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## Special Education Legal Alert

By Perry A. Zirkel

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This month's update identifies recent court decisions of general significance, specifically addressing (a) FAPE via another case in the direct line after *Endrew F.*, and (b) employee rights emanating from the special education context, here via the case of a terminated teacher during the ongoing COVID-19 crisis. For related information about both broad issues, see [perryzirkel.com](http://perryzirkel.com).

**In an unpublished decision *Elizabeth B. v. El Paso County School District 11* (2020), the Tenth Circuit Court of Appeals addressed the tuition reimbursement claim of the parents of a child with autism and epilepsy. The first substantive step for reimbursement cases is to determine whether the district's proposed IEP provided FAPE. The Colorado hearing officer and the federal district court ruled that the IEP was appropriate, thus not having to decide the other steps of the applicable analysis, such as the appropriateness of the private placement at an autism center. The parents appealed to the Tenth Circuit. Their primary challenges to the district's proposed IEP were that it did not include (a) a functional behavior assessment (FBA) and resulting behavior intervention plan (BIP); (b) one-on-one applied behavior analysis (ABA) therapy from an ABA-certified instructor; and (c) extended school year (ESY).**

For the parents' FBA-BIP claim, they argued that their child had maladaptive behaviors that required these specialized interventions, as recognized in the state education department's technical assistance document.

The Tenth Circuit relied on the controlling "plain language" of the IDEA legislation, which requires the IEP team to "consider the use of positive behavioral interventions," and found not only that the district had done so, but also the parents did not prove that the child's behavior impeded her learning.

For the parents' ABA claim, they argued that the IEP was too generic and, in any event, the delivery was not done with best-practice

The court concluded the provisions of the IEP and the delivery of specialized services met with applicable legal authority,

training and fidelity.	including the “reasonable”—rather than optimal—substantive standard of <i>Endrew F.</i>
For their ESY claim, the parents argued that their child needed this summer programming, as evidenced by their plan to provide it at the private autism center.	The court concluded that the parents did not prove that the child met the criteria of the Tenth Circuit’s <i>Johnson</i> (1990) decision, including the countering effect of “the availability of alternative resources.”
Although various factors, including factual circumstances and jurisdictional differences, serve cumulatively to caution against overgeneralization, this appellate ruling illustrates the common distinction between (a) parental perceptions, which may include professional best-practice norms, and (b) the legal standards for FAPE. With due differentiation rather than confusing fusion of “a” and “b,” both sides can benefit from collaborative proactivity rather than costly court battles in which often neither the child nor any other direct or indirect stakeholder is the winner. Litigation is necessary, but only in the exceptional cases, in education.	

**In an unpublished decision in *Mullen v. Tiverton School District* (2020), a federal district court in Rhode Island addressed the First Amendment freedom of expression claim of a terminated special education teacher. As the president of the local teachers’ union, she insisted in participating in the meeting that the superintendent convened for developing the district’s plan for distance learning during the pandemic. Her insistence was based on the state’s law that provides teacher unions with the right to collectively bargain all terms and conditions of employment. The reason for firing her that the district provided in the termination letter was insubordination for (a) refusing to leave the meeting, and also (b) subsequently participating in an education discussion on Facebook contrary to a gag order the superintendent issued to her upon being placed on administrative leave prior to the termination. In a series of cases, the U.S. Supreme Court has established a flowchart-like multi-step analysis for First Amendment expression claims of public employees. The steps include these successive questions: (1) Is the expression as a private citizen rather than pursuant to the individual’s employee status?; (2) If so, does the expression address matters of public concern rather than those of concern solely within the district?; (3) If so, upon**

<p><b>balancing these interests with those of the district, did the expression have a disruptive effect on the efficiency and effectiveness of its services?; and, (4) If not, was the expression a substantial or motivating factor in the district's adverse employment action? The district defendants filed a motion to dismiss the claim for alleged failure to meet these threshold requisites, thus not putting at issue a final, causation-related step of the applicable analysis.</b></p>	
<p>The court found that the plaintiff's allegations showed that her expression was as the president of the local union, not as part of her duties as a teacher.</p>	<p>Although she was obviously both a teacher and the union's president, her statements were in her role as the head of the organization that was the official bargaining agent of the teachers.</p>
<p>The court also found that the allegations met threshold sufficiency to show that the expression at issue addressed a matter of public concern.</p>	<p>Although speech related to union representation is not sufficient alone, here the subject of the expression, which was the district's response to the pandemic, was of great public concern.</p>
<p>Next, the court balanced the individual and institutional interests in favor of the plaintiff at this threshold stage.</p>	<p>The court found the expression minimally disruptive when weighed against the teachers' and public interest in an effective district plan.</p>
<p>The court easily found the pleadings sufficient for the initial causal connection step.</p>	<p>The district's stated reason made relatively clear that the plaintiff's expression was a substantial factor for her termination.</p>
<p>This ruling was only at the dismissal stage, thus leaving the subsequent stages of discovery (e.g., depositions) and, if not settled or summarily decided, a trial (and possible appeal). Moreover, the potential alternative legal bases for the plaintiff-employee's expressional claims included: (a) protections for union activity, depending on state labor law, and (b) § 504/ADA protections against retaliation for advocacy for students with disabilities, depending on their specific connection in the facts of the case.</p>	

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## Buzz from the Hub

All articles below can be accessed through the following links:

<https://www.parentcenterhub.org/buzz-dec2020-issue2/>

<https://www.parentcenterhub.org/buzz-bridging-the-distance/>

<https://www.parentcenterhub.org/buzz-dec2020-issue1/>

### **Gathering and Training en Masse**

How *about* that National Parent Center Capacity Building Conference /Conferencia in 2020! What an explosion of participation. Over 700 people attended virtually, and it was simply incredible. Training sessions, materials in Spanish, captured (and captioned) videos for later viewing... all learning sessions, exchanges, and materials will be archived on the new CPIR “**Centers Connect**” site (which is replacing the unpopular Workspaces of olde).

### **Native American Resource Collection**

Did you know that there are nearly 7 million American Indians, Alaska Natives, and Native Hawaiians living in the United States? The Native American resource library launched by CPIR in 2020 is meant to help Parent Centers learn about the historical and current realities of Native Americans and to address with cultural competence the needs of families with children who have disabilities. Prepare for a fascinating learning multicultural journey.

### **Talking about Race**

There’s no denying that 2020 brought violent racial strife in the streets, harrowing images on the news, and the stark recognition that, somehow, we must confront the enormity of our racial divides. The resources in this CPIR suite can help us look within ourselves, listen and learn from others, talk with our children about racial violence, and join forces with those involved in the work that must be done to tackle this most wrenching and deep-seated issue.

### **Disproportionality in Special Education: Training Modules for Centers**

Not surprisingly, racial inequities exist in our schools as well as the streets. Learn about the federal regulations targeted at reducing disproportionality in special education—and inform

families, schools, and communities using these two training modules from CPIR. The modules include slideshows, trainer guides, and handouts for participants.

### **OSEP Fast Facts: IDEA 45th Anniversary**

By 1975, Congress had determined that millions of American children with disabilities were still not receiving an appropriate education, “More than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity” (EHA, §3(b)(3)).

Congress enacted the Education for All Handicapped Children Act (Public Law 94-142) (EHA), to support states and localities in protecting the rights of, meeting the individual needs of, and improving the results for infants, toddlers, children, and youth with disabilities and their families. This landmark law, whose 45th Anniversary we celebrate this year, is currently enacted as the Individuals with Disabilities Education Act (IDEA). This timeline depicts IDEA from its beginnings as the Education of through the last reauthorization in 2004.

### **IDEA Presentation Materials at Your Fingertips**

Don’t forget that the Parent Center Hub has curricula you can use for training families and professionals on both **Part B** and **Part C** of IDEA 2004, including an updated (2020) module on **Disproportionality and Students with Disabilities**. Each individual module includes: slide decks; Trainer’s Guides explaining how the slides work as well as the content of the slides; and handouts for participants (available in English and in Spanish). These foundational resources are easy to adapt to include state-specific information and for presentations in a variety of formats (virtual, video, etc.).

### **Do you know the History of the Parent Centers?**

Which current Parent Center was the first Parent Training and Information Center funded? How did Community Parent Resource Centers get started? Learn the answers to these questions and more when you complete the History of Parent Centers module in the Parent Center eLearning Hub. Got credentials for this *Parent Centers Only* resource? **Login here**. Need credentials? Please send your request to [us](#).

### **Creating Effective Partnerships to Improve Early Intervention | Webinar**

Identifying young children as early as possible requires developing nurturing partnerships with families, communities, and programs. This interactive webinar discusses how IDEA early intervention programs can partner with the ambassadors of the Act Early Ambassador program.

The webinar provides an overview of the purposes of Part C early intervention services for infants and toddlers and their families and Part B, 619 services for preschool special education. Viewers can learn about Rhode Island’s partnership with their Act Early Ambassador. The Ambassador trains professionals in home visiting programs (e.g., the Maternal, Infant and Early Childhood Home Visiting program; and Parents as Teachers) on how to use “Learn The Signs. Act Early” developmental milestone resources to support earlier identification.

### **It’s Official: National Test Is Postponed Due to COVID-19 Concerns**

Heard of the National Assessment of Educational Progress (NAEP)? It’s the national test of reading and math given since the 1970s to representative samples of students in all 50 states. Well, it’s been postponed for 2021 by the U.S. Department of Education. See you in 2022!

### **GAO Report: Challenges Providing Services to K-12 English Learners and Students with Disabilities during COVID-19**

COVID-19 forced schools to rapidly shift to distance learning. GAO (the Government Accounting Office) investigated the impact of this shift and found that it presented logistical and instructional challenges, especially for English learners and students with disabilities—both of whom have persistent achievement gaps compared to other student subgroups. Find out what those challenges were for each group.

### **Map: Where Are Schools Closed?**

Want to know where school buildings are open or closed? Consult this state-by-state map.

### **Why School Board Diversity Matters**

The racial and ethnic makeup of school boards rarely matches that of the students in the schools they are responsible for. Yet a growing body of research suggests having more diverse school boards can make concrete differences in how schools operate. In fact, having just *one* minority member on a board increases a school district’s financial investment in high-minority schools and even some measures of student achievement and student climate.

### **Playtime’s Guide to Activities Families Can Do Together**

*(Available in English and Spanish)* | The Homeless Children’s Playtime Project offers creative tip sheets for parents looking for fun activities to do with their children during the pandemic. Tip



Sheets 1-4 are available in English. Tip Sheets 5 and 6 are available in both English and Spanish. There are also fun videos for children on the project's YouTube channel.

### **Self-Care in the Time of Coronavirus**

*(Also available in **Spanish**)*

For parents, prioritizing your own well-being benefits your whole family.

### **Holidays During the Pandemic**

*(Also available in **Spanish**)*

Tips for reducing stress, helping kids cope, and making new traditions.

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## **Utilizing Technology to Train and Implement Functional Behavior Assessments: A Brief Review of the Literature**

**Kimberly J. Soderholm**

### **Abstract**

With the passing of The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) Functional Behavior Assessments (FBAs) became a mandated step when excluding students from the educational setting due to challenging behaviors. IDEA directed that preventative rather than punitive action be implemented. Explicit procedures for completing FBAs are not outlined in the legislation. The purpose of this brief literature review is to investigate the validity of utilizing technology to expand the skill base of stakeholders who are tasked with implementing Functional Behavior Assessments.

### **Utilizing Technology to Train and Implement Functional Behavior Assessments: A Brief Review of the Literature**

The reauthorization of The Individuals with Disabilities Act in 2004 works to ensure that all students with disabilities are provided with a free and appropriate public education in the least restrictive environment. IDEA (2004) establishes that supports are in place to foster success. Data shows that students with disabilities display a higher rate of challenging behaviors in the classroom (Vasquez III et al., 2017). These difficult behaviors present a challenge to educators who lack classroom management skills or are not adequately trained in techniques to reduce target behaviors. Implementing a Functional Behavior Assessment for students who are being removed from the educational setting due to challenging behavior is a mandate in IDEA (2004)

### **Functional Behavior Assessment**

A Functional Behavior Assessment is used to determine the cause of challenging behavior. Data collected by the FBA is utilized to create a behavior intervention plan (BIP) to decrease the target behavior and replace it with an acceptable replacement behavior. Successful schools implement the concepts of FBA and BIP on a schoolwide level. This is done by reviewing schoolwide data trends and developing schoolwide interventions and techniques to increase

preferred behaviors. Although these procedures can be used schoolwide and for specific students, these procedures are mandated for use when a student with a disability is being moved from their educational setting due to challenging behaviors. FBAs can be completed by one of three methods or a combination of these three methods; they are indirect, direct, and experimental (Pinkelman et al., 2017) When data is collected by interviewing a teacher or caregiver it is considered indirect and the function of the behavior is hypothesized. The direct method of completing an FBA is when the student is observed, and the behavior is hypothesized based on the direct observation. The most effective method of conducting an FBA is experimental. This method produces higher quality data as experimental procedures are put in place to identify the function of a behavior. Functional Analysis (FA) is an experimental method of FBA in which experimental manipulation of the environment is used to determine the function of a behavior.

Although Functional Analysis is an effective and preferred method of Functional Behavior Assessment, it is not widely used. Individuals require training and practice to become proficient with the FA process. It has been shown that improperly implementing FA procedures can result in an escalation of the target behavior (Hoffmann et al., 2019). Given the harmful effects of this escalation, proper training is essential. The process requires qualified personnel, appropriate training, and other resources allotted to building this capacity that are not typically available. Telehealth and other virtual methods are now being used to train personnel, monitor procedure, and offer corrective feedback.

### **Virtual Tools**

A review of the literature demonstrates that virtual methods can be utilized to effectively train stakeholders to implement Functional Behavior Assessments. One method allowed graduate students, with at least one year of teaching experience, to interact with virtual students in the Synthetic Reality Lab (SREAL) at the Institute for Simulation and Training (IST) on the campus of the University of Central Florida. The graduate students interacted in the environment that simulated a classroom with students who displayed challenging behaviors. One of two conditions were displayed during the baseline and intervention phases, either attention or escape. The graduate students were asked to collect data during their simulated classroom sessions. Between the baseline session and the subsequent sessions, the graduate students received training on Functional Analysis. Pairing the simulated classroom with Functional Analysis training and corrective feedback increased the graduate students' procedural integrity.

In another instance, Telehealth is utilized to provide Functional Analysis training to educators in a rural setting without easy access to professionals qualified to provide the training. Telehealth is the delivery of health-related services through telecommunications (Bloomfield et al., 2020). Video conferencing is used to provide interactive training. Monitors and cameras allowed the trainer to observe the class dynamic and educator's implementation of procedures. Corrective feedback was provided immediately by the instructor through an earpiece worn by the classroom teacher. The use of technology allowed for training some educators would not otherwise have access to.

## **Discussion**

Providing training opportunities in a virtual setting allows educators to gain proficiency without the possibility of harming actual students in a natural classroom environment. Technology allows qualified professionals to train larger groups of educators. It also allows for educators in rural areas to gain access to resources not readily available to them in a face-to-face format. The goal is to build capacity by ensuring that all professionals supporting students have proper training and skills (Walker et al., 2017).

Educators have always incorporated technology into their practice. This technology is consistently evolving. Chalk boards are replaced with interactive smart boards, a backpack full of heavy textbooks is replaced with a tablet, and pen and paper are quickly being replaced with computers. The data shows that these new methods of training are effective and are tools that teachers and stakeholders should be utilizing to advance the craft of teaching.

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## **“Looking Beyond What You See”: An Article Review**

**Samantha Ashley Forrest**

Have you ever thought about the saying “looks can be deceiving”? This saying refers to what we see with our eyes, might not always be true. “Looking Beyond What You See” focuses on the video about educators reflecting back on their analysis while interacting with their students (McVee, 2018). The chapters give real examples of what educators see with their students. These narratives are then broken down and put into different perspectives based on cultural of power scenarios.

South Florida has provided a melting pot of cultures that are exposed in our classrooms. Students come from different backgrounds and are expected to learn the same ideology that is required by the district. Just like their students, educators in South Florida have students of different backgrounds as well. It is what makes us special; however, it can also harm us.

Presently, students are placed into classes based on their weakness, not as much as their strengths. Due to this, some students are not placed in environments that would probably let them flourish under normal circumstances. For example, students coming from another country – especially, Latin countries – are automatically placed in English Language Learners classes. Yet, some of those students might have already received instruction in English and might be fluent. This oversight is one that does happen in education, but let’s look more into how the teacher assist those students.

As previously stated, both students and educators have different cultural backgrounds and with those backgrounds comes with their own metanarratives frames that shape who they are. Metanarratives (McVee, 2018) are what we align ourselves with, based on what we have seen and heard, as well as experienced throughout our lives. Some educators who might have been culturally exposed might have different perceptions about specific students in their classes and would likely treat them differently than their peers. In other words, the educator would categorize the student or students based off a stereotype. “Model – minority myth (McVee, 2018)” for example, have some educators thinking Asian students are more likely to achieve high academic standing in school, because of their background. The educator has put a higher expectation on their Asian students, without realizing what their strengths and weakness are.

As we travel into the classroom environment, we come across problems and dilemmas that affect educators teaching methodology. Some behaviors, such as off task, are problems educators typically predict they will see in their classrooms (McVee, 2018). For example, why are my students not paying attention to my lesson? Why are they not engaged? The dilemmas are the conflict filled situations that teachers find sometimes uncomfortable to address, because it takes away from the actual lesson (McVee, 2018). Is addressing the behavior more satisfactory for the student or taking time away from the lesson that is likely going to be on a future test? This causes friction in the classroom, because the teacher still needs to address the behavior, but with probable pause and caution the student depending on the situation. Students and teachers need to practice self – examination to determine proper actions.

The chapter mentions that recording lessons might offer a solution to break down the situation and think of a better method of conducting the lesson. Although, recording only offers a snapshot, without showing what was preexisting, as well as determined how it will be or was resolved. In addition, video – taping is usually something that can be preselected and scheduled ahead of time, as well as thinking of situations that might occur and planned addressed during the recorded session. The teacher would automatically have authority of power, since they have control over the recording.

These types of information, these are realistic aspects that can contribute to a constructive learning environment. Educators need to set a purpose when planning their lessons and think about their diverse learners. In preservice education, preservice teachers are taught to think about their learners before putting their lessons together. That is not always the case in the real classroom curriculum approach, when you are given standards and objectives to follow from the district and the state. Educators need to consider their students to make an effective lesson that would address both the curriculum and their students' needs. For instance, a teacher can use supplementary materials in teaching poetry that are relevant to their students other than what is presented in their basal textbooks. An example of poetry materials can be lyrics from music and having the students select meaningful lyrics that can be dissected in the classroom to show that it has poetry elements.

The classroom needs to be a safe haven for both students and educators where both are presenting valuable information and contributing to the class. They both need to put aside metanarratives to truly experience an enriched class with practical discussions on topics, such as

social/cultural issues. Sometimes suggesting uncomfortable topics that can be address later on, will allow a student to feel heard and valued as a member of the class.

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## **Reading Intervention**

**Charity L. Kinneer, Ed.S.**

By the time a student reaches high school, it is understood that they should have at least acquired basic reading skill. But what happens when they don't? More and more students are entering into the secondary classroom with little to no basic understanding of how to read and comprehend print. With the formation of Milestone and End of Course Tests, high school teachers are held to certain standards that must be met within the classroom, leaving little time to teach reading remediation. These non-readers struggle across subjects and often end up repeating courses required for graduation. So, what is the answer? How can the secondary school truly and effectively meet the needs of this particular population of students?

For high school struggling readers, the effects of not being able to read well can be long term and detrimental. The effects can determine success later on in the search for a job or career. Family dynamics can be affected due to difficulties in navigating personal and family life. To struggle with something that is often viewed as a basic skill, can also leave struggling readers with low self-esteem, low self-worth and anxiety that can stunt their potential later on in life. The effects extend far beyond the classroom walls and some type of high fidelity reading intervention must be implemented while there is still time. No longer can high school teachers and administrators ignore the growing epidemic of struggling readers.

Various studies have been completed regarding the implementation of reading within the middle school setting. School districts across the United States have focused on grants specific to bringing reading instruction and remediation into elementary and middle school classrooms while ignoring what transpires once they enter into the high school's walls. Most high school students that enter ninth grade lacking in reading instruction, tend to avoid activities that involve reading thus, continuing to widen the gap between readers and non-readers. Joftus and Maddox-Dolan (2003) reported that in the United States, roughly 6 million secondary students read far below grade level and that approximately 3,000 students drop out of U.S. high schools every day. In 2015, the National Assessment of Educational Progress (NAEP; NCES 2016) reported that only 34% of eighth graders scored at or above proficient on reading assessments. The

secondary years provide a last chance for many students to build sufficient reading skills to succeed in their demanding courses (Biancarosa & Snow, 2006; Joftus, 2002).

School systems across America allow for more variations in a student's schedule if they are identified as high achieving or gifted. They create "study skills" classes to allow for the more stringent demands of an Advanced Placement and Dual Enrollment schedule while neglecting the needs of struggling readers. These students are expected to access a curriculum that makes no sense to them and for many, is completely unattainable. High schools need to begin designing their classrooms and programs with these learners in mind. In order to do so, it may require schools to begin rethinking their organizations and schedules. Meeting the challenges of a struggling reader within high school requires schools to make these students a priority. Here are some steps school systems can do to ensure these students' needs are no longer ignored.

1. Create a "study skills" or reading intervention class for students that are two or more years below grade-level.
  1. Schools will first have to identify these students. This can be accomplished by:
2. Implementing reading Lexile testing in grades 8-11. Students that are identified by at least two different testing periods (and whatever other measures the school system employs to identify struggling readers) must take at least one year (or semester if block schedule) of reading intervention.
3. Invest in a quality reading intervention program and employ high fidelity teaching practices when implementing. Ensure the program offers:
  1. Word level skills-Fluency
  2. Strategy instruction and engagement
  3. Embedded and systematic vocabulary instruction
  4. Guided, supported reading practice

The most important thing you as an educator can do for these students is to let them know that they matter. In the search for a great school, don't leave those that need you the most behind.

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## **Mentoring Prospective and Current Individuals with Disabilities in Higher Education**

**Melissa V. Wells**

As a civil rights issue, it is critical that educators who are mentors in higher education institutions are aware of the available accommodations and supports provided to students with disabilities. Snyder, Brey, and Dillow (2019) found nineteen percent of undergraduates in the 2015–16 schoolyear reported having a disability, and the number of students with disabilities in higher education is growing. Thus, mentors of prospective and current individuals with disabilities in higher education must be familiar with the process for obtaining supports and modifications to ensure student needs are met.

The United States Department of Education acknowledges the importance of prioritizing a student's civil rights by ensuring necessary supports for individuals with disabilities in their pursuit of higher education degrees. Federal laws were enacted to ensure the delivery of necessary accommodations to support a student's learning. Specifically, in postsecondary education, the United States Department of Education (2011) indicated that *Section 504 of the Rehabilitation Act of 1973* (Section 504), Title II of the *Americans with Disabilities Act of 1990*, and Title III of the *Americans with Disabilities Act* address this civil rights issue. Since the legislation has been signed into law, disability support services have been routinely offered to students, but the organizational structures have varied quite widely and were held in varied centers (Trammel, 2017).

Mentors must be aware of student support offerings to students so they can guide their mentees and advisees. As stated by Wessel (2009), “Many colleges and universities have disability services offices to help facilitate access to higher education and the academic success of students with disabilities, reducing the number of students with disabilities that drop out of college.” (p.116).

To obtain the supports indicated by federal law, students must provide sufficient documentation to the institution in order to receive accommodations and supports.

The United States Department of Education (2011) indicates that an Individualized Education Plan (IEP) is not sufficient for documentation, and further documentation may be required by the institution. For students in higher education, Section 504 regulations include supplementary aid and services which include but are not limited to, “note-takers, readers, recording devices, sign

language interpreters, screen-readers, voice recognition and other adaptive software or hardware for computers, and other devices designed to ensure the participation of students with impaired sensory, manual or speaking skills in an institution's programs and activities". (Part 6) As mentors, we should make students aware of the support services available that can increase the student's access to learning and his or her participation in school activities.

If you have an adult student who believes they require special education services but has never been evaluated for such services, they will need to seek out an evaluation. It is the student's responsibility to provide the current documentation needed to request instructional and testing accommodations. As a mentor, you should suggest to the mentee to speak with their primary care physician about a referral or list of resources for testing. Also, the mentor must be knowledgeable about the local organizations that may offer support. For example, for New York state residents, the Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) has offices throughout New York State. Lastly, access to federal resources such as USA.gov Disability Services may support students in obtaining evaluation.

Ultimately, increasing the knowledge base of mentors in student support services is a crucial step in ensuring students with disabilities are provided any needed supports.

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## Book Review: Time for Change: 4 Essential Skills for Transformational School and District Leaders

Melanie Calise

Both Anthony Muhammad and Luis Cruz believe that the most vital asset to an organization is the human resource. The leader of the company is responsible for managing these resources by working to create organization and motivate people throughout the process of change.

Muhammad and Cruz also believe that leadership is a skill. Leadership is not something you are, it is something you do and have to continuously work at it. As stated by Muhammad and Cruz, “We believe that schools will have the best chance to significantly impact student outcomes if they develop transformational leaders- leaders who understand that their behavior significantly contributes to their schools, districts, families, communities, and world” (Pg. 5). Muhammad and Cruz place a big emphasis on relationships and how the behaviors of leaders have an effect on relationships.

### Main Themes

Anthony Muhammad and Luis Cruz place an emphasis on four essential skills that district leaders need to ensure a transformational school. These four skills represent the *why*, the *who*, the *how* of change and how to *do* the change. Muhammad and Cruz also emphasize that these skills are not only directed towards district leaders, but can be helpful for teachers, counselors, custodians, paraprofessionals, etc.

**The *why*.** The *why* of the work means that the leaders must effectively communicate the rationale. People tend to resist change unless they clearly understand the vision and what is expected of them through the process.

**The *who*.** The *who* of the work means that the leaders must effectively establish trust. This is something Muhammad and Cruz feel strongly about. If a leader does not have the trust of his or her followers (teachers), transforming the school will be extremely difficult. Connecting with others’ emotions allows for teachers to feel supported and understood through the process.

**The *how*.** The *how* of the work means that the leaders must effectively build the capacity of the work. Leaders must make an effort to be involved in trainings and invest in resources in order to prepare their teachers professionally. When teachers feel prepared with knowledge, they are willing to take a risk in change.

**The do.** The *do* of the work means that the leaders must get the results. In order to determine if teachers are complying with transformational needs appropriately, leaders must collect data and assess the needs.

### **Key Quotes**

*“Leadership is not a position; it is a set of actions that positively shape the climate and culture of the working environment.”* (Pg. 2) – Muhammad and Cruz use the term “leadership” as a verb instead of a noun.

*“Leaders must use data to drive commitment, not to extend an agenda of coercive compliance”.* (Pg. 27) – This way if a school leader can demonstrate to educators that their measurable achievement evidence, such as data, does not align with the district’s commitment, there is a better motivating force for change.

*“Leaders who want to build consensus must create a cognitive and philosophical connection with their followers, which makes communication an invaluable skill.”* (Pg. 41)- Muhammad and Cruz emphasize the importance of people needed to understand the need for change. Without this understanding, people are reluctant to change. By creating a connection with teachers, principals gain trust and understanding from teachers and the transition through change is easier.

*“To assume that staff are prepared to do what leaders have communicated is comparable to gambling with the fate of the organization”.* (Pg. 64)- Just because a skill is taught, does not mean it is fully understood. For a principal to assume that all teachers “already know the basics” could be dangerous to the school.

### **Strengths and Weaknesses**

Muhammad and Cruz do an outstanding job of breaking down essential leadership skills. Each chapter lists a new essential skill referring to the “why”, “who”, and “how” to implement these skills in the school setting.

### **Comparison to DuFour and Fullan**

Within the introduction, Muhammad and Cruz compare their work with Richard DuFour and Michael Fullan’s book, *Cultures Built to Last: Systemic PLCs at Work* (2013). Both theories suggest that leaders should be a good balance between tight and loose. Tight refers to a leader being assertive and mandate change, loose refers to a leader encouraging people to engage in the change process but leaving participation optional.

### **References**

DuFour, R., & Fullan, M. (2013). *Cultures built to last: Systemic PLCs at work*. Bloomington, IN: Solution Tree Press.

Muhammad, A., & Cruz, L. F. (2019). *Time for change: 4 essential skills for transformational school and district leaders*. Bloomington, IN: Solution Tree Press.

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## **Book Review – Hacking Leadership: 10 Ways Great Leaders Inspire Learning That Teachers, Students, and Parents Love**

**Lauren Bacus**

In a profession such as education, strong, effective leadership is one of the most critical aspects within an entire school district, throughout a school building, and within each classroom. Learning and developing leadership skills does not just apply to school board members, superintendents, and administrators, etc. As Michael Fullan (2001) stated in his book, *Leading in a Culture of Change*, “Ultimately, your leadership in a culture of change will be judged as effective or ineffective not by who you are as a leader but what leadership you produce in others” (p. 137). In searching for a book geared towards developing critical skills that make up effective leaders and establish a thriving culture within schools, *Hacking Leadership: 10 Ways Great Leaders Inspire Learning That Teachers, Students, and Parents Love* by Dr. Joe Sanfelippo and Dr. Tony Sinanis (2016) was an easy choice. Administrators, teachers, and support staff alike are able to take away incredible ideas for not only contributing to a positive, collaborative culture change throughout a school, but also how to incorporate the same elements discussed by the authors to enhance individual classroom cultures.

Dr. Joe Sanfelippo is the Superintendent of Fall Creek School District in Fall Creek, Wisconsin. In his time in the education system, Joe has been a school counselor, coach, elementary teacher of various grade levels, elementary principal, and adjunct professor at Viterbo University. He holds a BA in Elementary and Early Childhood Education, an MS in Educational Psychology, an MS in Educational Leadership, and a PhD in Leadership, Learning, and Service. Dr. Tony Sinanis is the Superintendent of Hastings-on-Hudson Schools in Hastings, New York. Tony has been an elementary teacher of various grade levels, elementary principal, Assistant Superintendent, and college professor. He holds a BA in Early Childhood and Elementary Education, an MS in Educational Technology, an Advanced Certificate in Educational Leadership and Technology, and a PhD. Needless to say, Dr. Sanfelippo and Dr. Sinanis both have impressive educational backgrounds, both in graduate and doctoral studies, as well as in their own teaching and leading experiences, which is evident in their collective framework for creating thriving school communities.

The purpose of *Hacking Leadership* is to provide a simple, reader-friendly format for sharing key elements in developing successful school cultures, which starts with the school leader. Just as many administrators prefer that staff present solutions to problems as opposed to just presenting problems, Sanfelippo and Sinanis (2016) present ten problems that many educators can relate to along with “hacks,” or solutions, to these problems; some that can be implemented as soon as possible and others that are steps for developing and sustaining long-term success. The ten hacks include: 1) Be present and engaged 2) Create C.U.L.T.U.R.E. 3) Build Relationships 4) Flatten the walls of your school 5) Broadcast student voices 6) Center school around the children 7) Hire superstars 8) Passion projects for adults 9) Collaborate and learn 10) Change the mindset. To further prepare school leaders, the authors also describe common areas of pushback and how to address and overcome them, as well as real examples of each “hack in action.” Many of these hacks, as well as the steps for implementation, are simple and easy to implement, and provide modern solutions that incorporate technology to enhance home and community connections.

Sanfelippo and Sinanis (2016) present the idea of having a “hacking leadership mindset” in order to be a successful “Lead Learner,” which is what the authors refer to as a school administrator. A hacking leadership mindset involves “empowering other people” and “removing barriers [to] help transform perceived problems into opportunities and possibilities” (p. 13). Within the ten perceived problems included in the book, Sanfelippo and Sinanis describe and acknowledge the validity of each problem, as well as the description and general importance of the hack presented. Each hack supports the authors’ goal of providing practical, relevant solutions to removing barriers in order to promote a genuine and transparent culture change within school settings that extends into the community.

Many of the hacks presented throughout the book intertwine and support the use of the other hacks. For example, the first problem presented is that “schools are run by managers, not leaders” (Sanfelippo & Sinanis, 2016, p. 17). The hack for remedying this issue, that so many educators can relate to, is for administrators to be present *and* engaged. Some of the steps included in the “blueprint for full implementation” include starting every day with personal interactions and utilizing morning announcements as tools for kick starting community. These steps are simple and easy to implement for any administrator regardless of grade levels, student populations, etc. and they reinforce the solution to a legitimate problem that can have an incredibly negative effect on attempts to develop a collaborative and successful school culture. The second problem mentioned is that “school leaders underestimate their impact” (Sanfelippo &

Sinanis, 2016, p. 33), so the authors' hack is to create C.U.L.T.U.R.E., which stands for "Communication Uncovers Learning, Transparency Ultimately Reveals Everything" (Sanfelippo & Sinanis, p. 34). In order to provide meaningful communication and true transparency, school leaders must be present *and* engaged in what is going on in their school community and truly care about each individual who steps foot each and every day onto the school campus. These hacks then tie into the third, fourth, fifth hack, and so on.

Another support that the authors weave into their argument for each hack is the description of what to expect from some staff members who may not be so willing to trust or accept change in each area presented. These sections are referred to as "overcoming pushback." This is a critical aspect of each hack because there *will* be those who have difficulty either with change or others who have been bombarded with mandates and new initiatives so many times throughout the years that they have no more trust to give freely. This doesn't mean that school leaders should give up on each hack if there is not an immediate, unified, and enthusiastic acceptance.

Alternatively, the authors provide strategies for dealing with common misconceptions or negative mindsets in order to help the naysayers and doubters understand and accept the process.

In true educator fashion, Sanfelippo and Sinanis (2016) also provide real examples, or models, that show each "hack in action." Modeling is one of the most common best practices that educators use in the learning process. Providing real examples for school leaders not only outlines how each hack has been implemented within a school or throughout an entire school district, but it also reaffirms the success and impact each hack can bring to reconstructing or even enhancing a school's culture. One of the most interesting examples of a "hack in action" that is provided by the authors pertains to the hack, Hire Superstars, in response to the issue of teacher shortage. The authors describe Fall Creek School District's unique approach to their search for a high school principal. Their approach included an essential component of this hack – student involvement. Students from a variety of abilities (musicians, honor roll students, athletes, and struggling learners) were suggested by school staff to join the interview team. The administrative team then had a conversation with the students regarding what they wanted in a building leader, suggestions for interview questions, and what they would like their involvement in the process to look like. The students ended up becoming completely invested in the process by including themselves in the hiring process, directing campus tours to candidates, and debriefing with the team after the interviewing process. Sanfelippo and Sinanis (2016) reflected on this experience:

Roughly a week after the process was complete, Joe received a call from one of the teachers who had been a member of the interview team. He was glowing in his praise for the process. Not only

did he appreciate being part of the team, he could not stop talking about the impact the process had on the students. The kids on the interview team walked through the hallways with new-found confidence. They were empowered. They were a part of a culture change. They were leaders. They just didn't know it until they had a chance to lead (p. 105).

The impact that this experience had on not only the staff in this example, but also on the students involved is a lesson in the effectiveness of the solution presented by the authors, as well as a lesson in what happens when students are given the opportunity to have a voice. Nevertheless, the "hack in action" section of each chapter is meaningful in that it provides evidence of how some or all of the steps have been implemented to reap positive results within a school.

Naturally, many of the hacks described in this book may carry a certain level of risk. Change can be a tricky and messy process at times, and the section within each chapter describing how to overcome pushback is evidence of what could happen. Some of the steps described by the authors can be controversial for some school districts, and may even be denied if district approval is required prior to implementation. Many of the solutions presented are also very technology-driven, which is critical in making consistent connections for communication between home, school, and community, which also leads to transparency. However, some staff and parents are either not tech savvy or may prefer to not be involved or even have their child/students involved in anything related to technology.

For example, one hack described by Sanfelippo and Sinanis (2016), Flatten the Walls of Your School, includes using technology by selecting one or two social media platforms, such as Facebook and Twitter, to set up a school page that is utilized not only by the administration on a daily basis, but also by classrooms on a rotation schedule in order to highlight activities and successes within each classroom on a weekly basis. Another hack, Broadcast Student Voices, involves setting up a student-run podcast or some form of live stream that can also be recorded, and, consequently, posted on the school's social media platform(s) so that parents and community stakeholders can watch and hear what is going on *from the students*. While these are incredibly empowering ideas that truly cultivate a collaborative school culture in which students and staff feel valued and involved, there is a level of risk that some staff, parents, or district-level personnel may not feel comfortable with. The authors do acknowledge these valid concerns in their "overcoming pushback" sections, but it can be a realistic factor that negatively affects implementation.

In comparing and contrasting *Hacking Leadership* to a more well-established framework for leadership that utilizes data from both educational and business models by Michael Fullan (2001), *Leading in a Culture of Change*, there are many similarities and a few differences between the two books. Fullan (2001) focuses on only five components for his Framework for Leadership, which includes Moral Purpose, Understanding Change, Relationship Building, Knowledge Creation and Sharing, and Coherence Making. Fullan provides a more research-based dialogue within each chapter that supports his argument for practices that make effective leaders that inspire meaningful culture change. Fullan also includes real examples of the five components from both education settings as well as business settings so that a variety of readers can relate to his recommendations. Sanfelippo and Sinanis utilize a more experience-based approach to their solutions for developing culture change within schools. The format of *Hacking Leadership* is very reader-friendly in that it catches the eye of the reader by breaking down solutions to major problems within school systems into easy-to-implement steps. The use of jargon is very limited throughout the book, and the hacks are also easily relatable for classroom teachers in order to implement within their own classrooms and professional development goals. Both authors share critical points throughout their book regarding how to develop effective leadership in order to inspire culture change such as building relationships with intentionality, developing and sharing knowledge, collaborative learning opportunities, learning in context, and modeling the values and practices leaders wish to see.

In conclusion, *Hacking Leadership: 10 Ways Great Leaders Inspire Learning That Teachers, Students, and Parents Love* by Dr. Joe Sanfelippo and Dr. Tony Sinanis (2016) includes incredibly valuable recommendations not only for administrative, “Lead Learners,” but also for teachers, related service providers, support staff, etc. who are leaders within their own classrooms. As stated previously, Sanfelippo and Sinanis make recommendations that can easily be implemented within individual classroom cultures. If a school’s leadership isn’t all that it could be, sometimes all it takes is for one staff member to voice his or her vision and desire for a culture change. During a time of crushing mandates, bombardment of initiative after initiative, increased pressure for data-driven decisions rather than data-informed decisions, and increasing need for teaching to the *whole* child, educators are overwhelmed and in dire need for effective and inspiring leaders. *Hacking Leadership* is a great resource for simple and logical solutions to widespread issues within many educational settings.

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Fullan, M. (2001). *Leading in a Culture of Change*. San Francisco, CA: Jossey-Bass.

Sanfelippo, J., & Sinanis, T. (2016). *Hacking Leadership: 10 ways great leaders inspire learning that teachers, students, and parents love*. Cleveland, OH: Times 10.

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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

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