

# ASK AN OMBUDS OEO LUNCHTIME WEBINAR

WITH ROSE SPIDELL, EDUCATION OMBUDS  
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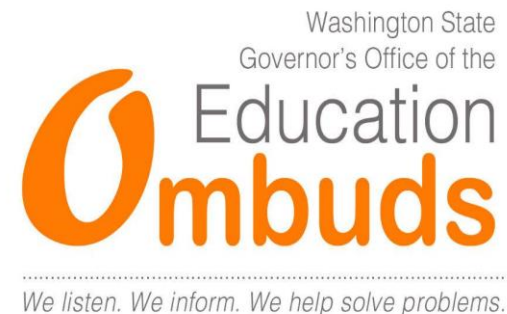
## ADDITIONAL RESOURCES AND CITATIONS

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[www.oeo.wa.gov](http://www.oeo.wa.gov)



# EDUCATIONAL SERVICES DURING SUSPENSION/EXPULSION

RCW 28A.600.015(8): **“School districts may not suspend the provision of educational services to a student as a disciplinary action.”** ...the district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

RCW 28A.600.020(7): nothing prevents a district from providing educational services in an “alternative setting” if it has suspended or expelled a student from his/her regular school setting (or modifying the suspension); **“an alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.”**

Examples include: alternative high schools, one-on-one tutoring, and online learning.

# ESY – EXTENDED SCHOOL YEAR SERVICES

- services beyond the normal school year, in accord with a student's IEP
  - when “necessary to provide a FAPE”
  - If the student's IEP team determines on an individual basis that it's necessary
  - Can't be limited to particular disabilities, can't be unilaterally limited by type, amount or duration of services
  - Purpose is to maintain skills or behavior, not teach new skills/behaviors

**WAC 392-172A-02020**

## ALEs (ALTERNATIVE LEARNING ENVIRONMENTS) PARENT PARTNERSHIP PROGRAMS, ONLINE, ETC.

For a more on the **difference between Homeschooling and ALEs, including Parent Partnership Programs**, look at the [Sample Statement of Understanding](#) (Word .doc) posted at:

<http://digitallearning.k12.wa.us/ale/support/samples.php>

For information regarding serving students with disabilities in ALEs:

[https://digitallearning.k12.wa.us/ale/webinars/ALE\\_Disability\\_Mar25.pdf](https://digitallearning.k12.wa.us/ale/webinars/ALE_Disability_Mar25.pdf)

# WHAT DOES APPROPRIATE MEAN IN PROVIDING A FAPE FOR A STUDENT WITH A DISABILITY?

“[A] school must offer an IEP reasonably calculated to enable a child to make **progress appropriate in light of the child’s circumstances.**”

US Supreme Court in 2017 (*Endrew F.*) (find it here: [https://www.supremecourt.gov/opinions/16pdf/15-827\\_0pm1.pdf](https://www.supremecourt.gov/opinions/16pdf/15-827_0pm1.pdf)).

CON'T...

For “**most children**” when the preference of the IDEA for educating children with disabilities in the regular classroom is met, and a child is “**fully integrated in the regular classroom**” “**an IEP typically should...be ‘reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.’**”

“If that is not a reasonable prospect for a child, his IEP need not aim for grade-level advancement. But his educational program must be **appropriately ambitious in light of his circumstances**...The goals may differ, but every child should have the **chance to meet challenging objectives.**” This is a “general standard, not a formula.” but it is “markedly more” than “merely more than *de minimis*”

(**Andrew F.**, 2017) (find it here:

[https://www.supremecourt.gov/opinions/16pdf/15-827\\_0pm1.pdf](https://www.supremecourt.gov/opinions/16pdf/15-827_0pm1.pdf)).

# INCLUSION/INCLUSIVE TEACHING/INCLUSIVE SCHOOLS

## A FEW RESOURCES

- Chapter 1 of Brain-Friendly Strategies for the Inclusion Classroom, from ASCD (Association for Supervision and Curriculum Development):  
<http://www.ascd.org/publications/books/107040/chapters/Success-for-all-Students-in-Inclusion-Classes.aspx>.
- Inclusive Teaching Strategies/Universal Design from Center for Teaching Excellence: <https://www.cte.cornell.edu/teaching-ideas/designing-your-course/universal-design.html>
- Strategies for Success: Creating Inclusive Classrooms that Work, from the Peal Center: [http://www.pealcenter.org/images/PEAL-S4Success\\_20pg\\_web\\_version.pdf](http://www.pealcenter.org/images/PEAL-S4Success_20pg_web_version.pdf)
- University of Washington Do-It Center UDL pages: <http://www.washington.edu/doit/universal-design-instruction-udi-definition-principles-guidelines-and-examples>
- CAST: [www.cast.org](http://www.cast.org) and <http://www.udlcenter.org/>
- Inclusive Schools Network: <http://inclusiveschools.org/>

# Looking at Intersectionality

Kimberlé Crenshaw TED Talk on the *Urgency of Intersectionality*:

[https://www.ted.com/talks/kimberle\\_crenshaw\\_the\\_urgency\\_of\\_intersectionality#t-1117285](https://www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality#t-1117285)

*Exploring the Intersections of Race, Gender, Class, Ethnicity and Disability:*

<http://www.dailykos.com/story/2016/5/22/1527328/-Exploring-the-intersections-of-race-gender-class-ethnicity-and-disability>



# Disproportionate Impacts on Students with Disabilities

## Disproportionality in Who is Identified as Disabled

E.g., Common Causes of Over-identification of Racial/Ethnic Minorities in Special Education: Understanding and Addressing Disproportionality:

[http://www.calstat.org/publications/article\\_detail.php?a\\_id=128&nl\\_id=19](http://www.calstat.org/publications/article_detail.php?a_id=128&nl_id=19)

E.g., disproportional identification of racial/ethnic minorities, language minorities, students of low socioeconomic status with learning disabilities:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4133990/>

E.g. Discipline Data Analytics

<http://www.k12.wa.us/StudentDiscipline/Equity/Plan.aspx>

Disproportionality in Special Education-Tools for a District Self-Study:

<http://www.k12.wa.us/SpecialEd/ProgramReview/SelfStudy.aspx>