

2013-2014

THE CALIFORNIA ADVISORY COMMISSION ON SPECIAL EDUCATION



OVERVIEW



California saw remarkable changes in education during the 2013–2014 school year, with significant legislative and policy developments in the key areas of finance, instruction, intervention, and assessment. Governor Brown's budget granted increased authority for education spending to local education agencies and schools, increasing local control and flexibility and raising the bar for accountability. Administrators and teachers faced the task of beginning to implement the Common Core State Standards (CCSS), which fundamentally alter approaches to curriculum design, professional development, teaching, and learning. In alignment with those standards, the state began transitioning to a new, computer-adaptive assessment system. The year also witnessed transformation in the field of

academic and behavioral interventions, with changes in legislative requirements and an increased number of schools and districts developing a comprehensive multitiered system of supports (MTSS).

Major changes come with major challenges, which are often magnified in special education. These additional challenges were evident in the state's delay in joining the National Center and State Collaborative (NCSC) and in the lack of special education funding reform. However, these challenges also create opportunities for realigning policy with best practice, laws with lives. Each new law that goes into effect, each new regulation that is developed, and each new procedure that is put in place opens up a new door for meaningful debate, stakeholder input, and collaboration.



To maximize its impact in this time of change, the California Advisory Commission on Special Education (ACSE) engaged in a strategic planning process of unprecedented scale and depth. From this process, the ACSE clarified three long-term priorities: (1) Quality Services and Supports, (2) the Common Core State Standards Implemented through the Framework of a Multitiered System of Supports, and (3) Secondary Transition. Through the work of the subgroups that were created to study these topics, as well as that of legislative and policy committees, the ACSE identified concrete, actionable steps and related outcomes for the coming year.

As ACSE commissioners, we are grateful to all of our stakeholders for their input and appreciative of special education partners who stood alongside us to support students with disabilities. We are committed to continuing to be a strong voice for students with disabilities in shaping laws and policies that ensure excellent teaching, accessible and adaptable curriculum, quality services and supports, effective transition to adult life, and meaningful options for college and career.

Liaison Activities

ACSE commissioners serve as liaisons to numerous stakeholder groups, sharing information with key individuals and organizations and bringing back to ACSE meetings important information and perspectives from the field to inform the work in the key priority areas. These groups include the California State Board of Education, the California Commission on Teacher Credentialing, the California Charter Schools Association, the Improving Special Education Services stakeholders' group, and Parent Training and Information Centers, among others. The three liaison efforts described below were particularly critical to special education services during the 2013–2014 school year.

Alternate Assessments

The ACSE worked to ensure that students with the most significant cognitive disabilities will have a standardized assessment that is aligned to the Common Core State Standards. The ACSE also provided advice

on urgency legislation that allows these students to participate in a NCSC field test without also having to take the California Alternate Performance Assessment (CAPA). While CCSS-related tests are being piloted in the state, students who do not take the CAPA (students who receive special education services but who do not have significant cognitive disabilities) have received a waiver from this kind of double-testing. A tremendous amount of effort was needed on behalf of students with the most significant cognitive disabilities to ensure that they would not be burdened by a double-testing requirement. Finally, the ACSE worked to ensure that these students receive the accommodations they need in order to be able to take the NCSC pilot test.

Behavior Intervention Work Group

An ACSE commissioner virtually attended (via simulcast) the eight meetings of the Behavioral Intervention Stakeholder Work Group and kept the ACSE up-to-date on the workgroup's development and

refinement of numerous guidance documents for local education agencies as they strive to implement the new behavior plan policies brought about by Assembly Bill 86.

The ACSE recognizes student behavior as a critical component of academic achievement; how schools address behavior can contribute significantly to student success or failure. Important guid-

ance documents, along with the work group's archived Webcasts and presentations, can be found at <http://www.cde.ca.gov/sp/selac/bip.asp>.

Secondary Transition

The ACSE has been included in the Community of Practice for Secondary Transition, contributing to national discussions on the importance of high expectations for students with disabilities and effective transition planning. Through this CoP, ACSE members worked with leading educators in the field in a concerted effort to help teachers in California and nationwide create and implement transition plans that include a coordinated set of activities that begin at age 16, measurable goals, and a course of study designed to help the students achieve their postsecondary goals.



Public Input

Dozens of members of the public and stakeholders from the special education community spoke before the ACSE during its 2013–2014 meeting year. These individuals—parents and teachers of students with disabilities, representatives from California’s Parent Training and Information Centers and Family Empowerment Centers, the California Teachers Association, Parent Teacher Association, SELPA Directors Association, the California Speech-Language-Hearing Association, the California Association of Resource Specialists (CARS+), and the California Charter Schools Association—shared personal experiences, updates from their respective organizations, legislative positions, and comments on topics from ACSE agendas. Public and stakeholder input continues to be an important source of information for the ACSE, invaluable in its strategic planning and agenda setting for future meetings.

Priority Areas

The ACSE is committed to ensuring that students with disabilities are able to realize their highest level of academic achievement, social development, and positive and measurable postsecondary outcomes. As a result, the ACSE reviews and advises on legislation and initiatives that promote inclusion, access to high-quality education, successful high school completion, college and career readiness, and access to necessary educational services and equitable funding. To be most effective in meeting its commitments, the ACSE has chosen three long-term priorities on which to focus its efforts: Quality Services and Supports, the Common Core State Standards Implemented within a Multitiered System of Supports, and Secondary Transition.

Quality Services and Supports

Quality services and supports are essential if students with disabilities are to achieve their educational goals. As mandated by the Individuals with Disabilities Education Act, the Individualized Education Program (IEP) is the foundation upon which high-quality services are designated and delivered.

Quality services and supports start and end with the IEP. And central to the IEP is a team—comprised of a child’s teachers, parents or family members, and any relevant service providers—that meets at least annually to review the student’s progress on goals and to establish goals for the next year.

The ACSE subgroup on Quality Services and Supports determined through research and experience that an important key to a successful IEP meeting—and ultimately to quality services and supports for students—is the utilization of student-led, strength-based IEP meetings. In this kind of meeting, the student is a key part of the team and, to the extent he or she is able, facilitates the meeting, reviews past progress, and identifies areas where he or she needs work. Equally important, team members consider supports for the student from the perspective of the student’s strengths; they frame suggestions, op-



portunities, goals, strategies, and appropriate services around those strengths, with all team members then identifying the supports or services the student believes will best help him or her achieve the identified goals. This ACSE subgroup believes that improved achievement can be realized with student-led, strength-based IEPs and through the resulting student buy-in for services and supports.

However, many IEP meetings are too often a recitation of a student’s deficits, with a focus on the skills the student cannot perform. At the secondary level, the IEP meeting rarely involves family participation, and students often don’t attend or offer ideas for appropriate goals and services.

Research shows that when schools and districts use a student-led IEP process, students gain skills in self-advocacy and self-determination as they actively participate in their own learning. Student-led IEPs also support the higher-level thinking goals of the Common Core State Standards, since a student’s involvement in his or her own IEP plan requires critical-thinking skills.

School districts spend as much as 40 percent of their general fund dollars annually to support special

education programs and services. It is imperative to ensure that these services have the intended—and maximum—impact on student achievement.

Because student-led, strength-based IEP meetings are not the standard in California, this ACSE subgroup plans to recommend two goals: that every student with a recognized disability in California be offered the chance—and the support—to lead his or her own IEP meeting; and that every educator involved in IEPs be able to guide a strength-based IEP meeting.

The ACSE will work with parent groups, the California Department of Education, and other statewide education groups by providing examples of how student-led, strength-based IEPs are conducted, why they are important, and the positive difference they can make for a student with a disability.

Common Core State Standards Implemented Within a Multitiered System of Supports

The purpose of the CCSS-MTSS subgroup is to provide recommendations to decision-making bodies regarding the implementation of the Common Core State Standards (CCSS) within a tiered service delivery system, generally referred to as a multitiered system of supports (MTSS). As a systemic, schoolwide framework for the delivery of educational services and supports to all children and youth, MTSS is not an exclusively general education initiative, nor is it a special education initiative; rather, it is a whole-school/district effort to ensure that all students are successful.

Inherent to an MTSS model is a continuum of increasingly intense supports typically organized in three tiers: the first tier represents quality instruction to all students; the second consists of more intense, focused instruction to those students who show signs of struggling; and the third tier, the most intense, includes individualized supports when students need them. Each student receives instruction in direct proportion to his or her need.

While some students may require intensive and individualized supports for the duration of their

school careers in order to access the curriculum (e.g., special education), other students may need time-limited, specific-skill interventions to meet curriculum standards. Unlike the prevailing categorical service delivery model, an MTSS framework provides intervention for all students at their earliest signs of struggle.

Convergent research suggests that instruction delivered within a tiered instructional model decreases the likelihood of grade retention,¹ referrals to special education,² and ethnic and racial disproportionality in special education identification.³ Students who receive special education services within an MTSS model also receive research-based, individualized instruction and supports in identified areas of need via an Individualized Education Program (IEP). These students also have access to evidence-based core instruction (tier 1) and any short-term, skill-based interventions needed (tier 2).

The subgroup chose the following goals for this priority area:

- Provide recommendations on increasing educator knowledge of CCSS-aligned curriculum and instructional strategies that are appropriate and effective for all students, including students with disabilities.
- Provide recommendations regarding the assessment of student outcomes within a tiered service delivery framework.
- Provide input and recommendations for increasing educator knowledge of the delivery of CCSS through a tiered service delivery framework.



Notes

1. Burns, M. K., Jacob, S., & Wagner, A. R. (2008). Ethical and legal issues associated with using response-to-intervention to assess learning disabilities. *Journal of School Psychology, 46*, 263–279.
2. Torgeson, J. (2007). Using an RtI model to guide early reading instruction: Effects on identification rates for students with learning disabilities. Florida Center for Reading Research. Retrieved from http://www.fcrr.org/science/pdf/torgesen/Response_Intervention_Florida.pdf
3. Marston, D., Muyskens, P., Lau, M., & Canter, A. (2003). Problem-solving model for decision making with high-incidence disabilities: The Minneapolis experience. *Learning Disabilities Research & Practice, 18*, 187–200.

Accomplishments of the group thus far have included

- providing input to the state on two drafts of California's CCSS *English Language Arts/English Language Development Framework*;
- providing feedback to the state's Special Education Task Force on MTSS implementation;
- identifying existing research and evidence-based practices in the implementation of the CCSS and an MTSS to guide the development of recommendations by the subgroup; and
- endorsing the adoption of the National Center and State Collaborative (NCSC) assessment system to replace the California Alternate Performance Assessment (CAPA) for students with significant cognitive disabilities.



receive diplomas or certificates of completion, go on to college, or have other postsecondary goals or needs—will be prepared for life after high school and informed of how to access quality postsecondary options.

The task of ensuring a student's successful transition after high school is no small thing. One component involves continued education and employment, for which students need to develop a work ethic,

know how to complete applications, be able to interview successfully, understand a chain of command, analyze, prioritize, and solve problems. However, an effective transition program that serves all students involves much more, as numerous additional skills are also critically important to successful adult life—those related to inde-

pendent living, transportation, physical navigation, domestic life, finances, citizenship, personal appearance, health and wellness, life-long learning, recreation, social pursuits, hobbies, friendships, and family relationships. Students with disabilities often also need to be coached in skills that help them believe in themselves: self-advocacy, self-determination, and self-management. Clearly the task of an effective transition program is not a small one and requires interagency collaboration among colleges, special services, regional centers, and the Department of Rehabilitation.

To get a sense of how this complicated goal is successfully realized, the subgroup invited transition experts to speak to the ACSE in October 2013. In particular, California Department of Education staff, the executive director of the California Transition Alliance, and two regional liaisons for the alliance reported to the commission on the newly developed document, *Transition Planning: The Basics*, which provides evidenced-based best practice and guidance information related to secondary transition (available at <http://www.catransitionalliance.org/resources/>.)

This subgroup's goals for the 2014–2015 year are to invite representatives from successful transition programs to speak to the ACSE and to continue to

Future activities of the subgroup will include advising

- on emerging CCSS frameworks;
- on technical assistance to local education agencies and county offices of education on the implementation of the CCSS within an MTSS; and
- the Commission on Teacher Credentialing on the preservice training needs of teacher candidates working within a multitiered service delivery framework.

The subgroup will continue to recommend the implementation of high-quality, evidence-based instruction and reliable, valid, and meaningful assessments for all students.

Secondary Transition

The purpose of public education is to prepare students for successful employment and adult life. Many schools and organizations in California are providing exceptional transition services. But not all. The ACSE would like to support transition excellence for every student with a disability in the state.

To that end, the ACSE's Postsecondary Transition subgroup established a goal of identifying successful practices and recommending that transition-related organizations use those practices to ensure that all students with disabilities—whether they

recognize and recommend best practices in postsecondary transition. The subgroup also has developed a partnership statement that officially recognizes those organizations that use and promote effective and proven transition practices; the group plans to find an official channel for posting and publishing that statement to further recognize effective organizations and best practices.

Additional Focus Areas

Special Education Task Force

In 2013, an independently funded Statewide Special Education Task Force was launched with the goals of examining what in California's system of education constitutes the barriers to better outcomes for students with disabilities and what can be done to remove these barriers.

The task force is working to formulate recommendations to the State Board of Education, the California Department of Education, the Commission on Teacher Credentialing, and state and federal legislators for policy changes in the following areas: teacher preparation, teacher credentialing, and professional development; evidence-based practices and successful service delivery models; assessment and accountability; early education and learning; and fiscal issues and coordination with the local control funding formula.

Three ACSE members were initially invited to participate as members of the task force. Since then, two additional task force members have been appointed to the ACSE, putting the commission in the position of being a significant and informed presence on the task force, able to provide continuity in informing the field of the group's efforts and advising on the potential benefits of any recommendations the task force offers in its efforts to improve systems and services for students with disabilities.

For contact information, meeting schedules, and articles of interest relative to the work of the task force, visit <http://www.smcoe.org/about-smcoe/statewide-special-education-task-force/>.



California Code of Regulations

The California Code of Regulations (CCR) articulates how the state provides special education services to children with disabilities from birth to age 22. Prior to 2014, these regulations had not been updated in any significant way since 1987, even though the intervening years saw numerous changes to both state and federal statutes and regulations and two reauthorizations of IDEA.

Beginning in 2010, the Special Education Division (SED) of the California Department of Education began the multiphase (and “Herculean” in the opinion of the ACSE) task of reviewing and updating the sections of the CCR (sections 3001–3088) that apply to special education. The SED held numerous meetings and provided several opportunities for a broad range of constituents to comment on this rulemaking process.

The ACSE is mandated to “comment publicly on any rules or regulations proposed by the state regarding the education of individuals with exceptional needs” (California Education Code, section 33595). Consequently, the ACSE was directly engaged in this complicated and lengthy process, studying the CCR and providing guidance to the SED and the State Board of Education on the necessary changes.

The effort to update the CCR involved amending its language by aligning it with state statutes and federal statutes and regulations; the effort also included ensuring that the CCR provided appropriate direction to the field. Updating the language was in part a technical clean-up task and included changing, for example, such words as “handicapped” to “disabled.” Aligning the language with federal law specifically involved updating California regulations to reflect the 13 federally recognized categories of disability; prior to this alignment, California had recognized 10 categories in the regulations.

The CCR also contains language that addresses the assessment of students with a possible “specific learning disability” using a “severe discrepancy” model. In light of a mounting body of research that emphasizes the need for multiple means of assessment

to determine special education eligibility, the ACSE supported changes in Title 5 regulations that allow additional methods for assessing and identifying these students.

The update has been accomplished and alignments made, thanks to a collaborative effort on the part of SED, ACSE, and the many special education stakeholders involved.

Public School Accountability

The intent of California’s Public School Accountability Act is to create a system of educational accountability that helps schools improve and to measure the academic achievement of all students. In support of this act and its new academic performance indicator and to ensure equitable treatment of students with disabilities, the ACSE recommended giving a certificate of completion the same weight as a high school diploma in that indicator’s calculation.

A Look Ahead

The ACSE anticipates its 2014–2015 year with optimism for a number of reasons. The previous one-size-fits-all approach to student testing—particularly inadequate for students with disabilities—is on the wane with the rollout of the new California Assessment of Student Performance and Progress (CASPP). The state appears to be embracing a more individualized, computer-adaptive model grounded in the new CCSS. Two tests, the Smarter Balanced Assessment Consortium and the National Center and State Consortium, are being piloted, creating many opportunities to adjust test designs and improve assessment mechanisms for all. The assessments will measure the individual growth of each student, and the results can be used not only to assess progress but also to inform instruction. While the calculation of performance indexes has been suspended for two years, accountability for continued academic growth has not. The ACSE is committed to working tirelessly during this period to ensure that students



with disabilities are at the forefront of these assessment initiatives.

Another high-priority area for the commission continues to be special education funding. Already inadequate levels of financial support have been subject to even deeper funding shortfalls caused by federal sequestration and lower property tax revenues. In combination with changes to the special education funding model, these shortfalls have resulted in a deficit of more than \$100 million in special education funding, which places an enormous burden on local education agencies across the state, affecting the quality and integrity of both special and general education programs. The

commission is committed to exploring opportunities to align special education funding with the new local control funding approach as well as examining ways to replace antiquated elements of the current special education funding model with a needs-based approach grounded in an MTSS framework. The ACSE has already begun to engage with a number of advocacy groups and stakeholders to recommend strategies and solutions to secure equitable levels of funding for the future.

The commission is also deeply concerned about the degree to which students with disabilities are educated alongside their general education peers. In 1998 California was leading the nation in serving students with disabilities in the least restrictive environments: 52 percent of students with disabilities were in general education classrooms for 80 percent or more of the instructional day. During the next 12 years that rate improved by only 1 percent. California now lags behind the national average

by nearly 10 percent. Research is clear: including students with disabilities in general education classrooms produces educational and social benefits for all students. The ACSE will continue to recommend ways to secure higher rates of inclusion. Specifically, the commission sees a multitiered system of supports as a fundamental pillar upon which a healthy, inclusive culture in our schools should be—and must be—built.

Join ACSE Meetings

Guidelines for participating in ACSE meetings and directions for viewing meetings via live Webcast—along with archived meetings—are available at www.cde.ca.gov/sp/se/as/acse.asp.

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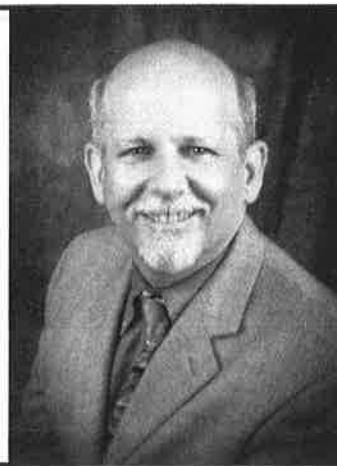
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U.S. Office of Special Education Programs

Letter from State Director Fred Balcom

"What happens in school represents only one part of a young person's life."



This issue of *The Special EDGE* focuses on behavior: positive behavior intervention systems and the integration of restorative justice practices within these systems; strategies for carrying out instruction related to executive function; classroom behavior management; and, with the adoption of Assembly Bill 86, the changes to California's longstanding behavior legislation.

These informative articles are timely and useful as we work to make changes that support the success of students with disabilities—and all students. They focus on what to do when “behavior that impedes a child’s learning or that of others” occurs. They also expand our view and explore interventions that are sustainable and have positive, systemic impact over time.

However, what happens in school represents only one part of a young person’s life. The interventions discussed in these pages—interventions that incorporate effective, research-based practices—cannot alone stem the waxing tide of behavior-related challenges that too-often impede a student’s learning or that of others and affect an individual’s entire life; the best interventions alone are not enough.

As I worked on this letter, President Obama announced, along with the Council of the Great City Schools, the “My Brother’s Keeper” initiative, part of his administration’s effort to help “more of our young people stay on track [by] providing the support they need to think more broadly about their future.” This initiative is bringing together parents, business leaders, athletes, mayors, members of Congress, and educational leaders from the largest 60-plus school districts across the country, including several from California, to build coordinated ladders of opportunity for young people. Because issues of problem behavior disparately affect boys and young men of color, particularly African Americans and Latinos, the president is urging schools “to partner with local businesses and foundations to connect these boys and young men to mentoring, support networks, and skills they need to find a good job or go to college and work their way up into the middle class.”

To make these connections, we must significantly change other behaviors—that of the adults in our schools and communities. What we as educators must first do is embrace our collective responsibility for all of our students. We can be leaders in this effort by convening our local community organizations and leaders to create a “system of care” for students who are at risk or in need of intensive behavioral supports. By developing and supporting community partnerships, we can better support access to health care and social services for students and their families and address the larger issues of school and community climate.

This kind of integrated vision requires all adults in a community to make connections, nurture relationships, and build the collaborations needed to establish consistent and coherent supports for appropriate behavior—in school and out—and to ensure that all students of any color, ability, gender, or race have ready—and realistic—models of achievement and access to opportunities that lead to career success.

We have seen the change that is needed, and it is in us.

—Fred Balcom