

Family Connections Center

“The Department of Education’s Office of Civil Rights is Accused of Sanctioning Violations of Sec. 504 and the ADA”

On March 5, 2018, the U.S. Department of Education Office for Civil Rights released a new Case Processing Manual in which the following new clause appears on page 11:

Section 108(t) "*OCR will dismiss an allegation, or, if appropriate, the complaint in its entirety, when a complaint is a continuation of a pattern of complaints previously filed with OCR by an individual or group against multiple recipients or a complaint is filed for the first time against multiple recipients that, viewed as a whole, places an unreasonable burden on OCR's resources.*"

Using this new clause, OCR has begun to close web site inaccessibility complaints it had previously agreed to investigate. This is happening in OCR offices across the country. We expect many more to be issued in the coming days.

In essence, OCR (under Betsy DeVos' direction) is sanctioning ongoing nationwide violations of Section 504 of the Rehabilitation Act of 1973, and The Americans with Disabilities Act. While OCR is targeting web site complaints currently, the new clause in the Case Processing Manual means that any disability discrimination complaint you might file against a school district can be dismissed by OCR without cause.

This is outrageous, dangerous, and cannot stand.

The Center for Law and Education is partnering with other disability advocacy organizations to explore how this move by OCR can be challenged. In the meantime, in order to spark public outrage, SPEDWatch has today reached out to the following about this serious matter:

National Association for the Deaf
National Federation of the Blind
Education Week (publication)
Disability Scoop (publication)
Wall Street Journal
New York Times

Washington Post
U.S. News & World Report
ABC News
NBC News
CBS News

*Posted on Family Voices List Service by
Ellen M. Chambers, MBA
Special Education Advocacy Consultant
Founder: SPEDWatch, Inc.
Massachusetts*

Food for *Thought*

EVERYONE NEEDS TO BE NEEDED

Revolutionary Common Sense by Kathie Snow
www.disabilityisnatural.com

We are all born helpers. Think of young children who try their hardest to help Daddy in the yard, or want to push the vacuum cleaner with their tiny hands. As we grow, we help with chores around the house. And at different points during our adolescence, we may decide we're not too keen on helping, but we usually do it anyway. As adults, we come full circle: we help because it feels good, because we believe in a cause or an organization, or because someone tells us they need our help. We *need* to care about others; to feel responsible for something or someone outside of ourselves. It feels good to be needed; *we need to be needed*—all of us.

Volunteering at church, being a youth leader, cleaning up a park, and a variety of other helping activities create that wonderful feeling of being needed. Helping also shifts our focus to others—we put our own dilemmas aside for awhile. In giving to others, we give ourselves a gift.

Sadly, we have exempted many children and adults with disabilities from both the responsibilities and joys of helping. We may feel they're unable to help. But this simply is not true!

When my son was in kindergarten, he used a manual wheelchair that he could push only for short distances. However, this didn't cause any real problems since his classmates were more than willing to help. In fact, they fought over who would have the *privilege of pushing!*

One day, Benj came home and said, "Mommy, I wish someone else in my class used a wheelchair." I thought he meant he didn't want

to be the only one who was "different." But to be sure, I asked him what he meant. He replied, "Cause I would like to help someone, too!" He knew his friends helped him because he used a wheelchair. He saw how important his friends felt when they helped – and how much fun they had, too. Benj wanted to feel needed and important, and have fun helping, too. He thought if there was another student who used a wheelchair then he could help that child! From then on, we made sure to find ways Benj could help others. Because he had used a computer from a very young age, he was able to help his peers who didn't know how much about computers.

When people with disabilities are *expected* to help others, they will – like the rest of us – rise to the occasion. They'll feel needed, valuable, and important, just as other helpers do. But the benefits don't stop there. When we see what people with disabilities can do to help

others, we'll see abilities and strength we didn't see before. We'll learn how competent people with disabilities really are. And when a person with a disability volunteers in the

community, connections are formed and friendships are made, both of which can lead to employment, independent living, inclusion, and real lives.

We can no longer afford to deny people the pleasures and responsibilities of helping. Everyone has something to contribute. *Someone* needs the assistance of the child or adult with a disability in *your* life; create the opportunity and then share in the joy!

Nothing makes one feel so strong as a call for help.

George McDonald

Available *Resources*

What better way to beat the cold,
than to plan your next family vacation!

Wings for Autism is a free program specifically designed to support families of children with autism, creating a travel test run to help ease the stress of airline travel. By getting comfortable with the airport and flight experience (without actually leaving the airport) parents and their children with special needs can gain the familiarity and confidence they need to take future trips.

During this free, half-day event, children and their families are able to familiarize themselves with the airport and travel procedures.

They experience ...

- Entering the airport
- The check-in process and checking bags
- Security screening
- Boarding the plane
- Preparing the take-off
- Exiting the plane

Practicing these steps helps establish a travel routine—so important for many children with autism who rely on repetition and structure.

For more information, please visit: <http://www.charlesrivercenter.org/what-we-do/wings-for-autism/>



Welcome to Icing Smiles

Icing Smiles is a nonprofit organization that provides custom celebration cakes and other treats to families impacted by the critical illness of a child. We understand that the simple things, like a birthday cake, are luxuries to a family battling illness. Our goal is to create a custom cake for the ill child, or their sibling, that provides a temporary escape from worry and creates a positive memory during a difficult time.

Memories have magical powers. Long after the cake is gone, the memories linger – memories of the kindness of a stranger, of the art of the design, of the sweet smells of a special treat, of the smiles and laughs, of a normal childhood experience so often stolen from these children. These memories are why we say, "It is so much more than a cake."

We are not a bakery, as a matter of fact, Icing Smiles doesn't even have an oven! We rely on a generous team of volunteers spread throughout the U.S. to fulfill our mission.

We are Baking a Difference®.

<https://www.icingmiles.org>

Racial Disparities in Special Education: How Widespread Is the Problem?

By Christina A. Samuels and Alex Harwin

Are too many minority students being placed into special education who don't need to be there? And, once enrolled, are they kept in isolated classrooms or punished more severely than their peers?

For 423 school districts in the 2015-16 school year—the most recent year for which complete federal statistics are available—the answer was yes. That's about 3 percent of the nation's 14,500 or so school systems. More than 20 states documented no disproportionality in their districts that year, according to an analysis by the Education Week Research Center.

So are states underestimating the problem? Are they even using the best methods to measure the status of these students? Those questions are at the heart of a policy debate that is pitting the actions of a formerly hands-on U.S. Department of Education under the Obama administration against new leadership, under President Donald Trump, that says it wants to get out of states' business.

Which view prevails has real financial implications for many of the nation's school districts, though the complexity of the issue has kept it under the radar except for those steeped in special education rules and finance.

How We Got Here

The background: In its waning days, the Obama administration issued a policy that would require states to take a standardized approach to monitoring how their districts identify and serve minority students with disabilities. The administration's rationale was that all states should use a similar yardstick when it comes to investigating if districts are identifying and punishing minority students at markedly higher rates than their peers—what the law calls "significant disproportionality."

That marked a change in practice that had been in use since 1997. When the Individuals with Disabilities Education Act was reauthorized that year, it said states should monitor these issues, but left it up to them to figure out how.

There's money involved, too. When the IDEA was last revisited by Congress, lawmakers said that districts with problems must also set aside 15 percent of their federal special education money on remedies. For the 423 districts identified in 2015-16, that amounted to more than \$211 million.

No one knows yet how many of the nation's districts might be identified for disproportionality under the standardized monitoring process. Though the rule was finalized in December 2016, it doesn't go into effect until the 2018-19 school year. But it's almost certain that the number of districts flagged would be more than 3 percent. (An early Education Department analysis based on a draft of the rule estimated that around half of U.S. school systems could be identified as having significant disproportionality. When the final rule was published, the department said that analysis was no longer valid.)

The Trump administration, on the other hand, has declared that it doesn't want the federal government dictating policy to states. In December, the Education Department published a notice saying that one of its regulatory priorities would be rolling back implementation of the new rule for at least two years.

It's not just the Trump administration that may not like this rule. Back when it was still under debate, Senate Republicans were casting it as an example of departmental overreach. "Congress was clear that such decisions are best left to the states, whose differences in population size and composition did not support a one-size-fits-all approach," lawmakers said a 2016 letter signed by the Republican members of the Senate education committee.

If the rule is put on hold or retracted entirely, states would be left generally to their own devices when it comes to monitoring their districts, as has been the case since the late 1990s. That would likely mean a continuation of a trend where some districts have to divert a portion of their federal dollars to address an identified issue, while similar districts in other states would escape that fate because they are being evaluated under different rules.

....continued on page 5

Different States, Different Results

Sometimes those differences across state lines can be stark, the *Education Week* analysis found.

States are supposed to look at a handful of concerns: whether minority students are wrongly placed in special education, if they end up in certain disability categories out of proportion to their peers; and if they are placed in restrictive settings, suspended, or expelled out of proportion to their peers. Districts can be identified in more than one area. Of the 423 districts identified with disproportionality in 2015-16, 78 were in just one state: New York. However, that represents only about 11 percent of the Empire State's school systems. Rhode Island had the highest concentration of identified districts—32 out of 61, or nearly 53 percent.

Discipline was flagged in more than half of districts across the country that were identified as having disproportionality—233 of the 423 school systems identified had problems in that area.

Sixty-eight districts were identified as having disproportionality in whether students were placed in special education. Separately, 186 districts were identified as having significant disproportionality in placing students in certain categories, such as emotional/behavioral disturbance. Only 33 districts were found to have placed minority students in restrictive settings out of proportion to their peers. The small percentage of districts identified for disproportionality in 2015-16 is not unusual. The Government Accountability Office took a look at this topic five years ago. Using 2011 data, it found that about 2 percent of school districts were identified as having disproportionality in one or more areas, and five states accounted for half the districts identified. In 2015-16, five states—California, Georgia, Louisiana, New York, and Rhode Island—had 60 percent of the identified districts. Then, as now, school districts in the Midwest and Mountain West were generally not identified by their states as having issues.

New Set-Aside Allowances

The new rule put out by the Obama administration came with other changes. Before the rule was finalized, the 15 percent set-aside could not be used for programs aimed directly at special education students. The point was to address problems in the general education system before they resulted in a misidentification or harsh punishment. However, the new rule will allow a portion of the set-aside to be spent on programs that benefit students with disabilities. That was great news for the 147,000-student Charlotte-Mecklenburg district in North Carolina, said Ann Stalnaker, the district's special education director. The school system has been identified as having disproportionality in the way it disciplines minority students with disabilities, as well as its placement in restrictive settings of African-American students with emotional disturbances. But it could not spend any of its 15 percent set-aside directly on those identified problems. Instead, the money went to behavioral support programs, graduation coaches, and other initiatives intended to help the entire student body.

In a district so large, the money can only fund a portion of those districtwide initiatives. However, the set-aside—about \$4 million—is enough to be a noticeable chunk out of the district's funds for special education, Stalnaker said. "It's not a bad thing that we're looking at issues of equity, we need to be mindful of this," Stalnaker said. But "it sure would be nice for us to spend some of that money on children with disabilities."

States Figuring Out Next Steps

In the meantime, states and districts are moving forward with their planning. Rhode Island has convened public hearings, experimented with different formulas allowed under the new process, and is ready to move forward, said J. David Sienko, the state director of special education. Unlike many other states, it anticipates that it will have fewer districts identified moving forward. His state has seen the monitoring process as an "exciting opportunity."

"We're having conversations across the aisle with our general ed. partners in ways that we never had before. It forced people to look at their practices—are we providing enough intervention; is special ed. the only intervention this child needs?" Sienko said. "I don't think it was time poorly spent." In contrast, Nebraska is a state that would see a major increase in the number of districts flagged for disproportionality the new rule. In the 2015-16 school year, one district was identified. Currently, the state is projecting that around 80 of its 245 districts might be found to have significant areas of concern, generally in discipline, said Steven Milliken, the state's director of special education. Nevertheless, the rule "has given us some information about districts that need good quality staff development," Milliken said, and he thinks that it is worth keeping.

"The department has been flexible in letting states develop their interpretation of their new guidelines. They were saying we'll look at each state individually, and I think that's what made it good."

FUTURE PLANNING FOR ADULTS WITH AUTISM SPECTRUM DISORDER



Boston University is doing a research study to develop a new program to increase siblings' involvement in future planning for their brother/sister with autism spectrum disorder. We are looking for siblings, service providers, and adults with autism for this study. If you participate, you will either participate in a focus group or a one-on-one interview. You will be asked to share your ideas about whether families (i.e., adults with autism and siblings) would be interested in participating in a program about future planning, what should be included in this program, and the best format in which to implement the program.

- Who? Adult siblings, adults with autism, and service providers
- What? An interview or focus group
- How long? 1-2 hours
- When? At a time convenient for you
- Where? At a community location
- Cost? There is no cost if you participate. You will be compensated \$20 for your participation in the study.

For more information please email forward@bu.edu or call (617) 358-4293



Ivone Rego-Cass, a Family Support Advisor and mother of two children, one on the Autism spectrum, shares a personal note for those parents struggling with the recent Parkland shooting.

Not all schools are required to prepare students for active shooter scenarios. I recently came across an article posted on The Mighty about to brothers and survivors of the Parkland Shooting. The younger of the two is on the Autism Spectrum and he goes onto describe his experience.

As a mom of two kiddos, one on the spectrum, this article really hit home for me. How scary to think we live in a world where any child should have to be "prepared" for such an atrocity; and yet, I am more frightened of the thought of any child not being prepared at all.

I was reading this article... all I could picture was my son, who does not have the best focus, does not follow directions or respond to his name easily (he's five after all) and no one-on-one support; among a sea full of children, he would quite certainly be lost or left behind.

And after feeling sad and helpless, I started to get really mad. Why aren't they teaching all children these safety pre-cautions in every state? Because it's not federally mandated, that's why.

Read more: <https://themighty.com/2018/03/active-shooter-disability/>

Upcoming *Events*



Like us on 

SAVE THE DATE

SATURDAY, MAY 5, 2018

Fort Phoenix State Reservation
Fairhaven, MA

Registration	8:00 AM
5K Run	9:00 AM
5K Walk	9:05 AM

Join us for a great morning of fun as we Walk or Run through Fairhaven with family, friends and neighbors while raising awareness and support for The Nemasket Group.

The first 125 registered adults will receive an event T-Shirt
All registered children (under 12) will receive an event T-Shirt

For more information and to register, go to our website at www.NemasketGroup.org



Save the Date!

Growing Up with Down Syndrome:
Living a Longer, Healthier and More Meaningful Life

*A conference for adults with Down syndrome ages 22 and up,
parents, adult siblings and care partners*

Date: Saturday: April 28th
9:00 a.m. – 4:15 p.m.

Location: The Conference Center at Bentley University, 175 Forest Street, Waltham MA



MASSACHUSETTS
GENERAL HOSPITAL



What Every Parent Needs to Know in An Emergency

Wednesday, May 23, 2018

6:30 PM – 8:30 PM

Central Congregational Church

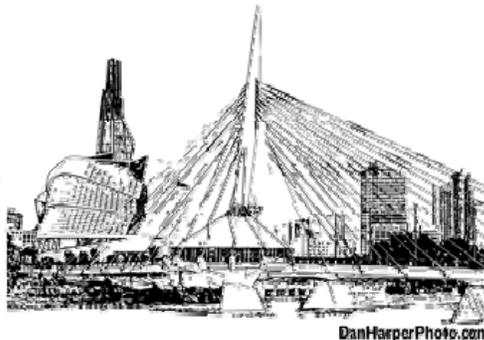
115 Commonwealth Avenue, North Attleboro MA 02763

Join us for an opportunity to learn from public safety (police, fire and medical) personnel what parents need to know that can help both their child with special needs and emergency responders in an emergency situation. This is an important evening to gain an understanding of the importance of open communication for your child's sake.

While the intended audience is parents of children with any type of special need, the information shared is important for all parents.

This event is FREE and OPEN to the public.

social role
Valorization
2018
WINNIPEG



7th International Conference

"Opening Doors to the Good Things in Life: Implementing Social Role Valorization"

June 6-8, 2018
Pre-conference June 4, 5

If you are interested in this event, go to: <http://umanitoba.ca/faculties/education/conferences/srv2018.html>

Scholarship may be available Louis Nisenbaum Memorial Scholarship Fund. For more information and to download an application, visit: <http://nemasketgroup.org/the-louis-nisenbaum-memorial-scholarship-fund/>

Family Connections Center and the Hispanic Family Support Group, will hold two training for families in Spanish.



First Aid

Monday, May 14th from 10:00 a.m. – 1:00 p.m.



CPR

Monday May 21st from 10:00 a.m. – 1:00 p.m.

A TML SPEAKS EVENT

OF EQUAL WORTH AND PERSONHOOD: A THEOLOGY OF DISABILITY

Thursday
April 12, 2018
4:00 – 6:30 PM

Theology and
Ministry Library
Boston College
117 Lake Street
Brighton, MA

In this inaugural event of the new biannual speaker series TML Speaks, the Theology and Ministry Library (TML) addresses the experience of disability through story, study, and conversation.

Featured presenters include:

Christopher de Vinck
(Celebrated Author and Speaker)

Brian Heffernan
(Award-winning Speaker)

Mary Jo Iozzio
(STM Professor of Moral Theology)

Seating is limited for this event, please visit https://libguides.bc.edu/TML_Speaks

WEBINARS

Budget Updates Webinar

News from the Statehouse - Budget Updates and Next Steps

Monday, April 23, 2018 | 12:00 - 1:00 PM

Presented by Leo Sarkissian, Executive Director, The Arc of Massachusetts

Thanks to the Becker Center for Advocacy, this webinar is free!

Massachusetts Rehab Commission and Transition Webinar

How Massachusetts Rehabilitation Commission Works with Transition Age Youth

Thursday, April 26, 2018 | 12:00 - 1:00 PM

Presented by Jennifer Stewart, Director of Transition,
Massachusetts Rehabilitation Commission

Thanks to a grant from Massachusetts Partnerships for Transition
To Employment (MPTE), this webinar is free!

Visit www.arcofmass.org to register for both of these webinars