argument that the LRE provision only applies to ESY placements if the district has a range of programs available. "Under the IDEA, [a student's] least restrictive environment refers to the least restrictive educational setting consistent with that student's needs, not the least restrictive setting that the school district chooses to make available," U.S. Circuit Judge Robert A. Katzmann wrote for the three-judge panel.

Noting that ESY services are an essential program component for students who require year-round services to prevent substantial regression, the court explained that the LRE requirement applied with the same force in the summer months as it did during the regular school year. As such, the court explained, districts must ensure that they have a range of educational settings available for ESY placements.

If a district does not offer a mainstream ESY program, it can still make a continuum of ESY placements available by considering a private summer program or a mainstream ESY program offered by another public entity.

WHAT IS THE OFFICE FOR CIVIL RIGHTS (OCR) SAYING?

On-line/Virtual Schools and Courses

On May 26, 2011, the OCR issued a Dear Colleague Letter, including Frequently Asked Questions (FAQ), to provide further clarification that the FAQ issued to colleges and universities also applies to elementary and secondary institutions, and further clarifies that students with disabilities, especially students with visual impairments, are to be afforded “the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students.” The Dear Colleague Letter explains that the educational institution must ensure that students with disabilities can access the educational opportunities and benefits with “substantially equivalent ease of use” as students without disabilities.

The FAQ also makes clear that an accommodation or modification that is available only at certain times or under certain conditions (such as when an aide is available to read to the student) will not be considered “equally effective and equally integrated” where other students have access to the same information at any time and any location, as is the case with a website or other on-line content.

OCR's Conclusion

- ◆ **Images lacked alternative text attributes which enable screen reader software to describe the images on the school's home page.**
- ◆ **Color contrast issues were present throughout the site.**
- ◆ **A number of items were not available to users of assistive technology, including PDF documents and textbooks, the main navigation bar and the academic navigation bars for the site.**

- ◆ **Assistive technology users could not interact with the links in certain navigation frames.**
- ◆ **Multiple buttons were not labeled, including those to operate videos and, therefore, were not accessible to assistive technology users.**
- ◆ **Multimedia videos lacked closed captions.**

- ◆ **Pop-up windows were not read by screen readers, and keyboard users could not interact with the radial buttons or text boxes. Additionally, pop-up windows could not be closed with the keyboard.**
- ◆ **Supplemental materials such as Noodleverse and other animated instructional materials lacked captioning and full keyboard control to access the information (a mouse is required).**
- ◆ **The Cyber website links to supplemental materials that were not accessible, did not have captioning, and were not fully usable by only the keyboard.**

- ◆ **PDFs were not fully accessible because there were no table tags or the tags did not match the information on the page and alternative text for images is missing.**
- ◆ **The Flashcards lacked keyboard control.**
- ◆ **Audio recordings of lectures opened an audio file with no captions or transcript.**
- ◆ **Video recordings of classes did not have captioning and keyboard control buttons available.**
- ◆ **A textbook contained inaccessible and unlabeled buttons. The content of the textbook was not available to assistive technology tools.**

- ◆ **The calendar did not permit a user to enter an appointment without using a mouse.**
- ◆ **Video recordings of lectures did not have synchronized captions or the video control buttons were not keyboard accessible.**
- ◆ **The fillable fields in the enrollment form were not labeled and were not accessible to a screen reader.**
- ◆ **Colors used in the calendar to show important information could not be seen by a screen reader.**

◆ **Other Issues**

◆ **Questions**