

March 2018 - Special Educator e-Journal

NASET Special Educator e-Journal



MARCH 2018

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Special Education Legal Alert

Perry A. Zirkel

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This monthly legal alert focuses on two recent cases, one including the intersection of child find and RTI under the IDEA and the other concerning the IDEA remedies for stay-put violations. For automatic e-mailing of future legal alerts, sign up at perryzirkel.com; this website also provides free downloads of various related articles, including those specific to the complaint procedures avenue under the IDEA.

In *M.G. v. Williamson County Schools* (2018), the Sixth Circuit Court of Appeals addressed three successive claims of the parents of a child who had neurological problems with muscle tone and coordination. The district had conducted an evaluation in preschool determining that the child was not eligible under the IDEA and another evaluation three years later with the same result. During the interim, the district provided the student first with RTI and other general education interventions and two years later, upon receiving a medical prescription from the child’s doctors, a 504 plan that included the requested occupational therapy (OT) consultations. The parents claimed that the district (a) violated child find under the IDEA, (b) denied FAPE by failing to provide written notice in response to their intervening initial requests for a second evaluation, and (c) violated Section the IDEA or Section 504/ADA by failing to provide direct OT services. The Sixth Circuit upheld the rulings in favor of the district with the following conclusions:

For the child find claim, the district’s effective efforts, including RTI, in the wake of the first evaluation negated the requisite reasonable suspicion for an earlier initiation of the second evaluation.	Cautioning against overgeneralization of this unofficially published federal appeals court decision, both child find and RTI—as evidenced in the case law articles on my website—warrant an “it depends,” rather than an absolute, approach.
The lack of written notice in response to the parental requests was a procedural violation,	As a matter of proper compliance, the district should have provided the required written

but it did not result her in a loss to the parents (due to their continued active participation) or to the child (due to his ultimate ineligibility under the IDEA).	notice (with the accompanying procedural safeguards notice), but this ruling serves as a reminder of the prevailing two-step analysis of procedural claims under the IDEA. See, e.g., the second Publications item under FAPE on my website.
The lack of direct OT services did not violate the IDEA because the school personnel's assessments outweighed those of the child's physicians and did not violate Section 504 or the ADA because the RTI and 504 plan fulfilled their requirements.	Again with due caution against overgeneralization, school personnel should not under-value their own expert opinion, as compared to that of physicians with regard to the need for special education or the resulting nature of appropriate services.

In a case where the court ultimately ruled that the IEP at issue was appropriate but the district violated stay-put by not continuing to fund the related services at the private placement as agreed in the prior IEP, two successive decisions in *Doe v. East Lyme Board of Education* (2015, 2017) spelled out the remedial consequences.

First, in 2015, the Second Circuit Court of Appeals held that the district owes reimbursement for the amount the parent expended for the related services plus compensatory education to fill the gap of required services that the parent had not arranged. The Second Circuit sent the case back to the lower court to determine the remainder of the remedy, including the compensatory education portion and whether its scope should be limited to the related services in the stay-put IEP or, given the six years since then, analogous services appropriate to the child's current needs.	This decision was officially published, giving it high precedential weight in combination with its federal appellate level. The actual order in this case was reimbursement only for the period up until the date of this appellate decision, amounting to \$97.4K. However, the ultimate cost to the defendant district, the binding effect in stay-put cases within the three states of the Second Circuit (CT, NY, and VT), and the potentially persuasive effect on courts in other jurisdictions are much more significant
Next, in 2017, the federal district court in Connecticut addressed the additional reimbursement owed due to the remaining	The total cost to the defendant district, in addition to the outlay for its own attorneys, was approximately \$331K plus the parents'

<p>period plus the compensatory education portion for the entire period.</p> <ul style="list-style-type: none"> • Ruling that the reimbursement includes the full out-of-pocket costs for the specified services, including Orton-Gillingham tutoring and transportation, the court awarded an additional \$36.5K plus interest. • Distinguishing stay-put from FAPE, the court rejected the <i>Reid</i> qualitative approach for compensatory education and ruled that, instead, the analogous services approach applied, meaning services that benefit the child based on his current needs. Based on the parent's expert witness, the court concluded that, given that the child would be attending college after one more year and that his needs will likely continue during college, the court ordered the district to establish an escrow account for \$203.5K for use during the next six years for the originally specified services plus, by extension, assistive technology, college disability-related courses, and college support services to the extent they continue to be necessary and beneficial for this current needs. <p>And, the case is not finished. It is back on appeal to the Second Circuit, and the issue of attorneys' fees is also not yet resolved.</p>	<p>attorneys' fees, which must be considerable. Because this decision was officially published but at a lower court level, it has a less weighty precedential effect but it potentially provides the answer to various issues not previously addressed in many jurisdictions. Here are leading examples:</p> <ul style="list-style-type: none"> • Does compensatory education extend during postsecondary education and, if so, to any college courses or services? Based on the particular facts and posture of this case, they court provided a qualified yes, limited to certain analogous services. • When does compensatory education equitably warrant an award in dollars rather than hours and, if dollars, via an escrow account arrangement? Again, tailored to the specific situation, the court said yes in this case, while adding a potential limitation in terms of the continued need and benefit of the permissible services. <p>Finally, this decision serves as a reminder of the regrettable transaction costs of adjudicative dispute resolution, particularly in cases that reach the appellate level; in this case, the stay-put IEP was in 2008-09 when the student was in grade 3, and the most recent decision as at the end of AY 2016-17, when he was in grade 11.</p>
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Disproportionate Representation in Special Education

By Rossana Hahn

Disproportionate representation is a concerning issue in special education that has been analyzed through the years. Disproportionate representation occurs when children of a specific group of the population are overrepresented or underrepresented to receive special education services. Special education services are developed to help students with disabilities to have access to appropriate education and to provide them with the support they need academically to achieve positive results. Mislabeling students can have disastrous consequences in their educational outcomes and in their lives. This literature review will address disproportionality in special education and its relation to minorities.

Overrepresentation

Dunn (1968) brought up the issue of minorities erroneously being referred to special education. Dunn claimed that African American students were placed in special education programs at a disproportionate ratio. Similarly, Gardner, Rizzi, and Council (2014) stated that African American males are referred to special education under the categories of behavior disorders and mild intellectual disability. Additionally, Gardner et al mentioned that Native American males and Latino males are also at a high risk of being mislabeled. Anderson-Irish (2013) sustained that even though minorities were overrepresented for special education, they were also underrepresented for gifted programs. Anderson-Irish (2013) stated that African American males are overrepresented for special education and are also branded with more severe types of disabilities. “The Individuals with Disabilities Education Act (IDEA) 2004 requests evaluators to consider the contribution of one’s culture and primary language upon one’s test performance, prior opportunities to acquire skills, motivation to perform, as well as the contribution of any hearing or vision impairment upon such performance” (Anderson-Irish, 2013). “Comparing African American risk for intellectual disability identification of 2.64% with a risk index of 1.18% for White students in the same disability category yields a risk ratio of 2.24 (2.64/1.18), suggesting that African Americans are more than two times more likely to be placed in the category of intellectual disability than White students” (Skiba & et al., 2008).

Steeley and Lukacs (2015) addresses the overrepresentation of English Language Learners (ELLs). This study stated that language and cultural differences present additional obstacles for adequate placement and special education services. Similarly, Fernandez and Inserra (2013) stated that overrepresentation of ELLs is a serious issue and may affect the quality of education in the future. Students that are not receiving language support are frequently referred to special education based on their lack of academic success (Fernandez & Inserra, 2013). Bollmer, Bethel, Garrison-Mogren and Brauen (2007) sustains that IDEA 2004 clearly states that disproportionality has to be addressed and data has to be analyzed. “The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), requires that states provide for the collection and examination of data to determine if significant disproportionality is occurring within the State and the local educational agencies of the State with respect to the identification of children as children with disabilities...and the placement educational settings of such children. (20 U.S.C. § 1418(d)(1))” Bollmer et al (2007).

Consequences

Disproportionality is problematic for many reasons. Bollmer et al (2007), stated that overrepresentation has detrimental consequences for students. Underrepresentation, on the other hand is also an issue because students do not receive the services they need to support their education. Similarly, Steeley and Lucas (2015), affirmed that addressing disproportionality is crucial to make sure that students are receiving the services they need to reach their full potential. Disproportionate representation and inappropriate placement negatively affects students' education, future job opportunities, and their self-perception (Gardner et al, 2014).

Recommendations

Many measures have been implemented to address ethnic/racial disproportionate representation such as risk, risk ratio and composition (Bollmer, Bethel, Garrison-Mogren and Brauen, 2007). Steeley and Lucas (2015) suggested developing more effective partnerships with culturally and linguistically diverse families to ensure that students are appropriately placed. "However, the authors believe that in order to make substantive changes in closing the achievement gap and decreasing disproportionality, educators and policymakers must do more than develop guidelines and collect data on the disparities" (Gardner et al, 2014). Additionally, Gardner (2014) affirms that culturally sensitive pedagogy is a factor that would help to decrease disproportionality and ensure that students are placed correctly. Teacher perceptions play an important role, racial bias can influence referrals to special education. Teacher experience and training is essential to reduce disproportionate representation. (Anderson-Irish, 2013).

Conclusion

Disproportionate representation has been studied profusely. Many authors adjunct disproportionality to factors such as race, ethnicity, culture, sex, bias, lack of training, and others. Regardless, disproportionate representation is a concerning issue. Overrepresented students are misdiagnosed and referred to special education programs when they have no disabilities. The consequences for these students are detrimental and affects their future opportunities and self-esteem. Underrepresented students on the other hand are not receiving the services and support they need to achieve positive academic outcomes. Early intervention is essential and students that are underrepresented do not have access to it. Some suggestions were mentioned in this literature review, such as, educators training, sensitive pedagogy, and taking risk ratios under consideration.

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About the Author

My name is Rossana Hahn, I am originally from Peru. I work as a special education teacher at Palm Cove Elementary School in Broward County. I am currently working towards my Master of Science in Special Education at Florida International University. Working in special education has been the most rewarding experience for me. I truly enjoy researching and reading about new findings in the field.

Achievement of Students with Disabilities in Inclusive Classrooms

By Keyhla Mino

Abstract

According to the U.S. Department of Education (2002), approximately 95% of special education students with disabilities have been receiving their special education services in general education classes' for at least 80% of the day. Over the last fifteen years, these numbers increasingly have included students with severe disabilities (Boyd, Seo, Ryndak, & Fisher, 2005). An increasing number of students with mild, moderate, and severe disabilities have been receiving services along with students of the same chronological age who do not have disabilities. These services have been provided due to parental advocacy, legal litigation, changes in legislation, and research about the efficacy of educational services. The purpose of this research paper is to describe social and academic achievement of inclusive education practices for students with disabilities and their classmates without disabilities and describe a researched based model that has been proven to bring success to both groups of students.

Achievement of Students with Disabilities in Inclusive Classrooms

The inclusion of students with disabilities in the general education settings is becoming more prevalent in our schools today. Inclusive education happens when children with and without disabilities participate and learn together in the same classes. Inclusion does not simply mean the placement of students with disabilities in general education classes, in this process the school, the teachers, the students and the community work together to support and address the needs of all the students. An effective inclusive model will not only benefit the students with disabilities but it will also create an environment in which all students including those without a disability show growth. Implementing school wide inclusive practices will benefit all of the students participating in inclusive classrooms to achieve both socially and academically. Teachers, parents, and administrators working together will facilitate student achievement and the success of an inclusive classroom and school. Inclusion is a topic that affects the future of the education process and the role that the community, teachers, administrators, parents and students play in its success. As more research is done and further studies are brought to light the better comprehension and development of an effective inclusion model will take place.

The Co-Teaching Model as Part of a School Wide Plan

With the increase of inclusive education in schools today, there is a demand for a well implemented co-teaching team to take place in the classrooms. Co-teaching has been defined as a practice in which "two professionals a general education teacher and a special education teacher co-plan, co-instruct, and co-assess a diverse group of students. Both teachers provide substantive instruction to all students on a daily, consistent basis. Neither is considered the main teacher of the class; they are equals"(Wilson, Susko, & Elliot, 2013). There are various structures or models that may be used in a co-taught setting, the most common are those highlighted by Friend and Cook (2010) and include: (a) one teach, one observe: one teacher delivers instruction while the other observes student learning and assesses student understanding and academic functioning, (b) one teach, one

assist: one teacher will take the lead in providing instruction while the other moves around the classroom and assists students who may be struggling, (c) parallel teaching: the class is divided in half and the same material is presented at the same time by both teachers (teacher to student ratio becomes more manageable), (d) station teaching: both teachers are actively involved in instruction and the students rotate from one station to the next, learning new material, (e) alternative teaching: one teacher takes a small group of students and provides instruction that is different than what the large group is receiving, (f) team teaching both teachers instruct on the same lesson with all students present (Graziano & Navarrete, 2012). There are many benefits of co-teaching including opportunities to vary content presentation, individualize instruction, scaffold learning experiences, and monitor students' understanding. Co-teaching has become a common strategy in Kindergarten through twelve grade for addressing the increasingly diverse learning needs and academic levels of students in one classroom. For example, a third grade classroom could potentially have students with reading levels ranging from kindergarten to 6th grade. Co-teaching between special and general educators is now a common approach to effective inclusion in K-12 schools. Research has shown that the co-teaching method has impacted K-12 student achievement in inclusive classrooms (Graziano & Navarrete, 2012).

Administration Support

A key factor in the implementation of an effective co-teaching is the impact of administrative support on this practice. Research studies related to co-teaching practices consistently highlight the importance of administrative support for co-teachers (Wilson, JoAnn P, Janice S, 2013). Principals need to exhibit behaviors and develop a school wide plan that facilitates the integration, acceptance, and success of students with disabilities in general education classes in order for inclusive practice to be effective. In order for co-teaching to be effective, administrators must create a school culture in which co-teaching is valued and expectations are clear.

The administrative team helps students, staff, and local community members understand the vision or ideology of an inclusive school. In a successful inclusive school, the administrative team provides encouragement and support as teachers implement new ideas and strategies. The administrative team of a successful inclusive school will provide training opportunities to staff that will enhance teacher performance and understanding of a successful inclusive school. The principal sets a time of the day to collaborate with teachers and observes the different classrooms to provide feedback of what is working and what needs to improve. Administrators must provide resources, foster relationships that encourage abilities, be flexible with scheduling, and communicate expectations to all stakeholders in the school.

Parental Involvement

Special meetings with the parents and local community should be arranged where videos and data can be presented as positive outcomes of becoming or being part of an inclusive classroom and an inclusive school. Parents can learn about the school spirit by reading banners, or signs posted on school walls that inform them of how the students are working together. The administrative and staff can create activities that promote parental involvement in school projects. An example would be suggestion boxes to promote voicing ideas. Teachers can maintain regular communication by sending home weekly folders of student work, monthly calendars of special events to be celebrated or taught, a regular class newsletter, and weekly work sheets containing activities students and families can do together. These practices will allow parents to feel included and become involved in their child's education which in turn will conduce to learning gains.

Achievement of special education students

A research study done in the United States for students with severe disabilities in inclusion classrooms; and the effects and outcomes in the areas of academics and social skills shows these findings. They found that when compared with the IEPs of students with severe disabilities receiving instruction in segregated special education classes, students with severe disabilities receiving services in inclusive general education contexts had more opportunities for instruction on age-appropriate goals and more goals related to basic skills (Boyd, Seo, Ryndak, & Fisher, 2005). In studies comparing student performance between inclusive and segregated settings, students with moderate and severe disabilities in general education classrooms have shown similar or even better achievement in skills development and curriculum content than those in special education settings (Fiher & Meyer, 2002). In addition, Logan and Malone (1998) found that students with severe disabilities who were included in general education contexts had higher amounts of time engaged in classroom activities (time on task during instruction), there was a decrease in inappropriate social behaviors, participated more in a variety of types of activities with students who did not have disabilities, interacted more socially with their classmates, and participated more in activities throughout the school and in community environments. In a study done with five students with profound multiple disabilities when interacting with non-disabled peers displayed happier behaviors. Happily behaviors were defined as the student smiling, opening his or hers eyes, or vocalizing during small group activities. They demonstrated higher and more stable rates of happiness behaviors during group activities with typical peers when compared to group activities with other students with disabilities (Boyd, Seo, Ryndak, & Fisher, 2005).

The teachers of students with severe disabilities in general classrooms provided accommodations and modifications to class routines, instructional activities, and environments with the help of the special education teacher. These accommodations and modifications helped students with severe disabilities become more involved in age-appropriate and general education curricular activities. In spite of the better teacher-student ratio in segregated special education classes, there was a higher rate of time in instruction and more one to one instruction for students with disabilities in inclusive classrooms. This is due to the high rate of student-centered instructional activities and the classmates without disabilities providing instructional opportunities like peer tutoring, and cooperative learning opportunities.

Achievement of Students without Disabilities

There are three overreaching social benefits of inclusion for typical peers (a) increased acceptance and tolerance of others, (b) growth in the areas of responsibility and self-concept, and (c) more realistic expectations and perceptions of students with disabilities (Favazza & Odom, 1997; Helmstetter, et.al. 1994; Kishi & Meyer, 1994; Voeltz, 1982). The presence of students with disabilities in general education classes did not negatively impact the educational achievement of students without disabilities. An exploratory study was conducted to evaluate the impact of inclusive educational programs on the achievement of students with developmental disabilities and their peers without disabilities. The vast majority of students without disabilities participating in this study met the state mandated standards and objectives in reading/language arts and math regardless of whether they were served in inclusive or comparison classrooms.

In summary, while most studies reported positive gains in both students with disabilities and non-disabled peers in inclusion classrooms there is limited findings on academic success of non-disabled students in inclusion settings. A study reported by Boyd, Seo, Ryndak, & Fisher, (2005) indicated that lower functioning students like those severely disabled performed better and had higher gains in self-contained classrooms,

where higher functioning students like those with a mild or a moderate disability did better and had more gains in inclusive settings.

Future research is needed in relation to academic outcomes of inclusive educational practices as well as on the social benefits of inclusion. For example, students without disabilities take on the role of tutors versus friends and these social encounters may not transfer beyond the classroom setting. The academic gains of non-disabled students needs to be tested across the board and enough research based data needs to be provided to back up the findings of increase in academic gains. The findings on this research paper indicate that there is a concern of the increase of inclusive classrooms and the need of providing instructional and administrative support to reach positive gains to both disabled and non-disabled students. Findings reported positive academic and social achievement of students included, but it was determined that future research needs to be completed on positive academic gains of non-disabled students and more severely disabled students participating in inclusive settings. The positive effects and/or negative effects of inclusion classrooms need to be further evaluated and based on the setting, administrative support, co-teaching practices and correct matching or distribution of students.

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About the Author

Keyhla Mino, Special Education Teacher, in the state of Florida: Keyhla Mino was born in the island of Cuba, has a love for nature and outdoor activities. She has a passion to teach children and especially those having a disability. She has a Bachelor's Degree in special education and is currently finishing a Master's Degree in special education. Mrs. Mino has worked as a homebound teacher teaching students in their setting (home or hospital) due to long term illness or as part as an early intervention program. She currently is working in the public school system where she has taught special education for seventeen years. Keyhla Mino has worked with students diagnosed with autism, intellectual disabilities, Down's syndrome, attention deficit hyperactivity disorders, and emotional disabilities. As an educator working in the area of special education she has seen and experienced the different changes in her field, what works and what has not worked and what is currently being implemented. Keyhla Mino has seen the positive and negative outcomes of inclusive classroom settings and the different teaching models implemented. She continues to learn and read current research on the field of special education.

Picture Schedules for Students with Intellectual Disabilities and Autism: A Review of the Literature

By Keyhla Mino

Many students with significant disabilities, including those with Autism Spectrum Disorder (ASD) and Intellectual Disabilities (IND), overly rely on adult cues to perform daily tasks. Promoting the independence of individuals with disabilities has been the goal of many educators and parents of students with disabilities. The majority of students with ASD and IND encounter difficulties with transitions and with following routines. Providing students with a visual schedule can assist them in understanding what comes next; therefore, facilitating their transitions and daily routines. Researchers in a number of studies have consistently found picture schedules to be an effective intervention to use with individuals with Autism and Intellectual Disabilities. A picture schedule is a visual support system with photographs, images, or drawings in a sequential format providing the individual with the visual steps required to conduct an activity or to transition from one activity to the other.

Implementing picture schedules can also increase predictability throughout the student's day, thus anticipating any changes in the daily routine. Picture schedules can vary in size and style and on how detailed they are, depending on the individual need of the student. Some students may need to start with one to three pictures, whereas other students may need to have the entire daily routine depicted on the schedule. Picture schedules are inexpensive and easy to construct, they can be applied in many different settings and in a variety of activities in school and away from school, which is ideal to both maintain and generalize behaviors.

Picture Activity Schedules

Findings from various studies (e.g., Carson, 2008; Duttlinger, 2012; Pierce, 2013) support the use of picture activity schedules with students diagnosed as having ASD and IND as an effective method to help students in the areas of transition, academics, daily living skills, social skills and with reducing aggressive behaviors. Notably, a lack of independence in these areas can lead to many limitations in the adult life of individuals with autism and intellectual disabilities. Picture activity schedules are used as visual prompts to reduce the co-dependency students with difficulties transitioning and following daily routines have on caregivers, teachers, and family members.

Pierce, Spriggs, Gast and Luscre (2013) conducted a single research design study to measure the effectiveness of visual activity schedules on the student's behavior within the context of transitioning in the classroom from one activity to the other. The participants consisted of four male students with moderate autism between the ages of nine and eleven in a self-contained class. An A-B-A-B withdrawal design was used to evaluate the effectiveness of using picture schedules for independent transitioning within the classroom. Results indicated that by using picture activity schedules, all participants increased independence during transitions. Moreover, pretest and posttest data demonstrated generalization of picture activity schedules across participants. These findings indicate that students with autism experiencing difficulties with transition may show improvements by using a picture schedule as an intervention that can be generalized in other settings.

Duttlinger, Ayres, Bevill-Davis, and Douglas (2012) conducted a study using the withdrawal design method to evaluate the effectiveness of implementing picture activity schedules with four middle school students with a mild-to-moderate range of intellectual disability. Duttlinger et al. (2012) investigated whether this intervention was effective for creating independence and generalization after following a sequential order illustrated with pictures. Duttlinger et al. (2012) tested for generalization to the community using a pre/post-test format. The students used the picture activity schedule in the school to follow a sequence of activities and the data showed that these allowed the students to work more independently. Accordingly, the results indicated that using picture symbols is an effective intervention to promote independence. All participants demonstrated an increase in their ability to complete three or five sequential tasks following verbal directions when using picture activity schedules as compared to when no picture activity schedules were provided along with the verbal command. The results also generalized to the community setting at the mall, using the picture activity schedule proved to increase independence in the community as well. Although the study included only students in the mild and moderate range of mental abilities, it would have been interesting to have included participants in the profound range of mental abilities.

In a similar study, Carson, Gast, and Ayres (2008) evaluated the effectiveness of using a photo activity schedule book to increase independent transitioning between vocational tasks inside a school cafeteria and at a community job site. The subjects were three students with mild to moderate intellectual disabilities ages 18 to 20, enrolled in a self-contained classroom in a public high school. A withdrawal design method was used to evaluate the effectiveness of the photo activity schedule book on the number of independent task changes performed per session by each participant. The results of the study indicated that independent task changes were higher when the photo activity schedule book was used than when it was not used. Independent task changes also remained at high levels when the photo activity schedule book was used with novel photos to complete non-training tasks. Although the study conducted had few students and the participants involved in the study were not middle school aged students; the findings showed the potential for success that implementing picture schedules has when working with students with ASD and IND in secondary school settings.

Picture Schedules Used in Different Settings

The integration of picture schedules in different settings is very useful for students experiencing difficulties with transitioning from one activity to the next and with task completion. This support system serves as an aid to facilitate predictability and a smooth transition for the student. Implementing a visual picture schedule may reduce the time spent transitioning and may decrease challenging behaviors during transitions. Students may begin to rely less on adults to complete activities which can encourage students to be more independent in school and the community (Sterling-Turner, & Jordan, 2007). The following studies were conducted in different environments, where students using a picture schedule to increase independence in transitioning and task completion were successful.

A study conducted by Akers, Hihbee, Pollard, Pellegrino, and Gerencser (2016) evaluated the effects of using photographic or pictures activity schedules during unstructured play time in the playground. They measured the number of free play activities completed by each participant to see if there was an increase in number of play activities completed by each participant. Three boys diagnosed with autism, between the ages of four to five in a university-based preschool for children with autism participated in the study. A total of sixteen activities such as: tube slide, short stairs, rock wall, etc. were utilized. The visual activity schedule was in a

small three ring binder, where each page had pictures of the activity in a sequence, and students had to independently follow the picture schedule. The results of the study demonstrated that the picture activity schedules used by these participants had a positive effect in activity engagement and that all the participants were able to complete the activities with the help of the visual schedule and no verbal intervention from the teacher. They were not able to generalize the activity when engaged in free play without the visual schedule. Although the study demonstrated gains when using the visual schedule, it was not successful without; the generalization process may happen with more repetition of the activity in future studies.

The research showed that visual activity schedules were beneficial in activities outside of the classroom setting. Pushkarenko, Reid, and Smith (2016) conducted a pilot study to examine the effects of picture schedules implemented within a structured aquatic environment for individuals with ASD. Three boys ranging from 11 to 16 years of age diagnosed with having autism participated in the study. An interrupted time series design (A/B/A) was used to assess the effects of the pictographic activity schedules on inappropriate response time in the aquatic training pool at a recreational facility. Findings reported that the implementation of activity schedules positively influenced the participant's behavior; there was a reduction of inappropriate behaviors when the intervention was used. Additionally, a generalized effect of the visual activity schedule was found during free play with decreased rates of inappropriate behavior. When comparing this study with the previous study it shows that using a visual schedule may show improvements of students with disabilities using the intervention in other settings other than in the classroom. Further studies need to be conducted for generalization as one study did not show generalization and the other one did.

Cirelli, Sidener, Reeve, and Reeve (2016) claim that visual activity schedules may increase on-task behavior and following transitions in children with Attention Deficit Hyperactivity Disorder (ADHD). In their study, Cirelli et al. (2016) evaluated the extent to which the on-task behavior of students with ADHD could be increased through the use of visual activity schedules. Two boys in general education classes identified as at risk for ADHD, seven and nine years of age in first and second grade participated in the study. During the study neither of the students was on medication. Previous interventions like: having a daily routine, repeating back directions, and sticker charts were used, but were not successful. "The experimental design used was a nonconcurrent multiple baseline design across participants, with the following sequence of phases for each participant: Baseline 1, Baseline 2, Schedule Teaching, and Post-Teaching Evaluation" (Cirelli, et al., 2016, p. 289). The results showed that after using a picture schedule both participants improved in on-task behavior and on following transitions in a classroom setting. When comparing this study to the study conducted by Pierce, Spriggs, Gast, and Luscre (2013) both implemented visual activity schedules in classroom transitions and in both studies transitions were successful for students with autism and ADHD. Findings in both studies demonstrated that using visual activity schedules in following classroom transitions may work for different students. A similar study conducted by Kamille, and DiCarlo (2016) evaluated completion of classroom routines through the use of picture schedules on one kindergarten student without a disability. A single subject multiple baseline research design was used to record the on task behavior throughout three routines. The findings of the study indicated that implementing this intervention increased his independence in completing tasks within each of the routines. When comparing the study done by Kamille, and DiCarlo (2016) to the studies by, (Cirelli, et al., 2016 & Pierce, et al., 2013), the use of a visual schedule in the classroom may benefit students with autism, with at risk of ADHD, and those without a disability. This is notable within the context of creating universally designed instruction.

Visual Schedules Have Been Used with People of All Ages

Research on the effects of using a visual schedule has been done across a variety of age groups. Individuals with developmental disabilities often times have limited opportunities to engage in social and leisure activities, due to limited skills. Chan, Lambdin, Graham, Fragale, and Davis (2014) conducted a study to teach adults with mild intellectual disability to use an iPad during leisure activity using a visual activity schedule. The purpose of this study was to teach three adults with mild intellectual disabilities how to use an iPad in the context of the video game Angry Birds. The participant's age ranged from 33, 51, and 57. All participants lived in group homes and worked at a sheltered workshop. They spoke in complete sentences and held conversations with other adults. They completed most daily living skills without assistance, although they required verbal or model prompts when learning a new task. The effect of the activity schedule intervention on the completion of the iPad leisure activity was measured with an adapted multiple baseline across participants design. Baseline data collection with all three participants began at the same time, and introduction of the intervention was staggered across participants over time. Upon completion of the intervention, a maintenance phase was immediately conducted for all three participants. Findings in the research indicate that all three participants showed improvement in the target skill with intervention and gains were sustained during the maintenance phase. Although, the study was successful with adults having a mild intellectual disability it would have provided more insight if they would have included adults with a moderate range of an intellectual disability.

Two studies conducted with preschool age students concluded that the use of visual activity schedules was an effective intervention for the students participating in both studies. One study used joint activity schedules to promote peer engagement. Betz, Higbee, and Reagon (2008) taught three dyads of students with ASD to follow joint activity schedules to increase engage of students with their peers in order to play an interactive game together. The participants were all male preschool students between the ages of four and five. All research sessions were conducted in the play area of participants' classrooms, which contained a shelf with all the games as well as the visual activity schedule students had to follow. Results indicated that joint activity schedules favored peer engagement and increased the number of games completed for all dyads. The second study was conducted with the same age range of participants, but the participants did not have autism or an intellectual disability. Zimmerman, Ledford, and Barton (2017) examined the relationship between visual activity schedules intervention and engagement. This study involved five children in an inclusive preschool setting using visual activity schedules as an intervention to decrease challenging behaviors and increase engagement. Three of the five students were at risk for social delays and engaged in challenging behaviors, the other two students were not engaged in classroom activities. Two of the five students had a language delay and one was receiving speech therapy. Participants needed to have the following criteria: challenging behaviors had to interfere with classroom tasks, low levels of engagement, and good school attendance. This study was a single case A-B-A-B withdrawal design research. The results of the study indicate that visual activity schedules were effective for decreasing challenging behaviors and increasing engagement in preschool age children without having a diagnosis of an intellection disability or autism.

The findings of Duttlinger, et al., (2012) and Pierce, et al., (2013) indicate that participants who used a visual activity schedule had increased independence during transitions and task completion following a sequence of pictures. The various studies described in this literature review have indicated that using a visual schedule with different age groups has facilitated transitions and independence across different settings.

In conclusion, the majority of articles reviewed in the literature indicated that the use of picture schedules was effective in helping students with disabilities transition from one activity to the next and complete an activity successfully. Students and adults with developmental disabilities can use picture schedules to become more independent and move away from the physical and verbal prompts given by others. This intervention can serve as a support to be implemented in settings outside the school allowing individuals to access new environments in the community. Picture schedules can be used at home to increase self-determination in daily living skills and leisure activities. Visual picture activity schedules have been shown to be an effective intervention not only for students with autism and intellectual disabilities, but for students without a disability as well.

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About the Author

Keyhla Mino, Special Education Teacher, in the state of Florida: Keyhla Mino was born in the island of Cuba, has a love for nature and outdoor activities. She has a passion to teach children and especially those having a disability. She has a Bachelor's Degree in special education and is currently finishing a Master's Degree in special education. Mrs. Mino has worked as a homebound teacher teaching students in their setting (home or hospital) due to long term illness or as part as an early intervention program. She currently is working in the public school system where she has taught special education for seventeen years. Keyhla Mino has worked with students diagnosed with autism, intellectual disabilities, Down's syndrome, attention deficit hyperactivity disorders, and emotional disabilities. As an educator working in the area of special education she has seen and experienced the different changes in her field, what works and what has not worked and what is currently being implemented. Keyhla Mino has seen the positive and negative outcomes of inclusive classroom settings and the different teaching models implemented. She continues to learn and read current research on the field of special education.

Buzz from the Hub

All articles below can be accessed through the following links:

<http://www.parentcenterhub.org/buzz-jan2018-issue2/>

<http://www.parentcenterhub.org/buzz-feb2018-issue1/>

The Best Ice Breakers for Meetings and Training Classes

The backbone and soul of our work are the workshops and in-person training sessions we give when helping families of children with disabilities. How many training sessions did your Center hold with families in 2017 alone? This resource is for the trainers out there—10 “favorite” ice breakers you can try on for size.

Tips and Tools for Trainers: Dealing with Challenging Participants

Participants can bring challenges of many kinds during your training session. This fact sheet offers tips for dealing with behaviors such as arguing, being withdrawn or introverted, aggression, complaining, put downs, talking, attention seeking, and arrogance.

6 Types of Visual Content You Need to Use in Your Marketing Campaigns

When you consider that 65% of people are visual learners, that 90% of information that comes to the brain is visual, and that presentations with visual aids are 43% more persuasive, it makes sense to use content types that resonate with people. Here are 6 types of visual content to take your marketing campaign to the next level.

Nonprofit Knowledge Matters: The New Federal Tax Law

Nonprofit Knowledge Matters is the newsletter of the National Council of Nonprofits. Its first issue of 2018 shares fresh information about how the new federal tax law will affect nonprofits. Because of the significance of this “once-in-a-generation” law (the last tax overhaul occurred 31 years ago), the Council has created a special webpage that offers “Resources on How the New Federal Tax Law Impacts Charitable Nonprofits.” Check it out!

Three Parenting Fact Sheets in Spanish

These fact sheets can help Spanish-speaking families better understand the challenges traumatized children face and how to access relevant resources and services. (You can also access the English version from the Spanish language page.) From the Child Welfare Information Gateway.

Parenting a Child Who Has Been Sexually Abused: A Guide for Foster and Adoptive Parents

(La crianza de un niño que ha sido víctima de abuso sexual: Una guía para padres de crianza y adoptivos)

Parenting a Child Who Has Experienced Trauma

(La crianza de un niño que ha experimentado trauma)

Parenting a Child Who Has Experienced Abuse or Neglect

(La crianza de un niño que ha experimentado abuso o negligencia)

Assistive Technology and the IEP in Spanish

The Center for Technology and Disability offers one of its very popular documents, **Assistive Technology and the IEP**, in Spanish as well—**Tecnología de Asistencia y el IEP**. Both support families in meaningfully considering their child's AT needs during the IEP process.

Multi-language Resources | Arabic, French, Mandarin, Portuguese, and Spanish

The Center on the Developing Child at Harvard University offers child development resources in many different languages, including videos with subtitles on subjects such as early childhood mental health, the consequences of toxic stress, executive function, and much more. **Check out what's available** that would help the families you serve.

IDEA Report Series

The National Council on Disability has released the Individuals with Disabilities Education Act Report Series (5 report briefs). The series includes reports focusing on significant issues of concern raised in previous reports that have yet to be resolved, and two new topics that NCD has not previously examined: ESSA implementation and its interplay with IDEA; and the cross-section of students with disabilities and English learners.

How ESSA and IDEA Can Support College and Career Readiness for Students with Disabilities

This brief explores how states can leverage ESSA and IDEA to promote college and career readiness for students with disabilities. It explains how to better support college and career readiness for students with disabilities through high expectations and access to the general curriculum, a well-rounded education, career pathways and transition planning, personalized and competency-based learning, subgroup accountability, and alignment across policies and programs.

Understanding Supplementary Aids and Services

The IEP must contain a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child. We've split up the discussion of each of these important elements, because there is so much to say about each. This article focuses on supplementary aids and services.

IDEA's Exact Words

Again, let's start with IDEA's full requirement for identifying the supplementary aids and services a child will need and specifying them in his or her IEP. This appears at §300.320(a)(4) and stipulates that each child's IEP must contain:

(4) **A statement of** the special education and related services and **supplementary aids and services**, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section... [§300.320(a)(4)]

We've bolded the part of IDEA's regulation that specifically mentions supplementary aids and services, because it's important to see the context in which this term is used. It is that context, and IDEA's own definition of supplementary aids and services, that will guide how a child's IEP team considers what services the child needs and the detail with which the team specifies them in the IEP.

The Short Story on Supplementary Aids and Services

Supplementary aids and services are often critical elements in supporting the education of children with disabilities in regular classes and their participation in a range of another school activities. **IDEA's definition of this term** (at §300.42) reads:

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate ...

Speaking practically, supplementary aids and services can be accommodations and modifications to the curriculum under study or the manner in which that content is presented or a child's progress is measured. But that's not all they are or can be. Supplementary aids and services can also include:

- direct services and supports to the child, and
- support and training for staff who work with that child.

That's why determining what supplementary aids and services are appropriate for a particular child must be done on an individual basis.

Examples from the Field

The definition of "supplementary aids and services" was new in IDEA '97. Since then, the field has fleshed out the definition through practice. Numerous states have developed IEP guides that include both the regulatory definition of "supplementary aids and services" and examples to guide IEP teams in their considerations of what a student might need. Here are some examples that the New Mexico Public Education Department (2004) provides online that you may find illuminating:

Supports to address environmental needs (e.g., preferential seating; planned seating on the bus, in the classroom, at lunch, in the auditorium, and in other locations; altered physical room arrangement)

Levels of staff support needed (e.g., consultation, stop-in support, classroom companion, one-on-one assistance; type of personnel support: behavior specialist, health care assistant, instructional support assistant)

Planning time for collaboration needed by staff

Child's specialized equipment needs (e.g., wheelchair, computer, software, voice synthesizer, augmentative communication device, utensils/cups/plates, restroom equipment)

Pacing of instruction needed (e.g., breaks, more time, home set of materials)

Presentation of subject matter needed (e.g., taped lectures, sign language, primary language, paired reading and writing)

Materials needed (e.g., scanned tests and notes into computer, shared note-taking, large print or Braille, assistive technology)

Assignment modification needed (e.g., shorter assignments, taped lessons, instructions broken down into steps, allow student to record or type assignment)

Self-management and/or follow-through needed (e.g., calendars, teach study skills)

Testing adaptations needed (e.g., read test to child, modify format, extend time)

Social interaction support needed (e.g., provide Circle of Friends, use cooperative learning groups, teach social skills)

Training needed for personnel

Making the Short Story Longer

As said above, **considering the supplementary aids and supports that a child needs should take into account the academic, extracurricular, and nonacademic environments available to, and of**

interest to, the child. That pretty much covers the gamut of school settings where children might be engaged in learning, interaction, and development, doesn't it?

The last two elements—*extracurricular and nonacademic*—are actually new to IDEA in 2004. Consistent with the inclusive nature of the legislation, the final Part B regulations have added the phrase “in extracurricular and nonacademic settings” to the definition of supplementary aids and services and, thus, enlarged the scope of where supplementary aids and services must be provided, as appropriate to the child's needs.

Don't Forget about Accessible Educational Materials

And while we're on the subject of supports that really *do* support children, since its reauthorization in 2004, IDEA has greatly **improved access to instructional materials** for blind or other persons with print disabilities—textbooks and workbooks, for example.

Now, print materials are to be rendered into a wide range of accessible formats, including Braille, large print, audio text, or digital text. For students who are blind, or who cannot use standard print materials, having access to a format they *can* use will be a huge leap forward, educationally.

For more information about obtaining accessible instructional materials, the school's obligation to provide them to students who need them, and how these materials are generated, visit the **National Center on Accessible Educational Materials**, at:

<http://aem.cast.org/>

Suppose a Child Needs...

Suppose a child needs a specific supplementary aid or service that's typically provided in separate environments, not in the regular education classroom? Does this mean that the needed supplementary aid or service doesn't have to be provided? Or that the child's placement may then be somewhere other than the regular educational environment?

No, to both questions. The public agency is responsible for providing the supplementary aids and services that the IEP team determines the child needs and lists in the child's IEP in order to enable the child to be educated in regular education settings with nondisabled children to the maximum extent appropriate.

The fact that supplementary aids and services often play a decisive role in whether or not the child can be satisfactorily educated in the regular educational environment makes it all the more important that the public agency meet its responsibility to provide them. If the IEP team has determined that the child can be satisfactorily educated in the regular classroom with the support of a given supplementary aid or service, those aids or services must be specified in the child's IEP and must be provided to the child. (71 Fed Reg. 46588)

Concluding Words

A fair amount of time and space has been devoted to this discussion of supplementary aids and services. For many children with disabilities, these are pivotal elements in their participation in school-related settings, activities, and learning opportunities.

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* **Director of Special Education** - The Director of Special Education is responsible for leadership, administration, and supervision of all services and programs associated with the provision of special education in Council Bluffs Schools and for all instructional services provided in community-based programs for which the school district is responsible. To learn more - [Click here](#)

* **Special Education Teacher - Jewish Child & Family Services** (JCFS) provides vital, individualized, results-driven, therapeutic and supportive services for thousands of children, adults and families of all backgrounds each year. JCFS is currently seeking a Special Education Teacher to work with individuals and small groups of children (K - 12) with emotional and behavior disorders in a therapeutic special education classroom. The Therapeutic Day School is located in West Rogers Park, Chicago, IL. To Learn More - [Click here](#)

* **Special Education Teacher - Year Round Facility School** - Provide an optimal classroom environment and learning experience, Establishes and maintains strong classroom management, complete all academic and diagnostic assessments, participate with family and/or guardian and team in the development of IEP and facilitate and monitor activities in accordance with each child's IEP goals. To learn more - [Click here](#)

* **Certified Special Education Teacher** - Susan E. Wagner Day School with 5 locations throughout the Bronx. Administer appropriate educational testing to gather data for the development of IEP. Develop appropriate individualized. Provide therapeutic intervention in the classroom to maintain a therapeutic educational environment. Document academic and behavioral evaluations of students. To learn more - [Click here](#)

* **Educational Director** - Do you enjoy leading a collaborative team, utilizing your leadership and behavioral skills while positively affecting children with significant disabilities? Then consider joining Devereux Advanced Behavioral Health! Being an Educational Director at Devereux has its Advantages. To learn more - [Click here](#)

* **Special Education Teacher** - At Mastery, all means all. Nearly one quarter of our students have individualized education plans (IEPs) to help ensure they get the educational opportunities they need. As a Secondary Special Education Teacher you will work with a team of teachers, case managers, school leaders, and central office support staff to help push the boundaries of what's possible for your students academically, emotionally, and physically while also developing your craft. To learn more - [Click here](#)

* **Executive Director of Special Education** - Under the direction of the Chief Academic Officer, the Executive Director of Special Education provides vision, leadership, oversight and evaluation for the Department of Special Education. A completed application includes all application materials and three supervisory references. This position is posted until filled, with an initial screening date of February 11, 2018. To learn more - [Click here](#)

* **Special Education Teacher (secondary)** - Linwood Center is currently hiring for Special Education teachers for Grades 9-12. The teacher will guide the educational process and provide specialized instruction at

the secondary school level for students with autism and related disabilities in classrooms of four to seven students. S/he will use various techniques to promote learning, including individualized instruction, problem-solving assignments, and small-group work. To learn more - [Click here](#)

* **High School Special Education Teacher** - Tutor individual and small groups of students, reinforcing language and reading concepts. Schedule and conduct IEP meetings, coordinating schedules with parents, general education teacher(s), administrator, and all appropriate special education staff. Communicate with parents regarding individual student progress and conduct. Maintain progress records and record progress toward IEP goals. To learn more - [Click here](#)

* **Instructional Specialist** - The STEPP Program's mission is to provide students with learning disabilities who aspire to achieve a college education and who demonstrate the potential for postsecondary success with access and comprehensive support throughout the university experience. By partnering with these students, their families, and a variety of educational communities, the STEPP Program fosters a network of opportunities and resources to empower and support students from admission to graduation from East Carolina University. To learn more - [Click here](#)

* **EXECUTIVE DIRECTOR** - Criterion Child Enrichment is conducting a search for an Executive Director. Founded in 1985 as a not-for-profit organization, Criterion has served families for over 30 years and is a leading provider of early childhood education and early intervention services. Each year the agency serves over 7000 families through a program network that extends throughout the Commonwealth of Massachusetts. To learn more - [Click here](#)

* **Program Director ~ Annandale Campus** - Applications are being accepted for this key leadership position within PHILLIPS Programs. The PHILLIPS School ~ Annandale Program Director, reporting to the President & CEO, will be responsible for all aspects of operation of a 200 pupil campus for students with emotional & behavior problems, learning disabilities and other school challenges. The Program Director also oversees a staff of 150. To learn more - [Click here](#)

* **Special Education Teacher - Various** - \$50,000/school year (185 days), summers off with year round pay and year round appreciation. Special Education Teachers needed in Arizona (Phoenix and surrounding cities). Needs are in the self-contained and resource settings serving students with emotional disabilities (ED), Autism (A), Severe/Profound (S/P), and Intellectual Disabilities (ID). STARS is the largest school contract agency in AZ. STARS is owned and operated by Occupational Therapists. You will be an employee and receive full benefits. To learn more - [Click here](#)

* **Special Education Teacher** - The Adolescent Care Unit (ACU) at Tséhootsooí Medical Center on the Navajo Nation seeks a Special Education Teacher to work with 8 to 10 teens aged 13-17 with mild emotional or behavior issues in a subacute 60-day inpatient program. ACU combines western therapy with Native American traditional cultural methods to foster health and Hozho or harmony, and is located in northeastern AZ. To learn more - [Click here](#)

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Acknowledgements

Portions of this or previous month's *NASET's Special Educator e-Journal* were excerpted from:

- Center for Parent Information and Resources
- Committee on Education and the Workforce
- FirstGov.gov-The Official U.S. Government Web Portal
- Journal of the American Academy of Special Education Professionals (JAASEP)
- National Collaborative on Workforce and Disability for Youth
- National Institute of Health
- National Organization on Disability
- Substance Abuse and Mental Health Services Administration
- U.S. Department of Education
- U.S. Department of Education-The Achiever
- U.S. Department of Education-The Education Innovator
- U.S. Department of Health and Human Services
- U.S. Department of Labor
- U.S. Food and Drug Administration
- U.S. Office of Special Education

The **National Association of Special Education Teachers (NASET)** thanks all of the above for the information provided for this or prior editions of the *Special Educator e-Journal*