Friendship: Building a Good Life

The Friendship Toolkit is a new resource from PEAL for families, educators, and service providers as well as peers, siblings and communities. The good life is built with good relationships; friendships make our lives meaningful. This article will highlight strategies from the Friendship Toolkit to help any child to find and build meaningful, enduring relationships.

The Value of Friendship

All lives are enriched by relationships and interdependence, and the lives of children with disabilities are no different. Children with disabilities are often socially isolated because of physical, communication and/or attitudinal barriers – as well as the very real barrier of stigma. Parents are often painfully aware of their child’s isolation and the need to make connections within the school and community, but often feel ill-equipped to remedy the situation. It is clear that intentional actions must be taken to facilitate the development of friendships for children with disabilities.

Who Benefits From Friendship Development?

The need for friendship is universal and is not based on education level, race, culture, age, gender or any other defining characteristics. This basic need is equally important for children with disabilities. Friendship development is important for:

- Friends make us feel accepted, valued and provide a sense of belonging.
- Friends provide support for our emotional, physical well-being.
- Friends validate and support us as a person outside our family circle.
- Friends offer a sense of companionship and membership.
- Friends provide models for our behaviors and adherence to environmental norms.
- Friends provide safety across environments. When we are valued and well known in our community, others are watching out for us.

There is no set formula for friendship development for students with disabilities. However, there are six key elements that appear repeatedly in research related to friendship and children with disabilities. These include:

1. Shared Activities
2. Shared Interests
3. Valued Roles for All
4. Shared Information About Each Other
5. Just Enough Support from Adults
6. Reflection

These elements can guide your efforts in friendship facilitation. Parents, siblings, peers, teachers, support personnel, and the community at large can actively work together to address these elements to maximize their efforts in support of friendship development among students of all abilities.

To learn more about each element and what you can do to facilitate friendship development check out the entire toolkit online @ www.pealcenter.org/inclusion/.
NOREP and PWN and LEA... Oh My!

Note: Thank you to the PA Office of Dispute Resolution for collaborating with the PEAL Center on this article. Additionally, *NOREP will be used for sake of readability, although the formal acronym is NOREP/PWN.

Schools use a lot of acronyms (see http://www.pattan.net/Search/?st=publications&search=acronyms) and abbreviations when it comes to special education. Many parents of children with disabilities and special education professionals are familiar with the Notice of Recommended Educational Placement (NOREP)/Prior Written Notice (PWN) document – but not everyone realizes the critical importance of this document to their child’s educational program.

The purpose of the NOREP document is to provide parents with advance notice when the school is going to take an action OR when the school is refusing to take an action that affects their child’s special education program and/or educational placement. Schools must provide a NOREP to the family related to these types of actions that the school wants to take OR refuses to take:

- Evaluating a child for special education
- Identifying a child for special education
- Changing a child’s educational placement or
- Providing a free and appropriate public education (FAPE)

Most importantly, families have 10 calendar days to approve or disapprove of the recommendations of the school after they receive a NOREP.

→ To indicate approval, mark the NOREP to indicate “I approve”, sign and return it

→ If the NOREP is not signed and returned within 10 calendar days, in most cases the school is allowed to move forward with the actions that are proposed.

### Disagreeing with the action(s) proposed in a NOREP – CRITICAL INFORMATION:

There is a “stay put” protection (also called pendency) that allows a student to remain in his/her current educational placement until a disagreement between a school and a family is resolved. A parent must do two things within 10 calendar days in order to have the “stay put” protection put in place:

1. Mark the NOREP that they “do not approve”, check the box for either Mediation or Due Process Hearing, sign and return it
2. Contact the Office for Dispute Resolution and request Mediation or a Due Process Hearing

I do not approve this action/recommendation.* My reason for disapproval is:

I request (Contact the Office for Dispute Resolution at 800-222-3353 for information on Mediation and Due Process Hearing):

- Mediation
- Due Process Hearing

It’s worth reiterating that the Pennsylvania Department of Education (PDE) has determined 10 calendar days is a reasonable time period for parents to take all actions needed before the school may begin to implement their proposal.

For schools (also referred to as Local Education Agencies or LEAs), there may be confusion over:

1) When the school must provide a NOREP to parents,
2) What information it should contain, and/or
3) How the school must respond if a parent disapproves or fails to return a NOREP

This fall, a webinar about the NOREP document, process and requirements will be broadcast by PaTTAN and the Office for Dispute Resolution (ODR) to answer questions, such as:

- Does a school have to issue a NOREP with every annual IEP?
- What happens if the IEP team does not reach a consensus on placement, and who decides what action is recommended?
- Can a parent ask a school/LEA to issue a NOREP?

Watch for the date and registration information at www.pealcenter.org and www.pattan.net to view the live webinar or watch the recording! The annotated NOREP on the PaTTAN website is also an excellent resource @ http://bit.ly/2uixxth.
A financially secure future is something every family wants for their child, especially families of children with disabilities and special health care needs who are saving for disability-related expenses. The Pennsylvania Achieving a Better Life Experience Act (PA ABLE) provides individuals with qualified disabilities, and their families and friends, a tax-free way to save private funds to support disability-related expenses for health, independence and quality of life, while maintaining government benefits.

**Enrollment**

Eligible Individuals who are adults (+18) and have the legal capacity to contract must open an account for themselves. A parent or guardian, or power of attorney of the Eligible Individual may open an Account on behalf of an eligible Individual who is a minor, or an adult who lacks the legal capacity to contract. To see if you or your family is eligible go to [www.paable.gov/eligibility/](http://www.paable.gov/eligibility/).

**Contributions**

The PA ABLE Act allows people with disabilities and/or their families to open investment and checking accounts—tax free and without impacting any other government benefits. The PA Treasurer’s Office manages the funds and provides oversight. PA ABLE savings account benefits may include:

- Save up to $14,000 each year
- Savings grow tax free
- Use account to pay for a wide range of disability-related expenses
- Withdrawals will be exempt from federal and state income tax when used for qualified disability expenses
- ABLE account holders can save up to $100,000 without affecting eligibility for Supplemental Security Income (SSI) benefits. ABLE savings are also excluded from other means-tested* federal and state programs, such as Medical Assistance.

The Program offers investment vehicles that are similar to mutual funds and other investment products. Customer service agents are available to assist with the enrollment process, which includes how you want your contributions to be invested using investment vehicles that are similar to mutual funds and other investment products. There is also an FDIC-insured interest-bearing checking account option. See Appendix B of the PA ABLE Program Disclosure Statement.

Since April, only a fraction of eligible families set up ABLE accounts in Pennsylvania. There are most likely 500,000 to 800,000 people in Pennsylvania who may be eligible to create an ABLE savings account. Learn more about the PA ABLE Savings Program at [www.paable.gov](http://www.paable.gov).

**Benefits Exclusive to PA ABLE Savings Program**

Several benefits are available only through the PA ABLE Savings Program, exclusive benefits include:

- **Pennsylvania Income Tax Exclusion.** For PA taxpayers, the earnings in an Account are tax deferred for state income tax purposes and, if used for Qualified Expenses, tax exempt
- **Pennsylvania Inheritance Tax Exclusion.** Assets held in an Account are not included in a deceased’s assets. The inheritance tax rate varies depending on the relationship between the deceased and the heir.
- **Protection from Creditors.** In PA state proceedings, assets held in an Account are protected from creditors of the Account Owner or contributor.
- **PA ABLE Account Control.** Parents or guardians who opened an Account as an Authorized Individual for their minor child may retain control of the Account until the Account Owner can independently manage his or her own finances. The Account Owner does not automatically assume control of the Account at age 18.

*A means test is a determination of whether an individual or family is eligible for government assistance, based upon whether the individual or family possesses the means to do without that help.

The Pennsylvania ABLE Savings Program is administered by the Pennsylvania Treasury Department. Before investing, please carefully read the Disclosure Statement (available at PAABLE.gov or by calling 855-529-2253) to learn more about the program, including its effect on federal and state benefits, investment objectives, risks, fees, and tax implications.
It is important to remember that before 1975, school districts were **not** legally required to educate all students with disabilities. Since the passage of Public Law 94-142 (today known as Individuals with Disabilities Education Act or IDEA), key Court decisions have added clarity to how IDEA is interpreted, such as adding procedural safeguards for families.

On March 22, 2017, the U.S. Supreme Court unanimously issued the Endrew F. decision that fine-tunes the standard by which we measure whether a student is receiving a Free Appropriate Public Education (FAPE). Endrew F. clarifies that the IEP must aim to enable the child to make progress. Endrew F. also strengthens the requirement for providing special education services to students who are educated in general education classes, even if they are making passing grades. These are significant changes that “raise the bar” for learning expectations for children with IEPs.

This U.S. Supreme Court decision reminds us that the promise of IDEA is that children with disabilities will receive an education with supports and services geared to their needs; in settings with peers who do not have disabilities -- that prepares them to live as independently as possible in the community.

**Practical Applications of Endrew F.**

It is important for parents, advocates and school personnel to understand how Endrew F. changes the expectations for developing IEPs.

The Court reasoned that:

- IDEA requirements are not simply a procedural checklist
- The IEP is not just a form to be completed
- The IEP is to be constructed only after careful consideration of the child’s present levels of achievement, disability, and potential for growth.

The addition of the expectation for IEP teams to consider a student’s potential for growth adds an important component to the standard of FAPE, one of the cornerstones of IDEA.

> “The Individual Education Program (IEP) must aim to enable the child to make progress thus reflecting:
> ... the broad purpose of the IDEA, an ‘ambitious’ piece of legislation enacted ‘in response to Congress’ perception that a majority of handicapped children in the United States ‘were either totally excluded from schools or were sitting idly in regular classrooms awaiting the time when they were old enough to ‘drop out.’”

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**The delivery of FAPE has substantive requirements including:**

- Comprehensive evaluations to identify all educational needs and the student’s potential for growth;
- Goals and objectives that → are reasonably calculated to ensure the student leaves school prepared for the next phase of life;
  → provide for academic and functional advancement
  → are sufficiently challenging
- Progress monitoring and adjustments to the programming when there is no progress
- Advancement from grade to grade with actual access to the general education curriculum is the expectation for all children
The Endrew F. decision also raises the bar for learning in general education classrooms.

- Provides incentive to **measure progress** and ensure that a child receives **meaningful benefit** from general education instruction
- Sets the expectation that school authorities should be able to explain the ways in which “**the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances.**”

The Endrew F. Court articulated this standard:

“For children fully integrated in the regular classroom, this would typically require an IEP reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.”

Although the Court did not articulate a standard for students with IEPs who are included in general education for only a portion of the school day, it would make sense to assume that the same expectation exists for those students.

**Be Prepared**

The Endrew F. decision provides power to families who are concerned that their child’s IEPs have simply maintained the status quo, rather than being developed and revised with an emphasis on growth and learning.

In order to be prepared for the next IEP Team meeting, take these steps:

- Review existing documents:
  - the most recent evaluation or reevaluation report – **does the report accurately describe strengths and needs?**
  - the prior year’s IEP – **are the goals and objectives challenging?**
  - progress reports – **does the data show anticipated progress?**
- Request and review a copy of the draft IEP prior to meeting day to highlight questions and concerns
- Expect that there will be IEP goals to address learning in general education classes that relate to the content area
- If you are concerned about keeping up with the discussion at the IEP meeting, take someone with you and/or advise the district that you will audio tape the meeting (24 hrs. in advance)

**Stay on Top of the IEP’s Implementation**

Monitoring the implementation of the IEP throughout the school year is the best way to be prepared for future IEP Team meetings. Follow these steps and consider including supports like these in the IEP:

- Establish a communication system with the classroom teacher(s);
- Borrow a copy of the book(s) and other instructional materials that your child will use in his classes;
- Review copies of all completed coursework and tests;
- Compare the class work with the homework to see if there is consistency;

Expect the same quality of teaching for students with IEPs as for other students. Strategies to understand if your child is receiving real benefit from the classes he/she attends include:

- Reviewing progress reports and ask questions about progress;
- Reviewing the curriculum for each subject area; and
- Visiting the school periodically and ask for a copy of the lesson plan to see what is supposed to be happening at the time you visit

Contact PEAL for assistance in preparing for an IEP meeting or help in understanding any of the information shared in this article. For additional details about the Endrew F. case decision and its implications, a lengthier article by Barbara Ransom can be found on the PEAL website at [www.pealcenter.org](http://www.pealcenter.org).
Pennsylvania’s New Truancy Law is Positive for Students and Families

Governor Wolf signed new PA truancy legislation into law on Thursday, November 3, 2016 that goes into effect beginning with the 2017-2018 school year. The purpose of the new law is to improve school attendance and prevent truancy. The previous Truancy law resulted in unintended consequences on families, including some families who have children with disabilities and special health care needs.

The new law requires a comprehensive approach for:
- Identifying and addressing attendance issues as early as possible
- Preserving the unity of the family whenever possible

The new law also contains processes to avoid:
- Families losing housing,
- Entry of a child to foster care, and
- Disruption of an intact family unit.

It specifies that confining a parent or guardian of a child who is habitually truant should only occur as a last resort.

What is Truancy?
Truancy: three (3) or more school days of unexcused absence during the current school year.
Habitual Truancy: six (6) or more school days of unexcused absences during the current school year

The New Law
1. Requires schools to notify parents or guardians in writing within ten (10) school days of a child’s third unexcused absence.

2. The required letter to parents or guardians must:
   a. include a description of the consequences if the child becomes “habitually truant,”
   b. be in the mode and language of communication preferred by the parent,
   c. include the offer of an attendance improvement conference.

3. If the child continues to incur additional absences after this notice has issued, the school must offer a student Attendance Improvement Conference.

4. Schools cannot expel, suspend, transfer, or reassign a child to a disciplinary placement such as Alternative Education for Disruptive Youth (AEDY) for truant behavior.

5. Students cannot be disciplined for truant behavior in a way that excludes them from the regular education classroom.

For Families of Children with Disabilities and/or Special Health Care Needs
- Turn in excuse notes on time, especially if your child misses more than three consecutive days of school
- If you do receive a truancy letter, set up a meeting to try to understand and solve the situation
- If your child has an IEP or a 504 and misses an excessive number of school days, an alternate attendance plan can be included to address how supports will be provided to address missed instruction.

Download a 6-page fact sheet on PA’s new Truancy Law from the Education Law Center @ http://bit.ly/2ymvU33.
Project MAX—Making a Difference for Students with Complex Instructional Needs!

Project MAX is a statewide training effort to increase access to the general education curriculum for all students in Pennsylvania, with a focus on students with complex instructional needs. In its fifth year of funding from the US Department of Education, many more schools and classrooms across PA are changing the ways that educators and parents hold high expectations, maximizing access and learning for all students.

The PA Department of Education, Bureau of Special Education incorporated the formation of a Statewide Parent Network into the design of this multi-year State Professional Development Grant. The purpose of building and sustaining this Network is to provide a vehicle for families, educators and the community to promote the guiding principles of Project MAX and maintain the momentum of changing the system. The Statewide Parent Network creates awareness about raising expectations and presuming competence, and advocates to increase opportunities for students who have not historically received the same grade-level, standards-aligned instruction that is provided to same-age peers.

The Parent Network has grown to nearly 400 members and counting!

In April, 2017, 21 Network members and parent partners from PEAL, HUNE and PaTTAN met in Harrisburg to develop a sustainability plan for the Statewide Parent Network. This team identified six key areas of action: branding and marketing, resource development, accessible resources, organizational outreach, training and networking, and leadership development.

Parent Network Gatherings, held simultaneously at two locations, followed the meeting in Harrisburg. On April 28-29, 2017, over 40 Parent Network members and their families participated in learning and planning activities using video conferencing to connect the western and the eastern PA sites. Together, the groups continued to build and add details to the Parent Network Sustainability plan. Many Parent Network members signed up to coordinate meetings and lead activities that support the sustainability plan.

Today, teams of parents and partners are busy, meeting and creating vision and mission statements, logos, a resource repository, gathering parent leaders, recording trainings in English and Spanish, conducting outreach to organizations and support groups that would provide resources and information to Project MAX families, and hosting Parent Network tables at statewide exhibits and conferences. The Statewide Family Network is working to plan for another opportunity for families to join together face to face for learning and networking in October/November 2017.

Are you interested in learning more and leading change? Contact Tammi or Lorie at the PEAL Center at tmorton@pealcenter.org or lbrew@pealcenter.org or call 1-866-950-1040.

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