



**HANDS &  
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# **IEPs for High Achievers**

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# After the IFSP: the IEP & School Years

- **Eligibility is at risk for preschool children who are deaf or hard of hearing (d/hh) who have benefitted from EHDI and show no delays.**
- **The educational mandates and systems are designed to provide support only in cases of the student's failure, i.e., the proven "adverse\_impact" of his/her "disability" ...**



# Profile of today's Deaf/HH Preschoolers

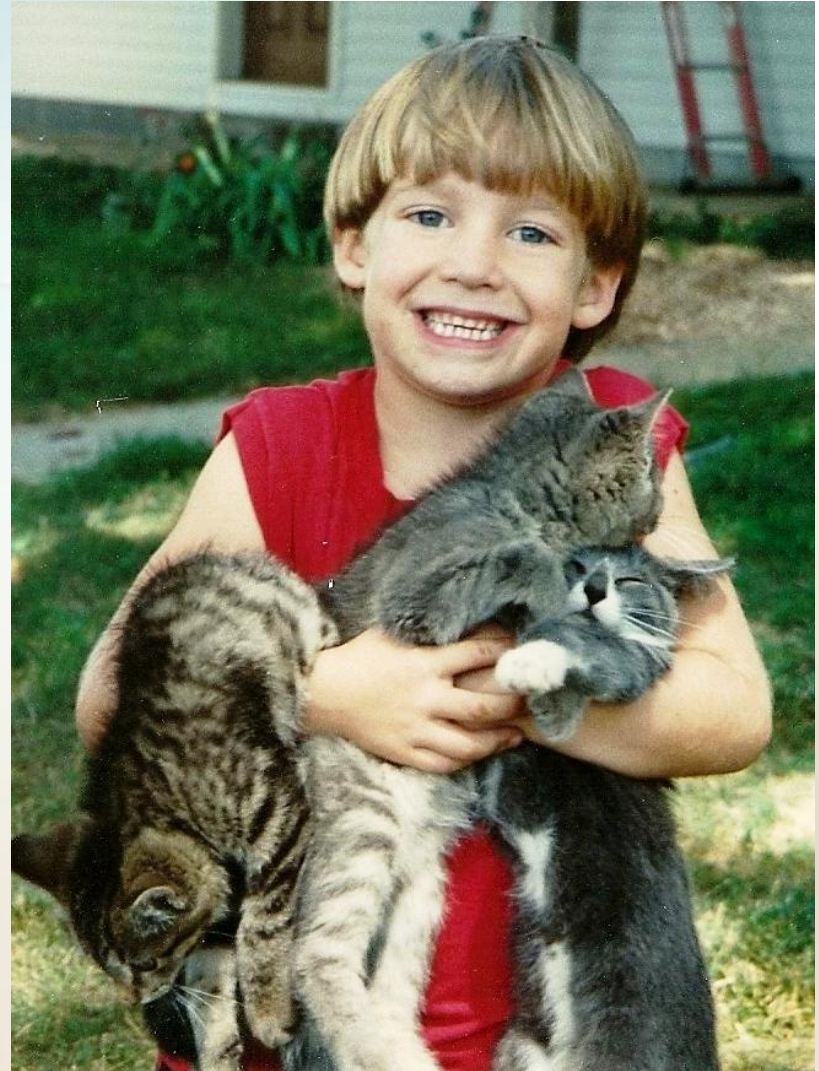
- Early-identified prior to 6 months
- Early intervention in the first 6 months
- Language levels similar to children with normal hearing with similar cognitive levels – on average

*(Colorado data)*

(Yoshinaga-Itano, Coulter & Thomson, 2000, 2001)

# **DHH Success by Age Three: Outcome Data**

- Colorado Home Intervention Program
- Boys Town Institute Program
- Washington State Early Intervention Program
- Ski-HI early intervention programs
- Auditory-verbal program in UK



# IDEA's "child with a disability"...

- (A)(i) ...a child with mental retardation, **hearing impairments (including deafness)**, speech or language impairments, visual impairments...
- (ii) who, by reason thereof, needs special education and related services (IDEA, Part A, Section 1401)

**(3) Deafness means a hearing impairment** that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification **that adversely affects a child's educational performance.** (Regulations: Part [300](#) / [A](#) / [300.8](#) / c

# Eligibility according to...

## Part C and Part B

Infant or toddler who has...

- (i) developmental delay in the areas of cognitive, physical, communication, social adaptive OR
- (ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay;

*Fed reg: 20 U.S.C. 1432(5)(A)(B)*

Child must...

- have a qualifying disability,  
AND
- must also need specialized instruction** in order to be eligible for special education services,
- based on their state's eligibility criteria.

**The term “developmental delay” and all eligibility criteria are defined by each state.**

# IEP Support: 1) Qualifying “Disability” and 2) the Need for Specialized Instruction

## Specially Designed Instruction

(300.39) (b) (3) “means adapting, as appropriate to the needs of an eligible child under this part the content, methodology, or delivery of instruction

(i) to address the unique needs of the child....

(ii) to ensure access of the child to the general curriculum.



# Congratulations...

## He doesn't even need an IEP!



- Well, do we really need an IEP?
  - *504 Plans*
  - *Response to Intervention*
- How do we craft Individualized Education Programs that maintain achievement?



# Red Flags: Standardized Test Outcomes

Deaf/HH Children born in 1994 when CO had 20-30% NHS

- reading (01-02) -
  - **45% unsatisfactory**
  - 26% partially proficient
  - 28% proficient
  - 0% advanced
- All grades - reading (02-03)
  - **42% unsatisfactory**
  - 30% partially proficient
  - 26% proficient
  - .02% - 1 student - advanced
- All grades reading (03-04)
  - **35% unsatisfactory in 4<sup>th</sup> grade**
  - 25% partially proficient
  - 29% proficient
  - 6% or 3 children were advanced

# Higher Achievers...

- **Just Typical Achievers?**

- Academic failure is not a requirement for eligibility
- There are a lot of skills necessary to do well in school that get over-looked in IEPs
- Effective Advocacy is the key to getting IEP support.

- **Gifted & Talented**

No federal mandate, but approximately 30 states have a mandate to serve gifted children, while the remaining ones have permissive legislation (Council of State Directors of Programs for the Gifted, 1994).

- The National Association for Gifted Children has written a position paper supporting the concept that each state should mandate by law educational opportunities for gifted children.

# Have the answer to this...

**“The IEP must provide a clear statement of how the child’s disability affects the child’s involvement and progress in the general education curriculum.... and the preschool child’s participation in appropriate activities.”**

**(Section 1414) (A) (aa) (bb)**



# IDEA's *Special Considerations* for Students Who Are Deaf or Hard of Hearing

**“In the development, review and revision of an IEP...consideration of special factors:**

- (iv) Consider the communication needs of the child, and in the case of the child who is deaf or hard of hearing, consider**  
***the language and communication needs,***  
***opportunities for direct communication with peers and professionals in the child's language and communication mode,***  
***academic level,***  
***and full range of needs including opportunities for direct instruction in the child's language and communication mode, and***
- (v) Consider whether the child requires assistive communication devices and services.”**

# IEPs must include...



A statement of measurable annual goals including **“academic & functional”** goals.  
(IDEA 614 (i) II)

# Strategy: Social Goals

“...and the **preschool** child’s participation in appropriate activities.”  
(Section 1414) (A) (aa) (bb)

- **D/hh kids need social skills training because they often miss social cues from inferential learning.**

- **Write goals related to social skills training but not stemming from behavior intervention needs (you do not have to go there!).**

- **Social-behavioral goals go under the category of supplementary aids & services**

**Social skills training...**  
~ **an academic “enabler”**

~ **improve teacher acceptance**

~ **write a goal for the whole class to have training in communication skills with d/hh student**

See: Burns, Edward A Handbook for  
Supp. Aids & Services, Springfield IL  
2003 Charles C. Thomas

# **1. Social/Emotional**

Increase interactions with peers and adults

Social skill acquisition and pro-social behavior

Age-appropriate social & functional competence

School adjustment behaviors

Social language development

Self-expression

## 2. Self-Help

Turn-taking

Self-advocacy

Proactive interactions

Problem-solving

Negotiation skills

Increased participation in group activities





# Samples...

- Maintain eye contact
- Decrease aggressive acts
- Express how s/he feels
- Raise hand
- Be called on
- Demonstrate problem-solving
- Communicate with bus driver and related service professionals



## **Social/Emotional needs as bonafide IEP considerations.**

Courts ruled that a student was denied FAPE because her IEP failed to adequately address social/emotional and mental health needs (Lamoine Sch. Comm v Ms Z. D.Maine)

# Strategy: Where is this child on the Instructional Hierarchy?

## Stages of Learning

1. Acquisition

2. Fluency

3. Generalization

4. Adaptation

## Student Performance Level

1. Not yet able to performance skill reliably & accurately

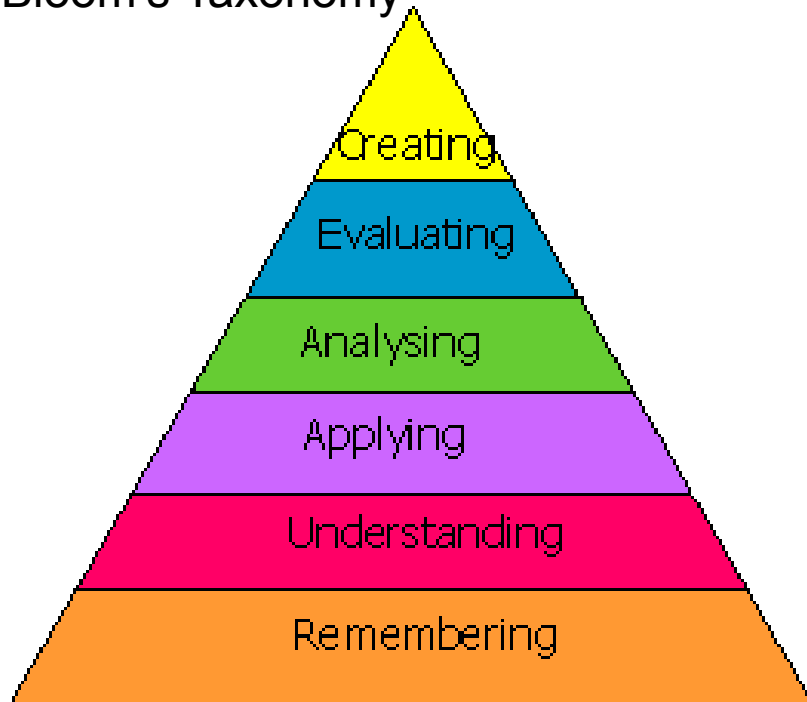
2. Performs skills accurately but slowly with effort; fluency brings freedom to take this to the next level.

3. Fluency & automaticity. Struggles to know what skill to use when faced with a new task.

4. Demonstrates fluency and adapts to new tasks easily with skill mastery.

# How does learning work?

Bloom's Taxonomy



- **Where is the student's "present level of performance" relative to the skill or material?**
- **How would you chart progress using Bloom's Taxonomy or Haring's Hierarchy?**

# Remember: Failure is not required by the IDEA (*2004 Reauthorization*)

...”even though the child has not failed or been retained in a grade, and is advancing from grade to grade” a free and appropriate public education must be available to any child with a disability who requires these services.

***Section 300.101(c) IDEA  
2004***



# Strategy: Use the Child's Potential



- “In evaluating whether an educational benefit is meaningful, logic dictates that the benefit **"must be gauged in relation to a child's potential."** *Polk*, 853 F.2d at 185.
- Only by considering an individual child's capabilities and potentialities may a court determine whether an educational benefit provided to that child allows for meaningful advancement.

*Deal v Hamilton County Bd of Ed.* 6<sup>th</sup>  
Cir. (2005)

# Strategy: Window of Opportunity

**L.B. v Nebo School District**  
(10<sup>th</sup> Cir., 2004) High functioning child with autism cannot be placed in school's non-categorical preschool due to "window of opportunity" requiring super-FAPE!



# More strategies...

- **Consider private therapy to “bridge” Part C to B and gain more expert input; Set Eligibility Determination meeting date with district request that any DRAFT IEPs the school will be working from be shared with you at least two weeks ahead of time (do this 3 mos ahead)**
- **Research the appropriate “specialized instruction” applications for the child & write a DRAFT IEP that captures the IFSP values in IEP vocabulary (share it 6 weeks ahead)**
- **Complete transition portfolio (available at [www.handsandvoices.org](http://www.handsandvoices.org) “The Transitions Packet”) and share it along with DRAFT IEP with the transition team (2 weeks ahead)**



# Got Support?

[parentadvocate@handsandvoices.org](mailto:parentadvocate@handsandvoices.org)

**Recommended Resource:**

**Social Goals & Objectives  
Of Preschool IEPs**

**Michnowicz, McConnel, Peterson & Odom,  
Journal of Early Intervention 1995 19:73**

[www.handsandvoices.org](http://www.handsandvoices.org)



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