Chapter 2: Federal Legislation: Early Intervention and Prevention

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Introduction

- Legislation emphasizes family support and participation
  - Recognizes that infants and young children are best served in the context of a strong and healthy family
- Principles of researchers and practitioners:
  - Early identification
  - Intervention
  - Prevention of developmental disabilities
Early Intervention Movement

- Environment and experience
  - Children do not need to grow up significantly delayed if provided appropriate stimulation
  - Intelligence is not fixed at birth, not solely genetics
  - Intelligence is influenced by environment and experience
Kirk found inadequate learning environment might cause mental retardation in young children.


Current brain research demonstrates importance of experience in early years.

- Neurons to Neighborhoods
Civil Rights movement began in 1954 exposed grossly unequal, inhumane schooling conditions for minority children. Led to searching public conscience about overall differences in education opportunities.
What’s Missing?

1950

2010
National Association for Retarded Children
- Later became known as Association for Retarded Citizens
  - Later became known as ARC

Recognized advocacy groups for children with disabilities responsible for landmark legislation:
- Council for Exceptional Children (CEC)
- Division for Early Childhood (DEC)
- American Speech, Language, and Hearing Association (ASHA)
- Association for Persons with Severe Handicaps (TASH)
Disability Rights Laws
No Better Than Their Enforcement
By Laurence W. Paradis
Landmark Legislation and People with Disabilities

- University Affiliated Facilities (PL 88-164)
  - 1963
  - Centers staffed by teams of professionals
  - Goal was to promote exemplary professional team practices, interdisciplinary, to best serve infants and children with developmental disabilities
  - Reauthorized in 2000
  - Now called University Centers of Excellence in Developmental Disabilities (UCEDD)
  - Located across the country
  - Approximately one per state
    - UC Davis Mind Institute
    - Tarjan Center, UCLA
    - USC UCEDD at Children’s Hospital, Los Angeles
Goals for University Centers of Excellence in Developmental Disabilities

- Create, demonstrate, evaluate intervention and educational programs
- Provide professional trainees with interdisciplinary training
- Conduct research related to human development and developmental delays
- Establish university-community partnerships to improve services for people with disabilities
Handicapped Children’s Early Education Assistance Act (HCEEP)
- PL 90-538
- 1968
- Experimental centers known as First Chance Network and model demonstration projects
  - Projects develop, validate, and disseminate new and better practices for children with developmental delays
  - Focus on parent involvement activities and program evaluation systems
  - Expanded in 1980s to include funding for several major research institutes and outreach projects
- Renamed Early Education Project for Children with Disabilities in 1992
  - Reflect people-first terminology
  - Program no longer exists
Head Start Amendments

- 1972
- Mandates minimum of 10% of enrollment be reserved for children with developmental disabilities
  - 1974 changed to ensure children with more severe disabilities be served
- Criteria:
  - Mental retardation
  - Deafness or serious hearing impairment
  - Serious speech impairment
  - Serious visual impairment
  - Crippling orthopedic impairment
  - Chronic health disability
  - Learning disability
- Milder disabilities not counted as part of the 10% requirement
- Pioneer in including young children with severe disabilities in community-based programs
Head Start continues to grow

2007:
- Served more than 908,400 children
- 220,000 staff
- 18,275 centers

Primary program including children with disabilities
- >12% children have identified disability

1996 Performance Standards revised
- Program requirements in three areas:
  - Early childhood development and health services
  - Family and community partnerships
  - Program design and management
Early Head Start

- 1995
- Services to pregnant women, infants, and toddlers
- Focus on prevention and promotion of healthy habits and positive parent-child interaction
- Four cornerstones:
  - Child development
  - Family development
  - Community development
  - Staff development
- Work closely with Head Start programs for smooth transition
Landmark Legislation and People with Disabilities (cont)

- Disability Services Quality Improvement Centers
  - Head Start program
  - Formerly called Regional Access Projects (RAP)
  - Provides ongoing training and consultation to programs serving children with disabilities
  - Provide information, personnel training, services, and equipment
  - 12 DSQICs in US
    - 10 regions
    - 1 migrant
    - 1 Native American
Landmark Legislation and People with Disabilities (cont)

- **Developmental Disabilities Act (DDA)**
  - Rehabilitation Act of 1973
    - Reauthorized in 2000
  - Section 504 reduces discrimination against individuals with disabilities
  - Requires everyone with disability be given access to jobs, education, housing, and public buildings
    - Popular name for this part of the law: wheelchair requirement
  - Requires schools who provide state preschool services must offer comparable services to children with disabilities
    - Requires schools to accommodate children with disabilities that don’t qualify for special education
      - ADD/ADHD
Education of all Handicapped Children Act
- PL 94-142
- 1975
- “Bill of Rights for Handicapped Children”
  - Note the lack of person-first language
- Reauthorized every 10 years
  - Most recent was 2004, PL 108-446
- Now referred to as Individuals with Disabilities Education Improvement Act (IDEA)
  - Reflects person-first language
- Incentive money to find and identify children with disabilities: Child Find
EHA: PL 94-142

- Zero reject
- Nondiscriminatory evaluation
- Free, appropriate public education (FAE)
- Least restrictive environment: inclusion (LRE)
  - Including children without adequate support does not meet the letter or the spirit of this law
- Due process
- Parent participation
Due process:

- Right of parents to call a special hearing when they do not agree with the school’s educational plans for their child
- Ensures the child cannot be removed from a classroom simply because of annoying or inconvenient behavior
- Parents can examine all records of their child
- Be consulted about their child’s educational program before it is put into effect
- Receive written notice of any proposed changes in child’s educational classification or placement
- Demand legal representation if disagreements between them and school cannot be resolved
Amendments to EHA

- Services for children from birth to three (Part C)
- Discretionary legislation
  - States may serve children if they choose but not required to do so unless already serving typically developing infants and toddlers

Rationale of Congress:
- Urgent and substantial need to minimize developmental delay
- Reduce education costs to society, including schools
- Minimize likelihood of institutionalization
- Enhance capacity to provide quality early intervention services and expand and improve existing services

Creation of State Interagency Coordinating Council (SICC) with at least one member from:
- State agency that supports Medicaid
- Office of Coordinator for Education of Homeless Children and Youths
- State child welfare agency responsible for foster care
- State agency responsible for children’s mental health
Guidelines for Part C:

- Who will be served?
  - Infants and toddlers with developmental disabilities or at risk of having substantial delays unless they receive intervention
  - Labeling no longer required
    - Don’t need a particular disability
  - Individualized family service plan (IFSP)
    - Must receive multi-disciplinary written assessment
    - Services provided by qualified personnel
      - OT, PT, SLP, RN, SW, RDA
    - Services coordinated by service coordinator (VMRC)
    - Services provided in natural environment
Page 40 in book
  - In groups of no more than 3, identify the latest updates on IDEA according to your textbook

Page 41
  - Identify what IDEA says about disciplining students
Updates on IDEA

- Last updated in 2004
  - Extensive definition of “highly qualified” special education teachers
    - Bachelor’s degree
  - Children with disabilities who are homeless or highly mobile
  - Procedural safeguards:
    - Resolution session prior to due process hearing
    - Within 15 days of parent’s complaint LEA calls meeting to try to resolve issue
      - If not resolved, parent can pursue hearing within 30 days of original complaint
    - Functional behavior assessment
      - If child violates student code of conduct, meeting between LEA, parent and school personnel to determine if behavior is result of the disability
      - If behavior is result of disability, child removed for 10 days to another setting and functional behavior assessment performed
        - Child still has the right to an education during this time
        - If behavior is not result of disability, child can be expelled for up to 45 days
  - Services can be extended beyond 2, up until kindergarten
    - Must include educational components of pre-literacy, numeracy skills, and language
  - Short-term objectives and benchmarks no longer required sections in IEP
Different rules and limitations for children with identified special needs

- Cannot be suspended for more than 10 school days if misconduct was related to disability
  - Educational services still need to be provided

- The spirit of IDEA 2004 requires educators/guardians to deal with challenging behaviors proactively
  - Functional Behavioral Assessment performed
  - Strategies considered
    - Positive behavioral support strategies
1990 ADA
Patterned after Section 504 of the Rehabilitation Act
Gives civil rights protection to individuals in:
1. Private employment
2. All public services
3. Accommodations
4. Transportation
5. Telecommunications
   - In early childhood, most of the protection is in area of access to child care and community recreation programs
No Child Left Behind

- 2002, President Bush
- Intended to improve reading and math testing in public schools
- States must develop accountability standards to measure annual student progress in reading and math
  - Forces states to create or adopt tests to support curriculum
- Graduation rates factored in
- When states show growth in accountability, they qualify for federal funding
- When states show little or no growth, schools are at risk for losing funding and teachers
Separate headings for:
- Children with disabilities
- Children with English as second language
- Children of Native American or Alaskan descent
- Children at risk or abused
- Children of migrant workers

Teachers and other professionals requirements and family initiatives
- Affects new teachers and assistants the most
- Professional development standards
  - Assist teachers of children with Limited English Proficiency (LEP)
  - Help paraprofessionals meet state standards
  - Include instruction for working with parents
Assessment of children with disabilities

- Children tested along with children without disabilities beginning in third grade
  - Few exceptions
    - Do they require accommodations?
    - Answers are in IEP
      - If IEP says accommodations are needed, they are made; if not included in IEP, accommodations are not made
    - Exemptions come as a result of severe cognitive limitation
Inclusion and Case Law
You Tube

- Choices
- Thaysa
- Inclusion