



March 2025

NASET Special Educator e-Journal

Exceptional Teachers Teaching Exceptional Children



Table of Contents

[Special Education Legal Alert. By Perry A. Zirkel](#)

[Buzz from the Hub](#)

[Tourette Syndrome. By Dr. Faye J. Jones](#)

[Update from the US Department of Education](#)

[Update on Section 504 from the Center for Parent Information & Resources](#)

Special Education Legal Alert

Perry A. Zirkel

© February 2025

This month's update identifies two recent court decisions that respectively address (a) the overlapping complexities of Section 504 in the school context, and (b) the evolving dimensions of FAPE. For previous monthly updates and related publications, see perryzirkel.com

On January 14, 2025, the Eighth Circuit Court of Appeals issued an officially published decision in *F.B. v. Lourdes Parish & School*, illustrating various issues specific to Section 504 liability claims. The child in this case received a diagnosis of ADHD when she was in third grade. After the student's private evaluation midway in grade 5, which identified deficits in memory, attention, and fine motor skills, the parents enrolled her in a parochial school. Treating her as a student with a disability under Section 504, the school provided her with an individual learning plan with various accommodations, including study guides, teacher notes, pre-teaching, homework assistance, and an extra set of textbooks. The student progressed well. However, when a new principal took over at the start of grade 6, the student no longer received the accommodations. Upon the parents' complaint, the new principal told them that the accommodations were outdated and no longer applicable. In the first half of grade 7, the parents notified the principal that their child spent most school days in the hallway making up homework and receiving disparaging treatment from the teachers and administration. The principal professed not knowing about the child's learning plan but said she would locate and review it. When she failed to get back to them, the parents scheduled a meeting with the teachers, the principal, and the parish's chief cleric. The teachers left the meeting after agreeing to implement the accommodations. Then the interaction between the parents and the two administrators became heated, culminating in the chief cleric telling the parents that their three children were no longer welcome at the school effective that day. The parents filed suit in federal court under Section 504 for expelling their child due to her disability, citing various violations of Section 504 regulations, including those requiring a 504 coordinator, a grievance procedure, and various procedural safeguards. They sought declaratory relief, injunctive relief, and compensatory damages (including \$500,000 for emotional pain and suffering) or at least nominal damages. The district court dismissed the case, concluding that violation of the Section 504 regulations does not alone amount to a right to sue. The parents appealed to the Eighth Circuit.

First, the Eighth Circuit clarified, as an incidental matter that emotional damages are not available under Section 504.

The Supreme Court's *Cummings* decision in 2022 established this limitation for federal antidiscrimination

	claims, including Section 504.
Second, the Eighth Circuit upheld the dismissal but on different grounds, concluding that the parents lacked the adjudicative prerequisite of “standing.”	More specifically, the court concluded that the parents failed to show their child’s eligibility under Section 504 and, even so, a causal connection between the cited regulations and the child’s expulsion.
Thus, the court found it unnecessary to address the issue of whether violation of the Section 504 regulations alone suffices for a right to sue as well as other unsettled issues.	One of these unsettled issues is the specific standard under Section 504 for money damages, which the Supreme Court recently agreed to decide in <i>A.J.T. v. Osseo Area Schools</i> .
This decision, although in the context of a private school, serves as a reminder of some of the liability issues under Section 504.	

On January 6, 2025, a federal district court in Pennsylvania issued an unpublished decision in *C.B. v. Nazareth Area School District*, addressing the difference among 3 dimensions of FAPE—procedural, substantive and failure-to-implement (FTI). The child in this case had multiple diagnoses, including autism, apraxia, and ADHD. In the transition from IDEA services in preschool, he received a reevaluation, which included a recommendation for expanded use of augmentative and alternative communications (AAC). In kindergarten (2021–22), his IEP identified his classifications as autism and speech/language impairment. After the parents rejected the proposed placement in a full-time autistic support class, the IEP provided for placement in a regular education class with itinerant special education services and speech/language therapy. The IEP also provided for “services and strategies” to support the child’s use of the AAC device. He made progress academically. However, in response to his learning-impeding behaviors, the IEP team met in March and May, resulting a functional behavioral assessment, behavior intervention plan, and continuation of the inclusionary placement. In grade 1 (2022–23), his problematic behaviors worsened. In mid-year meetings after the child’s extended absence for illness, the team decided to discontinue the use of his AAC device in school. When that did not help with the behavioral issues, the team met in March and reinstituted the IEP provision for use of this device. The parents proposed modifying the content of the instruction, but the district refused unless the placement changed to the full-time autistic support class. Instead, the team revised the IEP to provide partial segregated support. The parents dissented, and on May 10, they changed the child’s enrollment to a cyber charter school. On May 15, the team met, with the parents not opting to attend, and issued a revised IEP for the full-time autism placement. In June the parents filed for a due process hearing. The hearing officer found a two-year denial of FAPE, attributable to the district’s failure to (a) modify the child’s instruction to meet his behavioral and communication needs, and (b) provide support, including consistent

modeling, for the child’s use of the AAC device. The remedy was compensatory education amounting to 1 hour/day for most of 2021–22 and full days for most of 2022–23. The school district appealed to federal court.	
First, the school district argued that the hearing officer erred by not treating the FAPE claim regarding AAC with an FTI analysis, because the IEP only required “services and strategies,” not the device, for AAC.	Rejecting this claim, in light of the parents’ complaint, the court concluded that the hearing officer properly analyzed this claim as a failure of programming (thus, the <i>Endrew F.</i> standard for substantive FAPE), not a failure of implementation (thus, the materiality standard).
Second, the district argued that the hearing officer erred by treating the FAPE claim regarding modification of instruction as a matter of substantive, rather than procedural, FAPE.	Rejecting this claim too, the court concluded that the two Third Circuit decisions on which the district relied addressed procedural issues of parental participation. In contrast, the issue here was whether the IEP’s failure to modify the content of the instruction was reasonably calculated to result in appropriate progress.
Third, the district alternatively argued that the modification claim was a matter of FTI.	The court summarily rejected this alternative, concluding that the district’s alleged refusal to modify the child’s instruction was a programming issue.
Next, the district contended that its proposed IEPs did meet the substantive standard.	The court disagreed, concluding that the record supported the two failures that the hearing officer identified as being fatal in combination with each other.
Finally, the district challenged the compensatory education award.	The court upheld the award, finding it sufficiently tailored to the extent of the denial of FAPE for each year, which was more severe in the second year.
Although illustrating the fact-based variations in adjudicative decisions and remedies, the primary lesson in this case is its differentiation of the “faces” of FAPE, which continue to evolve and which need to be understood due to their potential outcome effect in IDEA adjudication.	

Buzz from the Hub

English Learners with Disabilities Toolkit

The National Center on Educational Outcomes (NCEO) focuses on the inclusion of students with disabilities, ELs, and ELs with disabilities in instruction and assessments. Their *English Learners with Disabilities Toolkit* is designed to provide states and individualized education program (IEP) teams with eight tools they can use to better understand their students who are ELs with disabilities, determine in which state assessment (general or alternate) the students should participate, and discover whether accessibility features or accommodations are needed for their participation in any assessment.

<https://nceo.info/Resources/series/english-learners-with-disabilities-toolkit>

Financial Education

An important part of the Pennsylvania Assistive Technology Foundation's (PATF) mission is to provide financial education to people with disabilities. Their education efforts help people make more informed decisions about managing their finances, take control of their financial future, and build financial wellness.

<https://patf.us/what-we-do/financial-education/>

Non-Regulatory Guidance Supporting High-Quality Preschool with Title I Funds: Guidance to Local Educational Agencies and Schools on Implementing the Required Head Start Program Performance Standards for Title I-Funded Preschool Programs

On December 18, 2024 the U.S. Department of Education (ED) and the U.S. Department of Health and Human Services (HHS) released Title I ECE program non-regulatory joint guidance. This guidance provides information for local educational agencies (LEAs) and schools on the Head Start Performance Standards that apply when the LEA or school use Title I funds to support an early education program. It supports high-quality, developmentally-informed preschool instruction based on best practices in child development and early learning.

<https://www.ed.gov/media/document/ti-hspps-guidance>

Employment Checklist for Students (Ages 14-22) with Disabilities

Getting a job is an exciting experience that takes planning. There are important documents you may need before you can get a job. There are skills you will need to prepare you for employment, and actions that you may need to take to be successful. This checklist from PEATC can help you prepare for employment.

<https://peatc.org/wp-content/uploads/2023/05/Employment-Checklist-Booklet.pdf>

Voluntary Self-assessment for States to Support Military-connected Children with Disabilities and Their Families Under the IDEA.

OSEP has released a two-part self-assessment as a voluntary technical assistance tool to assist States in supporting military-connected children with disabilities served under the Individuals with Disabilities Education Act.

<https://sites.ed.gov/idea/idea-files/voluntary-self-assessment-for-state-to-support-military-connected-children-with-disabilities-and-their-families-under-the-idea/>

Supporting Military Families

Being part of a military family can be filled with many surprises, challenges, and opportunities. Part of the military life is moving to new locations every few years or even more frequently. This can be a bit more challenging when there's a child in the family who has a disability.

Fortunately, there is help available to make the family's transition from one location to another a bit more smoothly. On CPIR's *Supporting Military Families* page you will find organizations and resources that will be of help.

<https://www.parentcenterhub.org/military/>

Sesame Workshop Extends Partnership with Dicapta to Bring Plaza Sesamo in ASL to Children Across the U.S.

Sesame Workshop and Dicapta are thrilled to announce the expansion of their partnership with the official launch of American Sign Language (ASL) versions of Plaza Sésamo content. This collaboration, supported and funded by the U.S. Office of Special Education Programs-OSEP, aims to allow U.S. Hispanic children who are deaf or hard-of-hearing and their families enjoy the educational and entertaining content of Plaza Sésamo while practicing and improving their ASL skills.

<https://www.dicapta.com/ver2022/en/blog/15-blog-news/646-sesame-workshop-extends-partnership-with-dicapta-to-bring-plaza-sesamo-in-asl-to-children-across-the-u-s>

Using Functional Behavioral Assessments to Create Supportive Learning Environments

The Office of Special Education and Rehabilitative Services (OSERS) and the Office of Elementary and Secondary Education (OESE) have jointly released guidance on the use of functional behavioral assessments (FBAs) for all students whose behavior interferes with learning.

<https://sites.ed.gov/idea/idea-files/using-functional-behavioral-assessments-to-create-supportive-learning-environments/>

Compendium to the Delivery of Pre-employment Transition Services (Pre-ETS)

This guide from the National Technical Assistance Center on Transition (NTACT) highlights Pre-Employment Transition Services within the Continuum of VR Services. This resource was developed as a collaboration between Vocational Rehabilitation (VR) and Local Education Agencies (LEA).

<https://transitionta.org/pre-ets-compendium/>

Traveling with a Disability

The holiday season can be a time of joy, but for young adults with disabilities, it can also present unique challenges. Finding the right resources, like the sites listed below, to support them can make a big difference in ensuring they have an enjoyable and fulfilling experience.

<https://accessiblego.com/home>

<https://wheelchairtravel.org/>

Assessment Aligned with Alternate Academic Achievement Standards

This memorandum from the U.S. Department of Education outlines the requirements for states seeking a waiver of the 1% cap on the number of students who can take alternate assessments aligned with alternate academic achievement standards (AA-AAAS) in the school year (SY) 2024-25 assessment.

<https://www.ed.gov/media/document/memo-states-regarding-requirements-waiver-of-10-percent-cap-alternate-assessments>

The Pyramid Model for Promoting Social-Emotional Competence in Infants and Young Children (Pyramid Model)

The Pyramid Model is a framework of evidence-based practices for promoting young children's healthy social and emotional development and it works in conjunction with a program's curriculum, but is not a curriculum itself. The Pyramid Model provides guidance for: early childhood special education personnel, early intervention personnel, early educators, and families.

<https://challengingbehavior.org/pyramid-model/overview/basics/>

Empowering Education Leaders: A Toolkit for Safe, Ethical, and Equitable AI Integration

On October 24, 2024, the U.S. Department of Education Office of Educational Technology (OET) released a 74-page toolkit designed to help K-12 leaders integrate artificial intelligence into their districts.

<https://tech.ed.gov/files/2024/10/ED-OET-EdLeaders-AI-Toolkit-10.24.24.pdf>

IDEAs That Work Now on sites.ed.gov/IDEA

The Department's Office of Special Education Programs (OSEP) has moved the IDEAs That Work website content. Information and resources can now be found on the Individuals with Disabilities Education Act (IDEA) website.

<https://sites.ed.gov/idea/>

Intersection of Mental Illness and Disability During Transition

Students with disabilities can also experience co-occurring mental health issues. This is particularly true of children with developmental disabilities with ranges from almost 34% to 59% prevalence. This RAISE guide covers strategies to support students with disabilities and co-occurring mental health issues as they transition into adulthood.

<https://raisecenter.org/wp-content/uploads/2024/10/RAISE-guide-on-disability-mental-illness-and-transition-revised.docx.pdf>

How to Weigh the Risks of Disclosing a Disability. A guide to help you decide — and find support.

Disclosing a challenging health condition at work can be risky. You may get the accommodations you need, but you may also be met with suspicion, resentment, and accusations of making it all up. In this article, the author discusses why disclosure is challenging, how to decide whether the risk is worth taking, and how a network can support you.

<https://www.parentcenterhub.org/buzz-november2024/>

5 Culturally Responsive Family Engagement Strategies

Educators can strengthen the relationship between home and school by making families feel welcome and included. In this article five ways to strengthen the partnership with families are summarized.

<https://www.edutopia.org/article/5-culturally-responsive-family-engagement-strategies>

National Clearinghouse for English Language Acquisition (NCELA): Family Toolkit

The English Learner Family Toolkit was created to help families choose education services that meet their child's needs. U.S. educators, elementary and secondary school teachers, principals, and other school staff can also share the toolkit as a resource for English learners and their families.

<https://ncela.ed.gov/educator-support/toolkits/family-toolkit>

State of Early Childhood Education in Big Ten States

The Big Ten Early Learning Alliance (BTELA) has just published an inaugural brief on the state of early childhood education in Big 10 states. It emphasizes the importance of early education, highlights disparities in funding and access, and notes the impacts of these on children's development. The report also suggests policy changes to improve outcomes, such as increased investment and equitable resource distribution.

<https://btela.osu.edu/our-work/state-of-early-childhood-education-in-big-ten-states/>

Equity in Data: Where to Start!

Are you looking to address disparities in early intervention and early childhood special education systems and promote more equitable practices and outcomes? Knowing where to start can be challenging, but taking one step forward and starting is critical. The **DaSy Center** developed a guide, *DaSy Data Inquiry Cycle*, to support Part C and Part B 619 program staff in addressing equity considerations at each stage of the data inquiry cycle.

<https://dasycenter.org/data-inquiry-cycle/>

A Summary of the Research on the Effects of K–12 Test Accommodations: 2022

Research on test accommodations provides valuable information that informs policy and practice. The National Center on Educational Outcomes (NCEO) recently published A Summary of the Research on the Effects of K-12 Test Accommodations: 2022. This report presents research literature published in 2022 on testing accommodations for U.S. elementary and secondary students in kindergarten through 12th grade.

<https://nceo.umn.edu/docs/OnlinePubs/NCEOReport444.pdf>

Inclusive Occupations podcast

Episode: The Inclusive Education Roadmap- Part 1- Dr. Diane Ryndak

In this first part of the two-part series on the Inclusive Education Roadmap (IER) by the TIES Center, Dr. Diane Ryndak gives us a general overview of the work done for sustainable systemic change in inclusive education at the state, district, and school. After getting together a diverse Equitable Inclusive Leadership Team (EILT), the second step of the Inclusive Education Roadmap is called RISE (Reflecting on Inclusive Systems of Support). The school Leadership Team is led to deeply reflect and engage in critical discussions about their system's current use of inclusive educational practices for all students, including students with significant cognitive disabilities.

<https://www.inclusiveoccupations.com/podcast/episode/1d9b4aca/the-inclusive-education-roadmap-part-1-dr-diane-ryndak>

Groundbreaking Study: Anti-trans State Laws Increased Suicide Attempts By 72%

In a groundbreaking study published in Nature Human Behavior, researchers found that anti-trans bans lead to a 72% increase in suicide attempts among transgender individuals, compared to states without such legislation. The study is the first study of its kind and could have far-reaching international implications as more countries face pressure to implement similar restrictions on transgender people.

<https://www.erininthemorning.com/p/groundbreaking-study-anti-trans-state>

Youth Engagement Now (YEN)

Explore resources developed by youth with disabilities across the country to access tools to successfully engage and involve youth partners in projects to support impactful change. The site features tools focused on foundational principles, leadership development, and effective collaboration. Key areas include disability training, advocacy, community building, and event planning. It also offers a podcast, YEN Talks, for further insights.

<https://yen.transitionta.org/>

Resources from the National Research Center for Parents with Disabilities

Serving Parents with Disabilities: The National Research Center for Parents with Disabilities has a range of resources for parents with disabilities and those who support them covering a variety of topics such as child welfare law and its effects on parents with disabilities, firsthand narratives from disabled parents about how they raise their children, and advice for professionals working with specific populations of parents with disabilities.

<https://heller.brandeis.edu/parents-with-disabilities/>

Best Practices for Adhering to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Requirements

The Center for Medicaid and CHIP Services (CMCS) released important guidance regarding the coverage requirements for eligible children and youth who are enrolled in Medicaid and the Children's Health Insurance Program (CHIP). The guidance, Best Practices for Adhering to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Requirements, is in the form of a State Health Official letter. This guidance is designed to help states strengthen their implementation of EPSDT requirements to improve health outcomes.

<https://www.medicaid.gov/federal-policy-guidance/downloads/sho24005.pdf>

A Practical Guide for State Teams to Increase Inclusion in Early Childhood Programs

This comprehensive resource, A Practical Guide for State Teams to Increase Inclusion in Early Childhood Programs, is designed to help state leaders and advocates use data to promote more inclusive policies for young children in early care and education settings. The guide emphasizes the importance of inclusion from both human rights and equity perspectives, advocating for all children, especially those with disabilities, to have access to high-quality, inclusive early education.

https://nieer.org/sites/default/files/2024-08/nieer_research_report_template_inclusionguide_august2024_ad_1_1.pdf

StopBullying.gov

When adults respond quickly and consistently to bullying behavior they send the message that it is not acceptable. Research shows this can stop bullying behavior over time. StopBullying.gov provides information from various government agencies on what bullying is, what cyberbullying is, who is at risk, and how you can prevent and respond to bullying. Check out their tip sheet, Bullying and Children and Youth with Disabilities and Special Health Needs, specifically for how to support youth with disabilities and special health needs.

<https://www.stopbullying.gov/sites/default/files/2017-09/bullyingtipsheet.pdf>

Want to Learn More About Technology & Youth Mental Health?

The Child Mind Institute's Technology and Youth Mental Health webinar series brings together researchers, advocates, and tech thinkers to explore crucial questions, such as: What is the relationship between social media and mental health? How can we advance research on this relationship using real world data? Click here to watch the webinars and interviews in the series <https://childmind.org/science/public-health-epidemiology/technology-youth-mental-health-series/>

My Life is Worth Living

My Life is Worth Living includes five powerful stories told over 20 episodes. In each episode, relatable teen characters wrestle with challenges that are all too familiar for many viewers and discover strategies to cope when it feels like their own thoughts are against them. Over the course of each character's journey, they realize that life is worth living. Watch the videos here. <https://mylifeisworthliving.org/>

MCH (Maternal and Child Health) Bridges: The official podcast of the Association of Maternal and Child Health Programs (AMCHP)

Episode #15: Youth Perspectives on Mental Health: Supporting the Next Generation

Three members of The Adolescent Champion Teen Advisory Council (TAC TAC), Melanie Avila, Fanta Guindo, and Yeina Han, share what adolescent and young adult mental health looks like in their communities, what they have experienced, and what needs to change. This episode talks about important concepts like positive youth development, youth-friendly services, and culturally competent care. It also identifies strategies for addressing barriers to youth seeking and accessing mental health services. Listen to this podcast episode here.

<https://mchbridges.buzzsprout.com/1837581/episodes/12824655-episode-15-youth-perspectives-on-mental-health-supporting-the-next-generation>

Parents Under Pressure: The U.S. Surgeon General's Advisory on the Mental Health & Well-Being of Parents

The Surgeon General released an Advisory regarding the mental health of parents/caregivers. This Advisory recognizes the critical role of parents and caregivers in our society and the importance of both reducing their stress and protecting their mental health and well-being. It explores the unique stressors that parents and caregivers face; the impact of these stressors on the mental health and well-being of parents, caregivers, and children; and the policies, programs, and cultural shifts we need to make to allow parents and caregivers to flourish and thrive. Read the Advisory here.

<https://www.parentcenterhub.org/buzz-mental-health-and-bullying-resources/>

Help Wanted: Early Intervention and Early Childhood Special Education Workforce Needs Findings from a National Survey

The ED-funded Early Childhood Personnel Center collaborated with the National Institute for Early Education Research and recently released report findings from a national survey of the early intervention and early childhood special education workforce. The goal was to obtain a national picture of the EI/ECSE workforce's education, credentials, pre- and in-service training, and knowledge about EI and ECSE. This report summarizes the main findings from the survey. Read More

https://nieer.org/sites/default/files/2024-05/may_2024_early_intervention_and_early_childhood_special_education_workforce_needs_findings_from_a_national_survey.pdf

IEPs vs Service Plans: Everything You Need to Know!

Are you considering sending your child with special needs to a private school? More and more families are considering this as an option. However, many differences exist when it comes to sending your child with special needs to private schools. While public schools are required to offer special education services, private schools aren't. Public schools can provide learners with special needs supports and services to best meet the students' educational needs in their IEPs, whereas private schools may offer learners Service Plans. But what is the difference between the two? Read More

<https://www.thetechadvocate.org/ieps-vs-service-plans-everything-you-need-to-know/>

Youth Employment: A Foundation for Mental Health and Well-Being

In May, the department launched a new webpage (www.dol.gov/youthmentalhealth) devoted to young people's mental health needs. Whether you're a young person, part of the workforce system, an employer, or a policymaker, everyone has a role supporting young people's well-being by helping more young people access the mental health resources they need and get into good jobs that they can build a healthy life around and thrive. The Department of Labor encourages everyone to explore the content and share with the department what they are doing in their community on this important topic by submitting their stories through their new webpage. Compiling these stories and sharing them helps spread the word about youth mental health. Contribute today (<https://www.dol.gov/general/mental-health-at-work/youth#wufoo-mc4aghb05xz2v0>), and your story may be shared on a department platform.

Involving Teens and Young Adults in Selecting Assistive Technology

This 4-page resource helps families involve teens and young adults in learning about and selecting assistive technology (AT). An important goal for older students is to understand the areas in which technology can support them in their educational and employment goals. The tip sheet encourages students to advocate for themselves, and to take an active role in selecting assistive technology to address their needs. Read More

<https://www.parentcenterhub.org/involving-youth-in-selecting-assistive-tech/>

Six Global Lessons on How Family, School, and Community Engagement Can Transform Education

Stronger family, school, and community partnerships help ensure that relational trust is at the foundation of schools, and that all the actors can work together toward a shared vision of education in their communities. This shared vision of education is critical to education systems transformation. This report is the result of the participation of hundreds of students, families, school educators, and researchers who dedicated their time and energy to investigating the critical role that families and communities play in ensuring students and schools can flourish. Read More

https://www.brookings.edu/wp-content/uploads/2024/05/Final-Six-Global-Lessons_EN_24June2024_web.pdf

Frequently Asked Questions: Social Security Administration, Supplemental Security Income, and Social Security Disability Insurance – Can I work if I receive social security benefits?

This FAQ provides people with disabilities and their families an overview on social security benefits and answers common questions about these benefits and employment.

<https://leadcenter.org/resources/financial-toolkit-frequently-asked-questions/>

Summer Learning Tips to Go! Text Messaging Service

The Summer Slide is real! While we are all looking forward to the long days relaxing and making the best memories with our children, we must remember to sprinkle in some fun learning throughout our summer adventures. We found the perfect resource for families to do just that and avoid the summer learning loss! Sign up for summer learning tips sent right to your phone, in English or Spanish, from Start with a Book.

<https://www.startwithabook.org/reading-tips-text-messages>

Cartoons Available with American Sign Language

The ED-funded Bridge Multimedia now has some of children's favorite Public Broadcasting Service cartoons available in American Sign Language, thanks to ED's Office of Special Education Programs funding. Check out full episodes of "Alma's Way," "Daniel Tiger's Neighborhood," and more.

<https://pbskids.org/videos/american-sign-language-full-episodes>

Unstuck: The Special Education Podcast

Discussions between two professionals related to current trends and topics affecting the world of special education. They pull from a combined 40 years in the field to share stories, insight and potential solutions.

<https://podcasts.apple.com/us/podcast/unstuck-the-special-education-podcast/id1604000975>

Special Education Inner Circle

The Special Education Inner Circle podcast is hosted by Catherine Whitcher, M.Ed., founder of the Master IEP Coach® Mentorship + Network. Get your notebook ready as Catherine brings you real-world strategies for everyone at the IEP table. With her family's experience in the disability community and her journey from Special Education classroom teacher to IEP expert, Catherine knows what it takes to prepare students and families for the future. Get ready to be inspired and learn actionable steps you can take immediately to change your special education experience.

<https://podcasts.apple.com/ca/podcast/special-education-inner-circle/id1484686234>

Commemorating the 25th Anniversary of Olmstead

ICYMI: On June 20th The U.S. Department of Justice and the U.S. Department of Health and Human Services' Administration for Community Living and Office for Civil Rights celebrated the 25th anniversary of the landmark Olmstead v. L.C. Supreme Court decision, which ruled that unjustified segregation of people with disabilities is a form of unlawful discrimination under the Americans with Disabilities Act (ADA).

<https://www.youtube.com/live/EYsDx5ogzLc?feature=shared>

Tourette Syndrome

By Dr. Faye J. Jones

Tourette Syndrome (TS) is a neurological disorder characterized by involuntary, repetitive movements or sounds known as tics ([Tourette Syndrome - Search](#)). These tics can include behaviors such as frequent eye blinking, shoulder shrugging, or the spontaneous utterance of unusual sounds or words. In some cases, individuals may experience Coprolalia, a condition where inappropriate or offensive words are involuntarily spoken. These tics are typically difficult to control and can vary in severity over time. While the exact cause of TS remains unclear, it is believed to involve genetic and environmental factors. Understanding TS is important for fostering awareness and creating supportive environments for individuals living with the condition.

Copropaxia is another motor tic symptom associated with TS, which involves the involuntary display of obscene or inappropriate gestures. While only a small percentage of individuals with TS experience coprophensomena—both coprolalia (involuntary vocalizations of inappropriate words) and copropaxia—these symptoms can create significant challenges for affected individuals ([Tourette syndrome - Symptoms and causes - Mayo Clinic](#)). Coprolalia, in particular, can be difficult to manage in public settings, such as at school, home, or work, leading to social stigma and distress. The most commonly accepted explanation for the occurrence of coprolalia is related to the brain's inhibitory mechanisms, which control voluntary movements and can malfunction, resulting in these involuntary tics. Like other tics, symptoms may worsen with heightened emotional stress, fatigue, or excitement. While these emotional states do not directly cause tics, they can amplify the frequency and intensity of symptoms.

Tics in TS are classified into two categories: **Simple tics** and **Complex tics**.

Simple tics are sudden, brief, and repetitive movements or sounds that involve a limited number of muscle groups. Common simple motor tics include:

- Eye blinking
- Head jerking
- Shoulder shrugging
- Eye darting
- Nose twitching
- Mouth movements
- Grunting
- Coughing
- Throat clearing
- Barking

Complex tics involve more coordinated movements or behaviors that engage multiple muscle groups. These may include:

- Touching or smelling objects
- Repeating observed movements
- Stepping in a certain pattern
- Obscene gesturing
- Bending or twisting
- Hopping
- Repeating own words or phrases (echolalia)
- Repeating others' words or phrases (palilalia)
- Using vulgar, obscene, or swear words (coprolalia)

Understanding the distinction between simple and complex tics can help in identifying specific symptoms and managing the impact of TS on daily life.

Before the onset of motor or vocal tics, individuals with TS often experience an uncomfortable bodily sensation, such as an itch, a tingle, or tension. Performing the tic provides temporary relief from these sensations. Some individuals may be able to momentarily suppress or hold back a tic, although this is typically short-lived. Tics can exhibit various characteristics and are subject to several influencing factors, including:

- a. **Variation:** Tics can differ in type, frequency, and severity over time.
- b. **Exacerbation:** Tics tend to worsen when an individual is ill, stressed, anxious, tired, or excited.
- c. **Occurrence During Sleep:** Tics can also occur while the individual is asleep.
- d. **Change Over Time:** The nature and frequency of tics may evolve as the person progresses through different stages of life.
- e. **Worsening in Adolescence:** Tics often become more pronounced during the early teenage years.
- f. **Improvement in Adulthood:** For many individuals, tics tend to improve as they transition into adulthood.

Understanding these patterns is crucial for managing TS and providing appropriate support throughout different life stages.

Tics associated with TS typically begin to appear between the ages of 2 and 15. Males are generally three to four times more likely than females to develop the disorder. While there is currently no cure for TS, there are treatments available that can help manage the symptoms. In many cases, treatment may not be necessary if the tics do not interfere with daily life. It has been

observed that tics often lessen or become more manageable as individuals transition into adulthood, with symptoms frequently improving after the teenage years.

Students with TS may qualify for an Individual Education Program (IEP) to ensure they receive a Free Appropriate Public Education (FAPE)

(<https://www.bing.com/search?q=Students+with+tourette+syndrome+and+an+IEP>). However, it's important to note that an IEP cannot be written solely for the purpose of eliminating or reducing Tourette-related symptoms. Instead, the focus of an IEP is to address the educational needs of the student and provide necessary accommodations. In addition to an IEP, students with TS may be eligible for a 504 Plan, which provides accommodations under federal law. Additionally, laws such as the Individuals with Disabilities Education Act (IDEA) and the Every Student Succeeds Act (ESSA) advocate for children with special needs, ensuring their rights are protected in educational settings.

Research shows that approximately 1 in 50 school-aged children are affected by Tourette Syndrome or another Persistent Tic Disorder. Furthermore, 83% of these children often experience co-occurring conditions, such as ADHD, anxiety, OCD, or depression (Resources for Educators - Tourette Association of America). These overlapping conditions can significantly impact a child's ability to succeed in school and at home, leading to difficulties with sibling relationships, social interactions, bullying, discrimination, and academic performance. In some cases, children with TS may need special services or even repeat grades due to the effect of their condition on learning and behavior

(<https://www.bing.com/search?pglt=299&q=Tourette+and+school+age+children>).

To support students with TS, there are a variety of resources available to both families and educators. Social stories, toolkits, and other educational materials are designed to help children communicate their experiences and gain a better understanding of their condition. These resources are essential in creating a supportive environment at both school and home, helping children with TS navigate their educational journey more successfully.

It is crucial for administrators and educators to be proactive in supporting students with TS by addressing their specific needs and providing accommodations to help them thrive in school. Educators and families should be aware of the common obstacles that can impact school performance among children with TS, and work together to identify strategies and resources that support the student's learning and emotional well-being (Identifying Common Education Difficulties with Tourette Syndrome - Tourette Association of America).

Children with TS may face a variety of challenges that can affect their academic performance and overall well-being. These obstacles can vary from student to student, but common issues include:

- **Handwriting Issues/Dysgraphia:** Students may experience difficulties with sloppy handwriting, frequent erasing, or refusal to write altogether.
- **Difficulty Completing Homework:** Some students struggle with understanding assignments or have difficulty copying or completing tasks.

- **Disorganization:** Many children with TS may find it challenging to manage time, tasks, and belongings, leading to disorganization.
- **Perfectionism:** A need for things to be “just right” can result in performing rituals or becoming upset if things don’t meet their standards.
- **Difficulty Attending:** Tics or obsessions can interfere with the student’s ability to concentrate or stay focused in class.
- **Challenges with Transitioning:** Difficulty transitioning between tasks, classes, or changes in routine may be prominent, with resistance to change.
- **Difficulty Following Directions:** Students may be slow to respond or struggle with completing tasks, requiring repeated requests for directions.
- **Discrepancy Between Verbal and Performance Scores:** Students may show a significant difference between their high verbal scores (e.g., reading comprehension) and lower performance scores (e.g., written language).
- **Sensory Issues:** Sensitivity to light, sound, touch, smells, or tastes can be overwhelming. Some students may engage in behaviors like excessive chewing on objects to relieve sensory urges or even self-harm.
- **Stress and Anxiety:** Academic avoidance, shutting down when overwhelmed, or experiencing emotional outbursts are common responses to stress and anxiety.
- **Impulsivity:** Students may shout out answers or act impulsively in class.
- **Disinhibition:** Inappropriate behaviors, such as touching certain objects, may occur due to the lack of control over impulses.
- **Oppositional Behaviors:** Inconsistent refusal to engage in tasks for reasons that may not be obvious.
- **Explosive Behaviors at School or Home:** Some students may exhibit significant, disruptive behaviors, often in response to feelings of failure or being overwhelmed by a situation.
- **Social Skills Deficits:** Immature or socially inappropriate behaviors may lead to challenges with peer relationships and social interactions.

By understanding these common challenges and utilizing available resources, educators, families, and healthcare professionals can better support children with TS in their educational journey.

For over 50 years, the Tourette Association of America (TAA) has been at the forefront of research and therapeutic development for TS and other Tic Disorders (Research - Tourette Association of America). The TAA has awarded \$21 million to support over 450 research projects across 16 countries, contributing to advancements in understanding and treatment. Additionally, the TAA encourages early career researchers to focus their efforts on improving knowledge of TS and enhancing patient care. Through the development and testing of new therapies, the organization aims to make a significant impact on the lives of individuals affected by TS, both in the United States and globally.

Update from the US Department of Education

Office for Civil Rights Launches Title IX Violation Investigations into Maine Department of Education and Maine School District

the U.S. Department of Education's Office for Civil Rights (OCR) sent a letter to the Maine Department of Education Commissioner Pender Makin announcing that OCR is initiating a directed investigation of the Maine Department of Education (MDOE) amid allegations that it continues to allow male athletes to compete in girls' interscholastic athletics and that it has denied female athletes female-only intimate facilities, thereby violating federal antidiscrimination law. The letter also notifies MDOE that OCR is launching an investigation into Maine School Administrative District #51 (MSAD #51), after it was reported that Greeley High School, a school under its jurisdiction, is continuing to allow at least one male student to compete in girls' categories.

This follows President Trump's February 20 remarks at the Republican Governor's Association dinner that Maine risks losing federal funding if it continues to allow transgender males to participate in female sports.

"Maine would have you believe that it has no choice in how it treats women and girls in athletics—that is, that it must follow its state laws and allow male athletes to compete against women and girls," said Craig Trainor, Acting Assistant Secretary for Civil Rights. "Let me be clear: If Maine wants to continue to receive federal funds from the Education Department, it has to follow Title IX. If it wants to forgo federal funds and continue to trample the rights of its young female athletes, that, too, is its choice. OCR will do everything in its power to ensure taxpayers are not funding blatant civil rights violators."

State laws do not override federal antidiscrimination laws, and the MDOE and its schools remain subject to Title IX and its implementing regulations. In addition to MDOE, the Department earlier this month announced directed investigations into the Minnesota State High School League (MSHSL) and the California Interscholastic Federation (CIF), both of which publicly announced plans to violate federal antidiscrimination laws related to girls' and women's sports.

To read more, click here

<https://www.ed.gov/about/news/press-release/office-civil-rights-launches-title-ix-violation-investigations-maine-department-of-education-and-maine-school-district>

U.S. Department of Education’s Statement on Title IX Compliance

The U.S. Department of Education’s Office for Civil Rights today released the following statement commending two athletic associations, the Wisconsin Interscholastic Athletic Association (WIAA) and the New Hampshire Interscholastic Athletic Association (NHIAA), which have changed their athletic policies to conform to President Trump’s Executive Order and antidiscrimination laws:

“We applaud these entities for recognizing President Trump’s leadership in protecting women and girls from biological male competitors, and for recognizing that this is the appropriate and correct understanding of Title IX. We expect other interscholastic athletic associations will follow suit immediately,” said Craig Trainor, Acting Assistant Secretary for Civil Rights.

The Department also acknowledges the elected state representatives and officials who have held strong on common sense and adhered to Title IX’s commands. Their principled positions have protected women and girls from the inherent unfairness and attending indignity of being forced to compete against biological males. We thank leaders from Idaho, Montana, North Dakota, South Dakota, Wyoming, Iowa, Indiana, Utah, Kentucky, West Virginia, Arizona, Kansas, Arkansas, North Carolina, South Carolina, Tennessee, Oklahoma, Louisiana, Mississippi, Alabama, Texas, Florida, and Missouri for holding the line on women’s civil rights.

To read more, click here

<https://www.ed.gov/about/news/press-release/us-department-of-educations-statement-title-ix-compliance>

U.S. Department of Education Reduces Federal Overreach in Charter Schools Program

The U.S. Department of Education announced today that it has reigned in the federal government’s influence over state Charter School Program (CSP) grant awards. The Department removed a requirement set by the Biden Administration that the U.S. Secretary of Education review information on how states approve select entities’ (e.g., private colleges and universities) authorization of charter schools in states where they are already lawful authorizers. This action returns educational authority to the states, reduces burdensome red tape, and expands school choice options for students and families.

South Carolina Superintendent of Education Ellen Weaver said in response, “After over a year of debate, what a wonderful breath of fresh air it has been to see the Department of Education under President Trump’s leadership return to respecting state authority regarding our charter school P&I grants. This decision will allow states like South Carolina to innovate and expand on high-quality charter schools in our state. President Trump’s Department of Education is already making a difference.”

To read more, click here

<https://www.ed.gov/about/news/press-release/us-department-of-education-reduces-federal-overreach-charter-schools-program>

U.S. Department of Education Cuts Over \$600 Million in Divisive Teacher Training Grants

The U.S. Department of Education announced it has terminated over \$600 million in grants to institutions and nonprofits that were using taxpayer funds to train teachers and education agencies on divisive ideologies. Training materials included inappropriate and unnecessary topics such as Critical Race Theory; Diversity, Equity, and Inclusion (DEI); social justice activism; “anti-racism”; and instruction on white privilege and white supremacy. Additionally, many of these grants included teacher and staff recruiting strategies implicitly and explicitly based on race. The grants are awarded to teacher preparation programs that train future classroom teachers.

To read more, click here

<https://www.ed.gov/about/news/press-release/us-department-of-education-cuts-over-600-million-divisive-teacher-training-grants>

U.S. Department of Education Reduces Burden on Career and Technical Education Programs

The U.S. Department of Education announced the reversal of a misguided regulatory reporting scheme put in place by the Biden-Harris Administration that would require states and the local career and technical education (CTE) programs across the country to comply with burdensome and unnecessary reporting.

The last-minute Biden-era information collection under the *Carl D. Perkins Career and Technical Education Act of 2006* (Perkins V) would have piled on thousands of hours in additional reporting compliance requirements on states, high schools, and community colleges that can be better spent on equipping the American workforce with the skills necessary to rebuild our economy.

“The Trump Education Department is committed to strengthening our career and technical workforce and equipping students with the tools they need to excel,” said Acting Under Secretary James Bergeron. “The 11th hour Biden-Harris information collection on CTE programs was unnecessary bureaucratic red tape that would only drive up costs and hinder innovation. As we celebrate CTE month, the Department looks forward to working through a

more thoughtful and cooperative process with states, local CTE programs, employers, stakeholders, and Congress to reauthorize the *Perkins Act*.”

To read more, click here

<https://www.ed.gov/about/news/press-release/us-department-of-education-reduces-burden-career-and-technical-education-programs>

Update on Section 504 from the Center for Parent Information & Resources

Modifying an IEP or 504 for Distance or Hybrid Learning

Many parents are worried that pre-pandemic IEPs may leave students with disabilities without vital services.

Luckily, IEP or 504 plans aren't set in stone. If a parent is concerned that their child is struggling (or that they will be once class gets underway), it might be time to make some additions to the child's plan to incorporate remote learning accommodations.

This article from the Child Mind Institute describes how parents can help their child get the support they need, whatever this school year brings. Access the article at:

<https://childmind.org/article/modifying-an-iep-or-504-for-distance-or-hybrid-learning/>

Parent and Educator Resource Guide to Section 504

The Office for Civil Rights (OCR) at the U.S. Department of Education has released the *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools*. The 52-page resource guide provides a broad overview of Section 504 of the Rehabilitation Act of 1973 (Section 504). The guidance describes school districts' nondiscrimination responsibilities, including obligations to provide educational services to students with disabilities. It also outlines the steps that parents can take to ensure that their children secure all of the services they are entitled to receive.

The Section 504 Parent and Educator Resource Guide also:

- defines and provides examples to illustrate the meaning of key terms used in Section 504; and
- highlights requirements of Section 504 in the area of public elementary and secondary education, including provisions related to the identification, evaluation, and placement of students with disabilities, and procedures for handling disputes and disagreements between parents and school districts.

The guide is available online in a PDF format (651 kb), at:

<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>

Section 504 Review and Students with Medical Disabilities | Video

This 26-minute video is a product of the Utah Parent Center. Other Parent Centers can use the video in their own trainings or connect families with the video online for their own convenient viewing. The video reviews Section 504 and discusses how to address the needs of students with medical disabilities with Section 504 plans.

Access the video, at:

https://www.youtube.com/watch?v=OB_LsUgf5QE

Eligibility Under Section 504

Children with disabilities may be eligible for special education and related services under Section 504. That's because Section 504's definition of disability is broader than the IDEA's definition. To be protected under Section 504, a student must be determined to:

- have a physical or mental impairment that substantially limits one or more major life activities;
or
- have a record of such an impairment; *or*
- be regarded as having such an impairment.

Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of the disability. Under Section 504, FAPE means providing regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

As explained in *Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*:

What is a physical or mental impairment that substantially limits a major life activity?

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision...defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 regulations...include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Amendments Act...Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions... the Section 504 regulatory provision's list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

Office for Civil Rights

Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

Sample 504 Plans

Wondering what a 504 plan might look like? These templates and accommodation lists, put on the Web by school districts and disability organizations, can give you an idea of what to look at and look for when working with the school to put together a plan for your child.

<http://specialchildren.about.com/od/504s/qt/sample504.htm>

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