



## Bullying & Harassment in Schools:

### *Its Impact on Students with Disabilities*

**E**very day in our nation's schools, children are threatened, teased, taunted and tormented by schoolyard bullies. It's happening in urban, suburban and rural schools. Students with disabilities are especially vulnerable to bullying problems and harassment based on disability.

While bullying isn't new, educators and professionals now have a better understanding of the scope and impact of the problem. Bullying is a learned behavior that can be prevented. Effective bullying prevention programs are working in schools throughout the country, and are helping parents, students, teachers and school administrators understand and manage bullying.

#### **What Is Bullying & Harassment?**

According to Dr. Dan Olweus, a prominent Norwegian researcher on bullying behaviors, a student is being bullied when he or she is exposed, repeatedly and over time, to acts by another student which intentionally inflict, or attempt to inflict, injury or discomfort.

Bullying may involve physical, verbal or emotional aggression. Young people have also learned to use email and websites to bully or harass others.

- Physical bullying includes punching, poking, strangling, hair pulling, beating, biting and excessive tickling.
- Verbal bullying includes hurtful name-calling, teasing and gossip.
- Emotional bullying includes rejecting, terrorizing, extorting, defaming, humiliating, blackmailing, manipulating, isolating, ostracizing, the infliction of peer pressure and/or rating of personal characteristics such as race, disability, ethnicity or sexual orientation.

Bullying occurs under other names as well. Hazing - including "initiation rites" perpetrated against new students or new members on a sports team - is a form of bullying.

Disability harassment, another type of bullying, was the subject of a memo issued in 2000 by the United States Office of Civil Rights (OCR) and the United States Office of Special Education & Rehabilitation Services (OSERS). The memo describes harassment as intimidation or abusive behavior toward a student based on disability that creates a hostile environment. When harassment limits or denies a student the ability to participate in or benefit from a school's program or activities, the school must respond effectively. It is a violation of federal law.

Harassment may take many forms, including verbal acts and name-calling, graphic or written statements or conduct that is physically threatening, harmful or humiliating.

*continues on page 4*

**Student with Disabilities Banned from Playground**

**page 2**

**IDEA 2004 Brings Changes to Special Education**

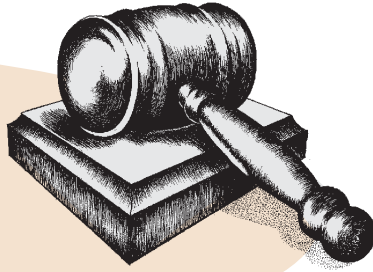
**page 6**

**Teacher's Perspective: Am I 'Highly Qualified'?**

**page 7**

**Winter 2005**

# C from the COURTS



## Child with Disabilities Banned from School Playground

The Maine Supreme Court has agreed to hear a disputed case in which a child with disabilities has been banned from the school playground.

The case involves a 10 year-old boy with Aspergers Syndrome who was banned last year from using the school playground because of his behavior. School administrators said the ban is needed because the boy used profanity on the playground and refused to respond to adult authority. The boy's parents have sued to regain playground privileges for their son, claiming that his perceived rude behavior is a result of the social and language disabilities inherent in children with Aspergers Syndrome.

In an earlier playground altercation, the boy had been accused of hurting another child. The district later determined that the event was the result of the boy having been bullied by another student, and placed blame for the incident on all involved.

Disability advocates are watching this case closely as an example of disability discrimination. After a lower court ruled in favor of the school district earlier this year, the family appealed to the Maine Supreme Court, which is expected to issue a decision this summer.

## Reimbursement for Parental Services

A Federal Court judge has found that the mother of a child with multiple disabilities is entitled to payment for time she spent providing early intervention services to her young daughter, after the public agency failed to provide necessary services.

The case involves a Bucks County, Pennsylvania toddler with autism spectrum disorder, cerebral palsy and deafness. The girl's parents contended that the services provided by the local Office of Mental Retardation under the Early Intervention Program were inadequate. The mother, therefore, sought extensive ABA Lovaas training in order to provide the necessary services to her daughter directly.

It has long been the case that a public agency may have to reimburse parents for the costs of services paid by parents, if the public system fails to adequately meet the needs of the child. Relying on that principle, the Third Circuit Court of Appeals determined that a financial award to the parent did not constitute damages, but rather reimbursement & compensation for services she provided directly to her own child.

In reaching the decision, the court found it important that the parent had extensive professional training and was acting as a therapist, not as a mother, when providing the services. 41 IDELR 233 (3d Cir. 2004).

## Reduction in Services Constitutes a Change in Placement

The Office of Civil Rights (OCR) has ruled that a Washington school district failed to comply with Section 504 of the Rehabilitation Act of 1973 and therefore denied a student with disabilities a 'free and appropriate public education' (FAPE).

The case involves a 6th grade student with disabilities from the Seattle area who is eligible for special education services under Section 504. The district modified the boy's IEP,

eliminating 60 minutes of specialized services daily. The court found that such action constituted a 'significant change in placement,' and therefore, should have been made only after evaluating the student and convening an IEP meeting. 42 IDELR 44 (OCRX, Seattle, (WA) 2004)

## Parents Denied Reimbursement for Unilateral Placement

A New Jersey school district's proposed placement for a student with disabilities was appropriate, although it was never able to implement it. The Third Circuit Court of Appeals ruling reverses an earlier decision granting the student's parents reimbursement for the private program into which they unilaterally placed him.

The case involves a 15 year-old boy with AD/HD, motor coordination issues and Aspergers Syndrome. Dissatisfied with the district's proposed program, the boy's parents unilaterally placed him in a private school and were seeking reimbursement from the school district. A district court had awarded reimbursement.

Generally, reimbursement is awarded for unilateral placement when a district fails to provide a 'free and appropriate public education' (FAPE). In this case, however, the appeals court found that the program proposed by the district was appropriate under IDEA. Therefore, the parents were not able to collect reimbursement because they did not give the district the opportunity to provide FAPE through the implementation of the program they proposed. 41 IDELR 260 (3d Cir. 2004).

## IDEA Does Not Guarantee Parents' Right to Observe Classroom

The United States Department of Education has clarified, in response to a letter of inquiry, that IDEA does not provide general entitlement for parents or their professional representatives to observe their child's classroom or proposed placement. While IDEA does give parents an expanded role, and specifically provides opportunities to participate in meetings concerning identification, evaluation and placement, there is no provision requiring districts to permit parents to observe their child in school. In the letter, however, the Department encouraged districts to provide such opportunities, in keeping with the spirit of the law. 42 IDELR 10 (OSEP 2004).

## Student To Receive Special Education Services, Despite Parents' Objections

An IDEA-eligible grade school student will receive special education services in spite of his mother's revocation of consent for services.

The case involves a California boy with learning disabilities. The boy's mother wanted him removed from special education services after it was determined that he was eligible. The California court found that if the parent wanted the boy to be educated within the district, she must make him available for the services outlined in his IEP.

Although IDEA does require parental consent in limited circumstances, a parent's refusal to consent to services cannot result in a district's failure to provide FAPE. States must, therefore, balance a parent's right to refuse consent with the district's obligation under IDEA. In this case, the court found that if the district had honored the parent's withdrawal of consent, the child would have been denied FAPE.

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## IDEA 2004 Brings Changes to Special Education

On December 3, President Bush signed the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). The Act will become the template for how special education services are delivered to the nation's 6.6 million students with disabilities.

IDEA 2004 aligns itself with No Child Left Behind (NCLB), drawing heavily on the language of NCLB to set out requirements for teachers, para professionals and other school staff to be 'highly qualified' for the positions they hold. Consistent with NCLB, special education and related services must now be based on peer-reviewed research to the extent possible.

IDEA 2004 includes major changes in the area of Individualized Education Plans (IEPs), IEP attendance and participation, and IEP progress reporting. Short-term objectives will no longer be required as part of the IEP for most students.

In the area of transition, IDEA 2004 eliminates certain IEP requirements and focuses instead on establishing specific, appropriate, measurable post-secondary goals and identifying the services the student will need to achieve those goals.

In the name of paperwork reduction, IDEA 2004 authorizes up to 15 states to allow schools to offer a multi-year IEP, not to exceed 3 years. In addition, waivers of statutory and regulatory requirements may be granted to 15 states proposing to reduce excessive paperwork and non-instructional time burdens.

In the area of procedural safeguards, there are new requirements, timelines, limitations and procedures for due process, mediation, complaint notice and attorney's fees.

There are major changes to the hard-won discipline provisions that were part of the 1997 Reauthorization of IDEA. The 'stay put' provision has been eliminated. Under the new law, while an appeal is pending, the student will remain in the placement prescribed by the school district. Previously, the law denied students with disabilities 'stay-put' rights only for charges relating to drugs, weapons or other dangerous behavior or activity.

In addition, language from IDEA '97 requiring the IEP team to consider whether the disability impaired the student's ability to control or to understand the impact and consequences of the behavior has been deleted in IDEA '04.

IDEA '04 lays out a clear system for federal monitoring and enforcement of IDEA. Each state must complete a state performance plan that evaluates its effort to implement IDEA and describes how it will improve implementation, with measurable targets. If the state's annual progress reports are not acceptable, the Secretary of Education must select from a hierarchy of enforcement actions.

In spite of the promises for full funding, IDEA '04 does not provide mandatory full funding (40% of actual costs). In fact, just two days after Congress passed the IDEA Conference report with its "glide path to full funding," it appropriated significantly less funding for special education than it had just promised.

As CommonGround goes to press, public hearings are being held to solicit input for the development of federal rules and regulations. State rules will also undergo a review process to bring them into alignment with IDEA 2004.

## High Percentage of New Jersey Students with Disabilities Still Placed In Specialized Settings

Federal data show that New Jersey places more students with disabilities into programs outside their districts than any other state, and classifies a disproportionate number of minority students as disabled.



The findings are part of a report by the New Jersey Council on Developmental Disabilities, released in December 2004. The report is a follow-up to a 1994 study that found New Jersey fell short in almost every aspect of inclusive education. Although progress has been made, especially in the number of students spending part of each day in general classrooms, a high percentage of students are still educated in disability-only schools.

Barbara Gantwerk, Director of the Office of Special Education Programs in New Jersey acknowledged the state's over-reliance on separate education programs for children with disabilities. She emphasized, however, that 91% of special-education students are schooled within their home district, and that most of the Council's 1994 recommendations have been implemented.

Of the 240,000 New Jersey students with disabilities, 19,596 (8.8%) are schooled out of their district, about the same percentage as 10 years ago. The national average is 2.9 percent. 36 of the 50 states reported having less than three percent of students with disabilities out of district.

Almost one in four African American boys is identified as having a disability, and minority children are far more likely than white students to be educated separately, according to the report. The report finds that 41% of classified students of color drop out of school, nearly twice the rate of white special education students.

## Bill Would Require All Teachers to Have Special Education Training

Burlington County Senator Robert Singer, has introduced a bill (S-217) in the New Jersey Legislature that would require all candidates for a New Jersey instructional certificate to complete training in special education at an accredited institution of higher education.

The bill recognizes that children with disabilities are increasingly educated in general education classes and that teachers often do not fully understand the nature of disabilities or how best to modify instruction or the curriculum.

The bill, which is now awaiting consideration by the Senate Education Committee, would allow the State Board of Education to create regulations describing the number of credit hours needed to satisfy the training requirements.

## GAO: Number of Disagreements in Special Education Generally Low

The General Accounting Office (GAO) has submitted findings about the number of formal disagreements between parents and school districts under IDEA regulations.

The report found that overall disputes are low, with about 5 due process hearings per 10,000 students with disabilities and approximately 7 mediations per 10,000 students with disabilities. Four states, California, Maryland, New Jersey, New York, and the District of Columbia had high rates of dispute.

Disputes were most often initiated around fundamental issues such as identification of students' needs for special education services; issues related to development and implementation of individualized education programs (IEP's); and problems in determining the appropriate education setting.

## Spellings Named Education Secretary

President Bush has named White House domestic policy adviser Margaret Spellings to be the nation's eighth education secretary. Spellings replaces departing secretary Rod Page in the Cabinet-level job of overseeing the Education Department.

Spellings worked for six years as Bush's education adviser in Texas, pushing policies on early reading and student accountability, which became the model for No Child Left Behind.

Spellings, who has earned respect from both Democrats and Republicans, will take over leadership of the Education Department at a critical time as No Child Left Behind and IDEA 2004 are implemented.

# Bullying and Harassment

*continued from the cover*

The following examples, taken from the OSERS and OCR memo of July 2000, constitute disability harassment that create a hostile environment:

- Several students continually remark out loud during class that a student with dyslexia is ‘a retard’ or ‘dumb’ and does not belong in class. As a result, the harassed student has difficulty doing school work and her grades decline.
- A student repeatedly places furniture or other obstacles in the path of a classmate’s wheelchair, impeding that student’s ability to navigate the classroom.
- Students continually taunt or belittle a student with mental retardation by mocking and intimidating him so that he does not participate in class.

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*New Jersey has taken a proactive role in the effort to reduce bullying. A new, anti-bullying law requires all schools, including private schools, to have a detailed anti-bullying policy in place.*

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When harassment is sufficiently severe, persistent or pervasive that it creates a hostile environment, it can violate a student’s rights under section 504 and may also deny a ‘free, appropriate public education’ (FAPE), as guaranteed by IDEA.

## Why Focus on Bullying & Harassment?

Bullying and harassment can have a profound impact on all students, raise safety concerns and erode efforts to ensure that students with disabilities have equal access to the benefits that an education can offer.

Studies show that persistent bullying can leave long-term scars on victims in the form of lowered self-esteem and depression. Some victims of bullying may turn to violence as a means of retaliation, and some severely bullied victims have attempted suicide to escape their tormentors.

Bullying contributes to a negative school climate that is not conducive to healthy social relationships or learning. Everyone is affected by bullying, even those not involved in the conflict. “Bystanders” witness bullying but may not intervene because they don’t know what to do or fear retaliation.

## Profile of a Bully

Children and youth who bully do not have low self-esteem as was previously believed. In fact, most bullies are average students or classroom or athletic leaders. A bully may tease victims repeatedly; intimidate and ridicule victims; hit, kick and push victims; or damage the victim’s belongings. A bully may try to manipulate other students to engage in bullying while they stay in the background and watch. Youth who do the bullying for others are referred to as “henchmen,” and in such cases, it can be difficult to tell who the bully really is.

Bullies usually select weaker, relatively defenseless students as their targets. Bullies have a strong need to dominate and subdue others and to assert themselves with power and threat. They may brag about actual or imagined superiority over other students. Some bullies are hot-tempered, impulsive and have low frustration tolerance. Bullies are seen as being hardened and having little empathy for students who are victimized. When confronted about their behavior, they are likely to deny they did anything wrong and place blame on their victims, saying, “they deserved it.”

## Profile of a Victim

Typical victims are children who can be overpowered physically, mentally, or emotionally. They are often more anxious and unsure of themselves than other students. These children may have a negative attitude toward violence and the use of violence in dealing with others. Victims

## Is It Really Bullying?

It is important for adults and youth to understand the difference between bullying and normal conflict.

Normal Conflict	Bullying
Happens occasionally	Happens repeatedly
Happens by accident	Happens on purpose
Not serious	Serious threat of physical harm or emotional or psychological hurt
Equal emotional reaction on the part of victim and perpetrator	Strong emotional reaction on part of the victim
Not seeking power or attention	Seeking power or control
Not trying to get something	Trying to gain material things or power
Remorseful	No remorse
Takes responsibility	Blames victim
Effort to solve the problem	No effort to solve the problem

typically have low self-esteem and may view themselves negatively. They may consider themselves failures, or feel stupid, ashamed and unattractive. They may come to believe that they “deserve” to be bullied. They may feel lonely, friendless and abandoned at school.

In his pioneering research on bullying behaviors, Dr. Dan Olweus has described two types of victims:

### The Passive or Submissive Victim

- Is non assertive and through his actions may signal to others that he is insecure and won’t retaliate if attacked or insulted
- Is cautious, quiet or anxious
- Cries easily and collapses quickly when bullied
- Has few friends and isn’t well connected to a social network
- Lacks humor and pro-social skills
- May be physically weak

### The Provocative Victim

- Is both anxious and aggressive
- May cause irritation and disruption around him
- Is easily emotionally aroused
- Prolongs the conflict even when losing

While these qualities can be present in any child, they are particularly common in students with certain types of disabilities, including learning and social disabilities, AD/HD, autism and Aspergers Syndrome. Many times, students with these ‘invisible disabilities’ are easy victims because they lack the social skills and impulse control to manage the bully. (See page 5 for more on how bullying particularly affects children with disabilities.)

## Adult Intervention is Key

In New Jersey and in some other states, schools have a legal responsibility to prevent and respond to bullying and harassment. Bullies and

continues on page 5

victims need positive adult intervention to make the bullying stop.

Acts of bullying often occur away from teachers or other responsible adults. Consequently, perpetrators may go unpunished, and a climate of fear grows for the victims. Bullying and the harm that it causes are seriously underestimated by many children and adults.

The state of New Jersey has taken a proactive role in the effort to reduce bullying. In 2002, the State enacted an anti-bullying law that requires all schools, including private schools, to have an anti-bullying policy in place. Many schools have since instituted anti-bullying curricula.

Effective programs require strong leadership and an on-going commitment on the part of school personnel. Research and experience suggest that comprehensive, school-wide efforts that involve teachers and other school staff, students, parents and community members are likely to be more effective than classroom-based approaches alone. As part of this effort, adults - including bus drivers, playground supervisors, hall monitors, security officers, cafeteria workers, maintenance personnel, clerical staff, teachers, parent volunteers, counselors and administrators - must present a united front that communicates to all students that bullying will not be tolerated.

*Editors Note:*  
*Curriculum developers and publishers now offer a variety of prevention/intervention materials to eliminate bullying and other forms of personal conflict from school life. For a list, please contact Common Ground.*

### **Bullying and Children with Disabilities**

Studies show that children with learning or attention problem may be particularly vulnerable to bullying situations. In fact, special needs children aged 8-16 are victimized by bullies at more than twice the rate of their non-disabled peers.

It was assumed that children with AD/HD were bullies because of their hyperactive, impulsive, aggressive or demanding nature. According to a national survey on school discipline conducted by Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD), however, about 32 percent of kids with AD/HD are "egged on" by their peers to act out and get into trouble. The study found that many youth with AD/HD were victims of bullies, but when they reacted to the bully, they were punished for poor behavior and the bully was not. Without understanding the dynamics of a bullying situation, well meaning adults can further "victimize" the victims of bullying.

Victims of bullies (especially boys) are often physically weak, over-sensitive, have poor social skills and low self-esteem. Many students with learning disabilities and AD/HD also fit this description.

Because of their more reactive and impulsive nature, some children with hyperactive and impulsive AD/HD are provocative victims because they may unwittingly annoy and over-react to bullies.

## **What Parents Can Do About Bullying**

*by Dr. Michael Greene*

### How to Help Your Child Avoid Being Bullied

- **Teach Pro-Social Skills**

Children with good social and play skills can more easily navigate the "playground jungle" and read the social cues well enough to avoid most bullying situations. Many children with disabilities, particularly those with AD/HD, autism and Aspergers Syndrome need direct social skills training and on-going social skills coaching across settings in order to learn the skills needed to deal effectively with bullies.

- **Teach Your Child How to Chose Good Friends**

Talk to your child about the qualities of a good friend and the qualities of someone who is *not* a friend. Help your child make good decisions about who to play with and who to avoid.

- **Teach Your Child to Say 'No' and to Walk Away**

Use role play situations and rehearsals to help your child learn and practice resisting bullies. Teach specific responses such as, "Stop that, I don't like that," or "Please stand back. You are bothering me." Teach non-aggressive, assertive body language to correspond with what is being said.

- **Make Sure Your Child Knows How to Get Help**

Be sure your child knows who to go to for help. Identify a teacher or other safe adult for the setting(s) in which your child is exposed to a bully (bus, playground, hallway, lunchroom, etc).

### If Your Child Has Been Bullied

- **Determine If Your Child Was Hurt**

If the assault was physical, your child may have injuries that need attention. Some children are embarrassed by having been the victim of a bully and may try to hide the full extent of an injury.

- **Reassure Your Child**

Victims of bullying may believe that they 'deserve' the treatment they received. Reassure your child that no one deserves to be hurt or threatened.

- **Bring the Incident to the the Attention of the School**

Never minimize bullying behavior – left unchecked, it can escalate. All incidents of bullying should be documented in writing. This is required by the anti-bullying law in New Jersey.

- **Keep Your Child Safe**

If you believe your child is at continued risk, ask the school to separate your child from the bully or assign an adult to watch out for your child.

### If Your Child Has Bullied Others

- **Take it Seriously**

All incidents of aggressive behavior toward others must be taken seriously.

- **Teach Alternatives to Aggression**

Try to teach patience and tolerance of others. Help your child identify and use non-aggressive ways to resolve conflict.

- **Get Help for Your Child**

Some children engage in aggressive behavior because they lack the age-appropriate social skills needed to solve problems in other ways. Talk to your child's school about direct social skills instruction, or other supports and services that could help your child solve problems without conflict.

- **Teach The Consequences of Bullying**

When children bully others, there are natural consequences: other children may fear him/her, or want to avoid him/her. Talk to your child about how his/her behavior influences the ways in which others see him/her.

- **Discipline or Change in Placement May Be Warranted**

In some situations, disciplinary measures may need to be invoked for behavior that violates school rules. Although IDEA offers some protections for a classified student when the school is considering suspension or expulsion, sometimes placement must be reconsidered.

- **See the Opportunity**

Bullying indicates the need for intervention, not guilt or shame. This can be a learning opportunity for your child.

*Adapted from **Bullying in New Jersey Schools: What Parents Need to Know**. The article appeared in the fall 2003 issue of Parents' Connection newsletter. Dr. Michael Greene is the Director of the Prevention of Violence at Youth Consultation Services.*



# IDEA Reauthorized

After three years of deliberation, the U.S. Congress completed its review and reauthorization of the federal special education law by passing the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04) in November. The President signed the bill into law on December 3, 2004, marking the first update to IDEA since 1997. Like its predecessor, IDEA '04 contains substantial changes that will have wide impact on the nation's 6.6 million children with disabilities.

## **Q: When will IDEA '04 take effect?**

A: Most parts of the new law takes effect on July 1, 2005, other parts about "highly qualified teachers" became effective when the law was signed. The Department of Education is now updating regulations that provide guidance to states on the implementation of the new IDEA, a process which could take at least a year. Between July 1, 2005, when the new law takes effect, and the time updated federal regulations are completed, states may either use existing regulations to implement the new IDEA, or devise interim implementation processes.

Parents should experience little if any change to their children's IEP this spring. Any changes parents are experiencing now are likely the result of the requirements of No Child Left Behind (NCLB) rather than the newly enacted IDEA 2004.

## **Q: What is the connection between NCLB and IDEA 2004?**

A: NCLB requires all children with disabilities to be included in annual statewide assessments, but Congress added new linkages between IDEA and NCLB. For example, IDEA 2004 allows states and school districts to use IDEA funds to help students who are not IDEA-eligible, but who may need help to succeed in general education. IDEA 2004 also requires all special education teachers to be certified in special education by the end of the 2005-06 school year.

## **Q: Are there changes to the IEP process under IDEA '04?**

A: IDEA 2004 makes several changes to the provisions governing IEPs. One of the most significant changes is the elimination of required short-term objectives. Under IDEA 2004, short-term objectives for each goal are required only in the IEPs of students with only the most significant cognitive disabilities (1%).

There are other changes regarding who and by what method team members participate. For example, team members may participate by conference call. Now, IEP team members may skip a meeting if their discipline isn't being discussed. IDEA '04 also allows changes to the IEP without the full IEP team meeting.

IDEA 2004 authorizes a pilot program for up to 15 states to offer a multi-year IEP, with multi-year goals.

## **Q: What is the goal of these changes?**

Congress intended to reduce paperwork and increase the instructional time of educators. Congress has

directed states to minimize the number of rules and regulations required of local school districts and, to identify any state rule, regulation or policy that is not a federal requirement.

IDEA 2004 also authorizes a pilot program that will allow up to 15 states to waive IDEA requirements in an effort to further reduce paperwork.

## **Q: Are there provisions that may directly affect specific groups of children, such as those with autism, learning disabilities or AD/HD?**

A: IDEA 2004 adds specific language aimed at developing and improving programs to train teachers to develop expertise in autism spectrum disorders, and authorizes grants focusing on issues specific to children with autism and related disorders.

IDEA also acknowledged of a growing body of evidence suggesting that the use of the "IQ/achievement discrepancy" method for determining the presence of a specific learning disability is invalid and can delay intervention. Therefore, districts will no longer be required to substantiate a discrepancy as part of the LD evaluation and identification process. To help foster the development of more instructionally-relevant ways to identify students with LD, schools are encouraged to use methods that provide interventions to help students early and thereby, possibly avoid the need for classification.

Another new provision requires states to develop and implement policies to prevent school personnel from requiring children to take prescription medication (such as those commonly prescribed for AD/HD) as a condition of attending school, undergoing an evaluation for special education, or receiving special education services.

## **Q: Are there requirements aimed at ensuring quality?**

There is new language that helps ensure that children with disabilities are taught by highly qualified teachers and receive effective, appropriate, research-based instruction.

IDEA 2004 includes requirements that schools provide "high-quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities." This will ensure that all school staff have "skills and knowledge to improve the academic achievement and functional performance of children with disabilities" . . . "including the use of scientifically based instructional practices."

*Congress added new language to IDEA to help ensure that children with disabilities are taught by highly qualified teachers and receive effective, appropriate, research-based instruction.*

Congress also added language to the definition of IEPs underscoring this point. IEPs must include a statement of the special education and related services as well as supplementary aids and services provided and their basis in *peer-reviewed research*."

## **Q: What changes will affect transition from school to work?**

A: IDEA 2004 identifies effective transition services as promoting successful post school employment or education as an important measure of accountability. It requires the formulation of measurable post-secondary goals and transition services needed by children beginning, but not later than, the first IEP to be in effect when the child is 16.

## **Q: Does IDEA '04 address racial disparity in special education?**

A: Recognizing the long-standing problem of over-representation of minority students in special education, Congress included new requirements aimed at this issue. States will need to track how many minority-group members are in special education classes and implement policies and procedures to prevent the inappropriate over-identification of minority children.

Increased attention to this issue is important since studies show that minority children, especially black and Hispanic students, once placed in special education are more likely than white students to spend time outside regular classrooms.

*Adapted from materials produced by the Charles and Helen Schwab Foundation*



## Highly Qualified *Special Education* Teachers

One of the most anxiously awaited aspects of IDEA 2004 was the finalization of the requirements for qualifications for special education teachers. The new requirements, found in IDEA 2004's definition of Highly Qualified Teachers (HQT), are tightly aligned with the provisions of the No Child Left Behind Act (NCLB), which seek to ensure that students have access to high-quality instruction and challenging curriculum.

### Q: What basic requirements must teachers meet to be "highly qualified?"

**A:** NCLB maintains the overarching authority for the requirements to be "highly qualified." General education teachers of core academic subjects must be "highly qualified" by the end of the 2005-2006 school year. They must have a bachelor's degree, full state certification or licensure, and prove that they know each subject they teach (Elementary school teachers must demonstrate knowledge of teaching reading and math.)

Core academic subjects are: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. Special education is not considered a core academic subject.

Exactly how teachers demonstrate subject matter competency depends on whether they are new or veteran teachers, and whether they teach at the elementary or secondary level. All of these NCLB requirements are designed to end the temporary, emergency, provisional, and out-of-level credentialing practices that many states and districts have used.

IDEA 2004 establishes additional requirements and options, beyond those contained in NCLB. All special education teachers (whether they teach core subjects or not) must hold at least a bachelor's degree; and obtain full state special education certification or equivalent licensure by the end of the 2005- 2006 school year. Special education teachers who hold emergency, temporary, or provisional certification do not meet this requirement.

Special education teachers who provide direct instruction in core academic subjects must meet the above requirements as well as prove that they know each subject they teach. Special education teachers who consult to highly qualified general education teachers need not demonstrate subject-matter competency.

Some exceptions apply for special education teachers who provide direct instruction in core subjects to students with disabilities who are assessed against "alternative achievement standards." New special education teachers who teach two or more core academic subjects and who are highly qualified in either math, language arts, or science are also exempt.

### Q: Under what circumstances or conditions are special education teachers not required to be "highly qualified" in a core subject?

**A:** According to guidance from the U.S. Department of Education, activities that special education teachers can carry out that do *not* require them to be highly qualified in the particular subject include:

- Consultation on the adaptation of curricula
- Consultation with teachers on using behavioral supports and interventions or selecting appropriate accommodations
- Assisting students with study and organizational skills
- Reinforcing instruction that was given previously by a teacher who was highly qualified

Many students with disabilities receive special education services through a "resource" model, which includes services from special education teachers. Students are pulled out of regular education classrooms or who go into regular education classrooms to receive specialized services, such as supplemental instruction in reading or math. Instruction delivered by a special education teacher within such a model would indicate that such a teacher need *not* be highly qualified in the academic subject. The guidance that has been provided to school districts clearly states that this type of instruction is "supplemental" and not designed to replace instructional services normally delivered by the general education teacher.

*adapted from articles found at [www.schwablearning.com](http://www.schwablearning.com)*

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spring 05



# SNAPSHOT

## Bullying & Violence in Schools

**1**

Nation wide, one in 6 students are bullied regularly (Rigby 2002).

**2**

In 2002-2003, there were 22,186 incidences of reported violence in New Jersey schools, down two percent from the previous year.

**3**

General education students constituted 64% of the known victims of school violence in New Jersey. Students with disabilities constituted 17% of the known victims. The remaining 19% were either school personnel or other school visitors.

**4**

General education students constituted 72% of the offenders in New Jersey, in cases in which the offender was known. Students with disabilities constituted the offender in 28% of the cases.

**5**

34% of New Jersey's schools reported no incidences of violence in 2002-2003. 68% of New Jersey's schools reported five (5) or fewer incidents.

**6**

Most of the school violence reported in New Jersey occurs in the classroom (31%). The remainder occurred in corridors (20%), and outside the building on school grounds (13%).

**7**

In New Jersey, most offenders (85%) were disciplined with out-of-school suspension. 7% of the offenders were given in-school suspension and 3% were removed to an alternate school program.

**8**

Nearly half (49%) of all incidences of school violence in New Jersey were reported at the high school level.

**9**

Boys are 3-4 times more likely to use physical aggression. Girls are more likely to use verbal aggression.

**10**

According to FBI statistics, over 160,000 students in the United States miss school every day because they feel intimidated by peers.



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