

# **NASET** Special Educator e-Journal

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**July 2023**

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## Special Education Legal Alert

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This month's update identifies a pair of recent court decisions that illustrate the continuing diversity of judicial rulings with regard to the IDEA's overlapping issues of child find and FAPE. For related publications and earlier monthly updates, see [perryzirkel.com](http://perryzirkel.com).

<p><b>On April 26, 2023, a federal court in California issued an unofficially published decision in <i>E.E. v. Norris School District</i>, addressing the IDEA FAPE claims of a second grader with autism. When the child was in kindergarten (2018–2019), the school district provided an IEP that was for full inclusion except for speech and language services. The IEP continued in first grade (2019–2020), when the parents refused to agree to a new IEP that proposed to change the child's placement to a special education class with a behavior aide for the majority of the school day. For the last 7 weeks of the school year, the district switched to remote instruction due to the pandemic. After a due process hearing, the hearing officer ruled, in relevant part, that the proposed IEP was appropriate but the district denied FAPE to the child during the pandemic period. The parents and school district appealed these two respective rulings to federal court.</b></p>	
First, the parents claimed that the proposed IEP's provision for occupational therapy (OT) was unclear as to the location and type (i.e., individual or small group) of services.	Ruling in favor of the parents, the court ruled that based on precedents in the Ninth Circuit, the IEP's failure to provide a blueprint for enforcement was a procedural violation that resulted in a substantive denial of FAPE in terms of the parents' material opportunity to monitor the IEP's implementation.
Second, the parents argued that the proposed IEP's amount of pull-out OT services were insufficient based on their expert's testimony.	Although concluding that the expert's recommended amount caused too much missing of in-class instruction, the court ruled that the proposed amount in the IEP was insufficient.
Third, the parents contended that the proposed IEP's lack of goals for pragmatic language and social skills also amounted to denial of FAPE.	The court agreed with this contention based on this child's established individual needs in these two specific areas related to his identified disability.
Fourth, the parents claimed that the IEP denied FAPE by failing to include training for the aide in applied behavior analysis (ABA) services.	The court also agreed with this claim based on an exception to the general rule that an IEP is not required to include a specific methodology when the record shows a consensus that the child needed it (here, ABA) for FAPE.
Fifth, the parents claim that the proposed placement was not the least restrictive environment (LRE).	Applying the Ninth Circuit's multi-factor test, the court concluded that the proposed IEP met the obligation for LRE.

Finally, the district claimed that its provision to the child of work packets and practice exercises met the FAPE standard during the pandemic.	The court concluded that, in light of the child's aversion to use of a computer, the district's failure to explore with the parents feasible ways of providing direct instruction virtually was a denial of FAPE.
This mixed ruling, which was largely in favor of the parents, should not be over-generalized but it provides a reminder of the varying interpretations of procedural and substantive FAPE during and beyond the pandemic period.	

<p><b>On March 26, 2023, the Sixth Circuit Court of Appeals issued an officially published decision in <i>Ja. B. v. Wilson County Board of Education</i>, addressing the IDEA's child find obligation. In this case, the student struggled to regulate his emotions since an early age. During elementary school, while the family resided in Illinois, he sufficiently met academic and behavioral expectations in school with close parent-school collaboration and without a 504 plan or an IEP. The family moved to Tennessee when he was in eighth grade. During the third week at middle school, he received an in-school suspension for disruptive behavior. His parents responded by notifying his teachers about his adoption and behavioral history and by suggesting strategies that worked in his prior school. When his problems persisted, including lack of effort on tests and refusals to complete homework, his parents met in late September with his teachers and the assistant principal to discuss interventions and resources. However, the next day he received an in-school suspension for ripping up a folder of classwork and throwing it on the floor. His behaviors escalated at home that evening to the point of having him admitted for therapeutic hospitalization. His discharge 9 days later listed diagnoses of conduct disorder and generalized anxiety disorder. The parents promptly notified the school counselor of the hospitalization and diagnoses, and she explained that the school's multi-tiered approach was to use the Section 504 process, which started with a 2-week data-collection period, before engaging in an IDEA evaluation. Early during that period, he received an in-school suspension for disobeying a teacher's instructions and an out-of-school suspension for cursing at the school librarian. Before the end of the period in late October, a school resource officer arrested him for disorderly conduct. Although the charges were eventually dropped, the school suspended him pending a disciplinary hearing to determine possible placement in the district's alternative school. Concerned about the impact of this possible placement, the parents withdrew him from the district and home-schooled him for the rest of the school year. During that remaining period, they met with school officials to provide new diagnoses from a private neuropsychology evaluation and to discuss Section 504 and IDEA eligibility. For grade 9, they enrolled him in a local private school. In November and January, they had him re-admitted for therapeutic hospitalization due to behavior at home. Upon his discharge from the January hospitalization, they placed him in a residential treatment center in Texas. Upon his return during the spring, he finished his 9<sup>th</sup> grade year at the local private school. Then the parents filed for a due process hearing, alleging that the district violated its IDEA child find obligation during the first few months of grade 8 and seeking reimbursement for the alleged resulting denial of FAPE. Upon the resolution-session step of the process, the district conducted an IDEA evaluation and determined that he was eligible for special education services. After hearing 4 days of testimony and arguments, the hearing officer ruled in favor of the district. Upon the parents' appeal, the federal district court affirmed the hearing officer's decision. The parents then filed an appeal with the Sixth Circuit.</b></p>	
While acknowledging that a district may not use RTI/MTSS to delay or deny an IDEA evaluation, the Sixth Circuit concluded that the district did not have the requisite reasonable suspicion to trigger an IDEA evaluation.	The court explained that although the district was not as proactive as it could have been to respond to the student's needs, its limited efforts did not amount to overlooking clear signs of disability or lacking rational

	justification for not initiating an IDEA evaluation.
This decision illustrates the distinction between professional norms and legal requirements. What professionally and proactively may be one or more “red flags” for an IDEA evaluation are not at all automatic FAPE violations for courts. In this case, the student’s limited period in the district appeared to be one of the key considerations, although the court did not address the child find obligations during the period after the child’s disenrollment from the middle school.	

## Buzz from the Hub

All articles below can be accessed through the following links:

<https://www.parentcenterhub.org/buzz-may2023-issue2/>  
<https://www.parentcenterhub.org/buzz-may2023-issue1/>  
<https://www.parentcenterhub.org/buzz-april2023-issue2/>  
<https://www.parentcenterhub.org/buzz-april2023-issue1/>  
<https://www.parentcenterhub.org/buzz-march2023-issue2/>  
<https://www.parentcenterhub.org/buzz-march2023-issue1/>  
<https://www.parentcenterhub.org/buzz-feb2023-issue2/>  
<https://www.parentcenterhub.org/buzz-feb2023-issue1/>  
<https://www.parentcenterhub.org/buzz-jan2023-issue2/>

### **Sports and Children with Disabilities**

All children can benefit from the exercise, energy release, and pure enjoyment of playing sports. This includes children with disabilities. This article talks about the benefits of sports, the types of sports for children with special needs, and how to get started with sports.

### **Fun Activities to Stay Active with Physical Disabilities**

Just because a child is in a wheelchair or has other physical disabilities does not mean that he or she can't stay active. There are plenty of games and sports that children can play when properly modified. (Example: Lower the basketball hoop for children in wheelchairs or place a ball on a tee instead of having it be pitched.) Let children try a variety of activities and adapt those activities to their needs. From PediaPlex.

### **Physical Activity for Students with Disabilities**

Check out this 5-step plan from Action for Healthy Kids that starts with “safety first” and includes consideration of each child’s IEP and how wellness activities can support the overall educational plan for each child. After explaining the steps in the plan, the article also covers general inclusion ideas for all students and concludes with ways to adjust physical activities to include students with disabilities.

Action for Healthy Kids offers lots of resources in *Spanish*. See the list at: [https://www.actionforhealthykids.org/game-on-activity-library/?activity\\_spanish%5B%5D=162](https://www.actionforhealthykids.org/game-on-activity-library/?activity_spanish%5B%5D=162)

### **Including All Children: Health for Kids With Disabilities**

Also from Action for Healthy Kids is this lengthier article that takes a look at barriers to participation across various types of special needs (e.g., medical, sensory-communication, social-psychological, mobility, cognitive), possible physical activity limitations associated with each, and inclusion tips for each.

### **Exercise And Activities For Kids With Physical Disabilities**

Here are insights and suggestions from a physical therapist, with respect to kids and teens that use walkers, crutches or canes for mobility; kids and teens that use a wheelchair for mobility; and kids with significant movement limitations. From Pediatric Therapy Essentials.

### **Inclusion Resources**

Need info on inclusion of children with disabilities in school and in the community? This site has a wealth of information, including videos on strategies and best practices for inclusion. Great stuff!

**The National Center on Health, Physical Activity and Disability (NCHPAD)** seeks to help people with disability and other chronic health conditions achieve health benefits through increased participation in all types of physical and social activities, including fitness and aquatic activities, recreational and sports programs, adaptive equipment usage, and more. Here are two sections of their website to explore in particular:

**Factsheets** | Factsheets describe various disabilities and health conditions, as well as physical activity, exercise, and overall health considerations and recommendations associated with each.

**Home Workout Videos** | Videos for kids and adults to guide their exercise at home; some videos are short, others are 20 minutes or more.

And last but not least from NCHPAD:

### **Love Yourself: Self-Care For People With a Disability**

This 3-page article urges people with disabilities to “take some time to show yourself some love.” It highlights some ways they can do that, like foot checks, deep cleaning their wheelchair, or finding some movement that’s right for them.

### **Asian American and Pacific Islander (AAPI) Heritage Month**

May is Asian/Pacific American Heritage Month. Check out the events, collections, exhibits, and collections available throughout the month from U.S. government agencies such as the Library of Congress and the Smithsonian to celebrate the influence, contributions, and achievements of AAPI communities in the United States.

### **Identity and Cultural Dimensions**

NAMI is an excellent go-to source of info and guidance on mental health issues of all kinds. In this section of NAMI’s website, you’ll find individual pages examining the mental health realities of diverse communities such as Asian American and Pacific Islander; Black/African American; Hispanic; Indigenous; LGBTQI; and People with Disabilities.

### **Reinforcing the Resilience of Native American Parents and Youth**

As part of supporting Native families, reminding Native families and youth of their innate resilience is extremely important. CPIR offers two resources on resilience to help Parent Centers and the Native families with whom they work: (1) *How Parent Centers Can Support American Indian and Alaska Native Parents* (linked above); and (2) ***Bouncing Back from Setbacks: A Message for American Indian and Alaska Native Youth***.

### **The 7 Most Important De-escalation Strategies for Challenging Behaviors**

De-escalation is the process of calming down a situation before it escalates further. Learning to de-escalate situations is not always easy. It requires practice and a toolbox of techniques. What

de-escalation strategies can educators and parents use when kids and teens are overwhelmed, upset, or engaging in challenging behaviors? This article describes the 7 more important.

### **Tailored Youth Suicide Prevention Efforts**

Research shows that youth of color and LGBTQ+ youth are at higher risk of suicide than White and heterosexual youth, which suggests the importance of tailoring prevention approaches to the populations most in need of support. This Child Trends' new brief offers three powerful recommendations to help community-based organizations tailor their youth suicide prevention efforts to the unique needs and strengths of Asian, Black, Indigenous, Hispanic, and LGBTQ+ youth.

### **Self-Assessment of Cultural and Linguistic Competency**

Dispute resolution systems must be culturally and linguistically competent to meet the interests and needs of diverse populations residing in the United States, territories, and tribal nations. CADRE offers this self-assessment tool, which can be useful in determining the level of cultural and linguistic competence in a dispute resolution system. It's part of a much larger package on the subject, including a User's Guide, a webinar, and recommended supplemental resources (e.g., *A Guide to Engaging Underserved Families in the CLC Assessment Process*).

### **RTI/MTSS May Not Be Used to Delay or Deny IDEA Evaluation**

In March 2023, OSEP emailed copies of two memoranda to IDEA Part B Directors and Section 619 Coordinators regarding the child find requirements in IDEA. OSEP took this action in response to concerns that initial evaluations to determine whether a child has a disability have sometimes been delayed or denied by LEAs until a child goes through a state's multi-tiered system of supports (MTSS) process, sometimes referred to as Response to Intervention (RTI). Read OSEP's correspondence and connect with the memos at the link above.

### **Outreach and Engagement of Underserved Populations**

Effective community engagement and outreach takes careful planning and acknowledgement that each population that we work with is unique and offers us opportunities to broaden our understanding of what makes a community. Lots of useful resources can be found in this article, which shares 6 essential strategies for inclusive engagement and culturally competent outreach. From the Vocational Rehabilitation Technical Assistance Center for Quality Employment (VRTAC-QE).

### **Partnering with Hard-to-Connect Families**

Often, when people with disabilities consider seeking employment, their families strongly influence the decision. Especially with transition-aged youth, family influence can sway whether a consumer decides to try working. There is still a persistent belief that work income will cancel out any benefits the person with disability receives. Also from VRTAC-QE.

### **Native American Resource Collection**

Don't forget about this invaluable resource collection designed expressly for Parent Centers to support new and current staff in their outreach to Native American parents of children with disabilities. The collection is organized in 4 tiers of learning that reflect what we know about journeys of multicultural growth. Each product within contains current information about the traditional culture and contemporary issues important to Native families. Consider, for example,



articles such as *Cultural Awareness and Connecting with Native Communities* and *The Impact of Traditional Native Values on Transition Planning*.

### **Corporal Punishment in Schools Fact Sheet**

From the Office for Civil Rights (OCR), issued Sept 2022, updated March 2023

The CRDC (Civil Rights Data Collection) defines corporal punishment as paddling, spanking, or other forms of physical punishment imposed on a child. The data reported in this **factsheet** is for K-12 students and includes data by sex, by race/ethnicity, and by state.

### **Dear Colleague Letter** (March 24, 2023)

The Department issued this *Dear Colleague Letter* calling for the end to corporal punishment in schools. The letter reinforces the Department's position that corporal punishment in schools should be replaced with evidence-based practices, such as implementing multi-tiered systems of support that create a safe and healthy school environment. The Department included specific recommendations for evidence-based practices to give students what they need to learn and grow.

### **Discipline Discussions | Informal Removals Matter**

Valerie C. Williams, Director of OSEP, writes about the pattern of informally removing students with disabilities from school classrooms as a way to address disruptive behavior. The parents get a call from the school that their child has caused a disruption and must be picked up immediately to help their child "calm down." This blog post from OSEP will connect you with the extensive **2022 federal guidance on discipline under IDEA**, many parts of which are also available in Spanish. OSEP ends this blog post by asking CPIR (yes, us!) to answer 4 specific questions about disciplinary practices, including "What are possible next steps a parent can take if their child's school repeatedly calls them to pick up their child from school due to their behavior?"

### **Bipolar Disorder in Teens and Young Adults: Know the Signs**

(Also available in Spanish: **Trastorno bipolar en adolescentes y adultos jóvenes: Conozca los signos**)

Bipolar disorder is not the same as the typical ups and downs every kid goes through. The mood swings are more extreme and accompanied by changes in sleep, energy level, and the ability to think clearly. Learn the signs and symptoms.

### **Borderline Personality Disorder**

(Also available in Spanish: **Trastorno límite de la personalidad**)

Learn more about the disorder, how it's diagnosed, and how to find support.

### **Advancing Racial Equity in Early Intervention and Preschool Special Education**

This 9-page fact sheet provides key information and supporting evidence about racial disparities and inequities for young children with a disability, and questions for state and local leaders seeking to advance equity for all children with disabilities and their families. From the ECTA Center.

### **Complete Guide to PANS and PANDAS**

(Also available in Spanish: *Guía completa sobre el PANS y PANDAS*)

Step-by-step information from diagnosis to treatment for kids with sudden onset OCD and other confusing symptoms.

### **What Does OCD Look Like in the Classroom?**

(Also available in Spanish: *Cómo luce el TOC en el salón de clases*)

Signs that a child may be struggling with OCD, even if they are hiding their anxiety.

### **Videos | Using a Telenovela to Explain the Special Education Process**

(Also available in Spanish: *Telenovela de educación especial*)

How do you demystify the special education process for parents, particularly parents for whom English is not their first language? Here's how Arlington Public Schools in Virginia tackled the challenge. The *Grandma's Soup* video series (*La Sopa de la Abuela*) is designed to support the engagement of families in the special education process, share information, encourage advocacy skills, and foster collaborative home-school partnerships that positively impact student success. There are 5 episodes in the series, beginning with "What's Going On with My Child?" and ending with "What If We Disagree?"

### **Family Toolkit: Pediatric-to-Adult Health Care Transition**

(Also available in Spanish: *Guía para la familia*)

This 25-page toolkit from GotTransition has a set of resources for parents to use as they work with their youth during the transition from pediatric to adult health care. This includes sections such as *Questions to Ask Your Doctor*; *Changing Roles*; a *Turning 18* tip sheet; a Transition Readiness Assessment; and a Health Care Transition Quiz for youth to take to see how ready they are to transition to adult care.

### **Supported and Customized Employment: Side by Side Referral Decision Guide**

For vocational rehabilitation agencies offering both supported and customized employment approaches to pursuing employment for people with disabilities, there may be some questions about which approach is best based on an individual's circumstances. This guide can help in determining how to choose between these two approaches.

### **Take Part in the Campaign**

The Brain Injury Association is a great resource to turn to for info about traumatic brain injury and about this year's #MoreThanMyBrainInjury campaign. Follow the link above to find out how you can get involved and what tools and materials are available.

### **Center for Brain Injury Research and Training (CBIRT)**

CBIRT offers many useful resources tailored for parents and caregivers and other specific audiences (e.g., administrators). Check out the *Academic Accommodations Matrix*, for example, and CBIRT's *Family Advocacy Skills Training*, which is a step-by-step handbook for family advocates.

### **Candid Conversations: Handing Over the Reins**

This full-feature film addresses many questions and concerns parents and self-advocates have

about supporting youth with disabilities as they transition to adulthood, including understanding the importance of self-advocacy skills. The entire film is 1 hour and 17 minutes, but it's divided into three smaller parts for your viewing ease. Parts are: (1) Hopes and Dreams (@ 25 minutes); (2) Independence & Advocacy (@ 33 minutes); and (3) A Few Words of Advice (@ 21 minutes). From the NY Region 1 PTI Collaborative, with partners.

### **Transition Planning for Teens and Tweens**

A special project of Parents Helping Parents in CA, this transition package will be useful to PTIs and CPRCs in other states, too. Includes multiple parts, such as self-advocacy, education and training, work preparation, and adult life for people with disabilities.

### **The History Makers**

This digital archive is an incredible collection of oral histories shared by over 3,300 African Americans known and unknown. Access interviews, biographies, videos, archival photography, and more, and learn personal perspectives and unique facts from influential African Americans who made history in their own right across a wide range of fields, from art, business, education, entertainment, law, music, science, and sports.

### **Advancing Racial Equity in Early Intervention and Preschool Special Education**

This 9-page fact sheet provides key information and supporting evidence about racial disparities and inequities for young children with a disability, and questions for state and local leaders seeking to advance equity for all children with disabilities and their families. From the ECTA Center.

### **Promoting Black Girls' and Women's Sexual and Reproductive Health Requires Acknowledging Their History and Experiences**

This brief from Child Trends discusses how reproductive suppression has led to disproportionately adverse sexual and reproductive health outcomes for Black girls and women. The authors suggest using a holistic approach—one that focuses on intersectionality, gender equity, and culturally responsive practices—to promote the sexual and reproductive health of Black girls and women.

### **Confronting Color-Blindness**

All of us have probably heard someone say that they “don’t see color” or that “it would be great if we could all just stop noticing race.” While these statements may be well-intentioned, colorblind ideology undermines diversity, inclusion, and equity. Here’s an online module that can help us understand the concepts of color-blindness, color evasion, and power evasion and how they may show up in our interactions with families, staff and colleagues.

### **What is Complex Trauma?**

*(Also available in Spanish: **¿Qué es trauma complejo?**)*

When people think of trauma, they often imagine a specific experience, like a natural disaster or a violent attack. But there’s another form of trauma that involves chronic negative experiences like abuse, neglect, or violence. This is known as complex trauma, and its profound impact on kids is often misunderstood. Take a close look at complex trauma—its causes, the symptoms associated with it, and how to help kids who are dealing with it. From the Child Mind Institute.

### **Frequently Asked Questions (FAQs) on Pre-Employment Transition Services**

The account you create at NTACT will give you access to a wide range of transition-related materials, such as this FAQ on pre-employment transition services. The questions and answers are organized into categories for easy browsing and include: administrative, allowable costs, definitions, service delivery, and RSA FAQs.

### **Talking to Kids About Sex and Dating**

Check out this suite of stand-alone articles from the Child Mind Institute, which rounds up resources on why it matters to talk to teens about sex and romantic relationships, and how to approach this sensitive topic. Dive into consent and how kids can confidently set and respect boundaries. The suite includes tips on how to help teens deal with unwanted attention, as well as warning signs of sexual behaviors that are concerning. Some DOs and DON'Ts are outlined to help teens make good choices as they enter their first relationships. ***Each article in the suite is also available in Spanish.***

Balloons lifting a winning ribbon.

### **Sexual Health and Wellness**

PEATC, Virginia's PTI, has developed a toolkit to help guide parents through discussing sexual health and wellness with their child with disabilities. The toolkit covers topics such as sexuality, self-care, relationships, social skills, and boundaries. Many additional factsheets and resource documents (including YouTube videos) are also available.

**Sexuality & Disability** | 6 videos and articles to explore and share, as befits the person and the circumstances

**Sex education for students with disabilities** | A more scholarly article from *Law & Order*, from 2006

**Dating and disabilities** | Exploring love in many forms with first-hand accounts from the frontlines of dating, marriage, intimacy and friendship, all with people living—and loving—with disabilities.

### **Love Because, Never Despite, Disability**

“I want a world where disabled people learn how to have healthy relationships alongside their abled peers, where disabled people are seen as valuable friends, lovers, partners, spouses not in spite of their disability but because disability adds to the fullness and beauty of their being. I want a society that teaches disabled people, through media portrayals, through accessible building design, and so many other avenues, that their bodymind, their personhood is valuable and worthy of love just the way they are.” Direct quote. Need we say more?

### **In My Own Voice: Sexual Self-Advocacy**

30 people with intellectual and developmental disabilities talk about what sexual self-advocacy means to them.

## **Statement from U.S. Secretary of Education Miguel Cardona on Recent Long-Term Trend Assessment for 13-Year-Olds**

U.S. Secretary of Education Miguel Cardona issued the following statement on the recent National Assessment of Educational Progress (NAEP) long-term trend assessment in math and reading for 13-year-olds:

“The latest data from the National Assessment of Educational Progress is further evidence of what the Biden-Harris administration recognized from Day One: that the pandemic would have a devastating impact on students’ learning across the country and that it would take years of effort and investment to reverse the damage as well as address the 11-year decline that preceded it.

“Today’s results underscore why the Biden-Harris administration remains laser-focused on our plan to Raise the Bar for the academic achievement of all students and maximize the American Rescue Plan’s historic investments in recovery. Schools have committed nearly 60 percent of their American Rescue Plan funds to address lost learning time and accelerate academic recovery by hiring more teachers, counselors, and support staff, providing more tutoring and one-on-one support to students, and extending learning time through high quality afterschool and summer learning programs.

“While this latest data reminds us how far we still need to go, I’m encouraged that the historic investments and resources provided by the American Rescue Plan and the Department of Education are beginning to show positive results, with several states returning to pre-pandemic levels of achievement on their state math and literacy assessments, as well as promising results for the U.S. on a recent international reading assessment.

“At the Department of Education, we continue to offer technical assistance, issue guidance, and hold convenings focused on the specific strategies included in our Raise the Bar: Lead the World Plan for improving academic performance and tackling disparities in educational opportunities and outcomes. More action is needed at every level to reverse decades of educational neglect and to Raise the Bar for all students.”

## **U.S. Department of Education and Civic Nation Launch Nationwide Campaign to Help Students and Families Cut Costs and Access Affordable High-Speed Internet**

Over 300 local and national organizations joined Civic Nation and the U.S. Department of Education to launch Online for All, a digital equity campaign working to close the digital divide by focusing on internet access, affordability, and equity for students, families, and all Americans. Online For All is kicking off today with a Week of Action to drive enrollment in the Affordable Connectivity Program. The Week of Action will bring together the federal government and over 300 organizations to raise awareness about the program and help eligible families sign up.

An estimated 28 million households in the U.S. do not have high-speed internet at home, and two-thirds of these households are offline because they need help affording an available internet connection. The Affordable Connectivity Program, created through President Biden's Bipartisan Infrastructure Law, significantly lowers the cost of internet, and millions more eligible households could still benefit. With a community of supporting organizations and trusted messengers, Online For All will meet people where they are and ensure Americans across the country are connected.

Vice President Kamala Harris also released a video encouraging Americans to sign up for the Affordable Connectivity Program at [GetInternet.gov](https://www.getinternet.gov).

"In our ever-expanding global community, access to the internet can no longer be viewed as a luxury; it is a necessity for every student and family in our country. No student should have to travel to a library, coffeeshop, or parking lot to get connected to the internet to do their homework or complete their college applications, and yet that is still the reality for too many students. It is vital that our students and their families have access to quality, reliable, affordable, high-speed internet to stay connected and engaged with their schools and each other. The 'Online for All' campaign will help meet that need for so many. On behalf of Secretary Cardona, we are proud to be a part of this dynamic initiative that will not only raise the bar in education, but change the way we look at access to information for all students, no matter their age, race, economic status, or address," said U.S. Deputy Secretary of Education Cindy Marten.

The U.S. Department of Education will launch the Week of Action by rallying educators and advocates from the National Education Association, National Association of Secondary School Principals, American Federation of Teachers, and more to ensure their schools' students and families know about the Affordable Connectivity Program and the benefits available to them. The Week of Action features hundreds of additional events, including:

- U.S. Secretary of Education Miguel Cardona will headline a virtual event today with educators alongside the American Federation of Teachers (AFT), the National Association of Education (NEA), and the National Association of Secondary School Principals (NASSP) to provide them with the tools they need to educate families on this



opportunity and keep students connected over the summer. The event will begin at 4:00 p.m. ET. Register [here](#).

- Boston, Massachusetts-based Link Health is leading the Healthcare Day of Action on Friday, June 16, with an event featuring a Veterans Affairs National Social Work Program Special Projects Coordinator at the South End Community Health Center in Boston.
- The AARP is hosting a tele-town hall on Thursday, June 22 with Senior Advisor to the President and White House Director of Public Engagement Steve Benjamin to educate older Americans all across the country about the opportunity to participate in the Affordable Connectivity Program. The live, audio-only program is available via dial-in at (855) 274-9507 and streaming [here](#).
- The Department of Education will notify more than 5 million Pell Grant recipients of their eligibility for the program, and that they can enroll without eligibility documentation.
- Deputy Secretary Cindy Marten will send a message about the Affordable Connectivity Program to 84,000 school principals, vice principals, and tech coordinators across the country.

"Through Online For All, Civic Nation is bringing together more than 300 local and national organizations across the country to ensure the 17 million households that are unconnected, but are eligible for the ACP, have access to high-speed internet — because online is for all of us," said Jalakoi Solomon, Executive Vice President of Campaigns and Partnerships at Civic Nation. "Civic Nation is committed to ensuring everyone can get connected so more young people can access critical learning opportunities; more seniors can access healthcare faster and easier; and more Americans can find higher paying jobs and opportunities to work from home."

Civic Nation also released the Civic Nation Affordable Connectivity Program Pilot Report, which shows the success of community outreach in enrolling eligible households in the program. During the pilot period, grantees educated 39,335 people about the Affordable Connectivity Program; had 2,708 one-on-one conversations with community members; and helped 417 people start their applications and 210 people fully enroll in the Affordable Connectivity Program. Grantees included: South Dakota Voices For Peace in Sioux Falls, who hosted regular office hours at the downtown library, community centers and after-school programs; Somos Tejas in Texas, who brought enrollment to 29 community events; and Vietlead, who served the Vietnamese community in Philadelphia and South Jersey by engaging community members in their native language. With the Federal Communications Commissions' ACP Outreach Grants distributing over \$60 million to communities across the country this summer, this report will help prepare grantees and community organizations to create impactful outreach programming.

Online For All is supported by companies like Comcast, Verizon, and Dell, as well as national and local community organizations.

## **U.S. Departments of Education and Justice Release Resource on Confronting Racial Discrimination in Student Discipline**

The U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division (Justice) jointly released a *Resource on Confronting Racial Discrimination in Student Discipline*. The Departments recognize and appreciate school administrators, teachers, and educational staff across the nation who work to administer student discipline fairly, and to provide a safe, positive, and nondiscriminatory educational environment for all students, teachers, and other educators.

The Resource demonstrates the Departments' ongoing commitment to the vigorous enforcement of laws that protect students from discrimination on the basis of race, color, or national origin in student discipline. The Resource provides examples of the Departments' investigations of such discrimination over the last 10 years, reflecting the long-standing approach and continuity in the Departments' enforcement practices over time and the continuing urgency of assuring nondiscrimination in student discipline in our nation's schools.

"OCR remains committed to ensuring nondiscrimination in disciplinary practices," said Assistant Secretary for Civil Rights Catherine E. Lhamon. "I look forward to ongoing work in, and with, schools to ensure that no student experiences unlawful discrimination, including with respect to discipline."

"Discrimination in school discipline can have devastating long-term consequences on students and their future opportunities," said Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division. "The Department of Justice's Civil Rights Division uses our federal civil rights laws to protect students from discriminatory discipline, including discrimination in suspensions and expulsions, law enforcement referrals and school-based arrests. The investigations that we describe demonstrate how students may experience discrimination based on multiple facets of their identities and reflect our joint commitment to fully protect all students."

The Resource describes how the Departments resolved investigations of 14 school districts in 10 states nationwide – Alabama, Arizona, California, Delaware, Maryland, Minnesota, North Carolina, Ohio, Oklahoma, and Utah. These investigations, conducted under Title VI of the Civil Rights Act of 1964 and its regulations, and Title IV of the Civil Rights Act of 1964, involved concerns of discrimination in schools' use of out-of-school suspensions, expulsions, school-based arrests, referrals to law enforcement, involuntary discipline transfers, informal removals, and other discipline against Black, Latino, and/or Native American students.

The Resource demonstrates ways school districts can take steps to proactively improve their administration of student discipline.

Additionally, the U.S. Department of Education's Office of Elementary and Secondary Education (OESE), Office of Safe & Supportive Schools Technical Assistance Centers released a series of fact sheets on how school leaders and members of school communities may support students'



social, emotional, behavioral, and academic well-being and success. The fact sheets are: "Supporting Students' Social, Emotional, Behavioral, and Academic Well-Being and Success" through:

1. Strategies for Student and Teacher Support Teams;
2. Strategies for Educators and School-Based Staff;
3. Strategies for Schools to Enhance Relationships with Families;
4. Strategies for School and District Leaders.

## **Guide to Helping Children Cope After a Traumatic Event**

Communities around the world have been shocked by increasingly frequent reports of violence – in Paris, Nigeria, San Bernadino, and elsewhere. These events are hard even for adults to comprehend and, sadly, we can't shield our children from pain and fear when they're exposed to such tragedy. But we can help them process what they're experiencing in the healthiest way possible.

The Child Mind Institute has prepared this 16-page guide to aid parents, educators, and other adults in talking to children and adolescents about potentially traumatic events and identifying those who might benefit from more focused professional attention. The guide describes signs of trauma and how to help children by age (0-2, 2-5, 6-11, 12-18). It concludes with a section on how teachers can do to help students.

The guide is available in English, Spanish, French, Arabic, German, Hebrew, and Italian.

**Access the guide (and additional supporting materials) at:**

**<https://childmind.org/guide/helping-children-cope-after-a-traumatic-event/>**

## Supporting the Whole Child through Trauma-Informed Practice

Equipped with rapidly growing knowledge about how trauma can undermine young people's healthy development and ability to learn, many youth-serving professionals, community leaders, and policymakers are infusing principles of trauma-informed practice into program design, implementation, and policy proposals. *Creating Cultures of Care: Supporting the Whole Child through Trauma-Informed Practice* shares important insights about trauma-informed practice, drawing from both the prevailing literature and on-the-ground community expertise.

Created by the Center for Promise, this 16-page brief offers a framework for how trauma-informed practice complements positive youth development, while illustrating the bridge between theory and practice. You'll read about the work of two specific communities (one in Oregon and one in Missouri) that are engaged in collaborative, on-the-ground efforts to make healthy schools that support all young people the norm and not the exception. These communities serve as an inspiration to others across the country as they lead the way in creating healthier school environments where every child can thrive.

**Access the brief at:**

**<https://www.americaspromise.org/sites/default/files/d8/FINAL%20Trauma-Informed%20Practice%20Brief.pdf>**

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