

# SEPTA NEWS

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EDITOR: NICOLE HOROWITZ  
E-MAIL: NICOLEHOROWITZ@AOL.COM

## MESSAGE FROM SPECIAL SERVICES

As we begin a new year there are still many issues from past years involving special education that are unresolved, primarily, with the Individuals With Disabilities Education Act (IDEA). IDEA was supposed to be reauthorized in the spring of 2002 but is still in bill form as of January 2004.

I have recently returned from Albany where the current status of IDEA was discussed by a lobbyist working with Congress. She explained that there is an approved bill from both the House of Representatives and the Senate. The two must now come together to resolve differ-

ences before it can be voted upon in a final form.

Although the versions have some similarities there are also significant differences. Issues in regard to procedures and funding are at the top of the differences list.

At the earliest this lobbyist felt the reauthorization will not occur until late February. Once it is passed each state can add its own regulations and implementation would not take effect until July or at the beginning of next school year in September.

If you are interested in updates on this legislation you can utilize these two websites:

cec.speded.org or NASDE.org.

On a more positive note I mentioned in the first newsletter that we are forming an assistive technology committee in order to respond to the many new technological interventions which are being developed for school use. As we do our research there is reason to believe that technology, properly evaluated and used, will enable many of our children to become more independent and efficient learners. I will be happy to address this at a future SEPTA meeting.

Barry J. Whalen  
Director of Special Services

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## MINI-GRANTS - JANE HELLBERG, CHAIR

### LAST CHANCE TO APPLY

A Note to All Special Education Teachers .....

The window of opportunity to apply for a mini grant from SEPTA for this year is coming to a close!

Don't miss the chance to try out an innovative idea to benefit a special educa-

tion classroom for up to \$500.

All mini grant requests must be submitted by **April 15, 2004**. Please submit your request in advance of this date to avoid delays in considering your project for approval.

Classroom mini grants of \$25 are also available to

all special education teachers to help offset the cost of classroom parties.

Mini grant request forms are available from Jane Hellberg by emailing [janehellberg@aol.com](mailto:janehellberg@aol.com) or calling 245-0358.

### MEETING DATES

All meetings are at 7:30pm in the SIS Cafeteria

- February 26th
- March 25th
- April 22nd
- May TBA

## LEGISLATION - Caroline Angiello, Chair

### THE NEXT WAVE OF SPECIAL EDUCATION LITIGATION

by Peter W. D. Wright, Esq.

Special education law and litigation is on the verge of a major shift in direction. In ten years, I believe the educational landscape will change for all children.

Many attorneys and advocates remember when tuition reimbursement cases surged after the U.S. Supreme Court issued their decision in Burlington. Another surge of reimbursement cases came after the U.S. Supreme Court's decision in *Florence County v. Shannon Carter* in 1993.

By 1995, Carter helped open the door to reimbursement for the ABA /Lovaas / DTT therapy that is used to educate young children with autism. After Congress reauthorized the Individuals with Disabilities Act in 1997, we saw an increase in discipline cases. This was due in part to the incredibly confusing language of the IDEA discipline statute of 1415(k), coupled with an overzealous application of "zero tolerance" policies by school administrators and school boards. As more states require students to pass high-stakes tests before they receive high school diplomas, we are

seeing a new kind of case.

We are being asked to represent children who cannot pass high-stakes tests because their schools did not teach them the information and skills they need to pass these tests. Schools that retain or refuse to graduate children often claim that No Child Left Behind requires them to take these actions. This is not true. No Child Left Behind does not

For more information on NCLB go to [www.ed.gov/legislation/FedRegister/finrule/2003-4/120903a.html](http://www.ed.gov/legislation/FedRegister/finrule/2003-4/120903a.html)

require schools to retain students or with-

hold diplomas.

In fact, subsection 6311(I) states, "Nothing in this part shall be construed to prescribe the use of the academic assessments . . . for student promotion or graduation purposes." (Wrightslaw: No Child Left Behind, page 160) Until recently, a dyslexic child's reading skills were often tested by a teacher who read a passage of text aloud, then scored the test based on the child's oral responses. Thus, the child's "reading" score was actually a measure of the child's auditory memory. Fortunately, No Child Left Behind is forcing schools to abandon these practices.

Today, schools are under increasing pressure to teach children to read, write, spell, and do arithmetic. Over the next five years, I

predict that we will see more lawsuits by children in special education and general education who sue their school districts and states because they were not taught the skills they needed to pass high-stakes tests and were denied high school diplomas. No Child Left Behind provides us with tools to represent these children.

\* \* \* \* \*

#### About Peter Wright, Esq.

Peter Wright is an attorney who represents children with disabilities. He speaks at national conferences about "How To Secure an Appropriate Special Education for Your Child and Avoid Due Process" and presents at continuing legal education seminars about representing special education children. Pete and his wife Pam do legal and advocacy training programs around the country. On October 6, 1993, Pete gave oral argument before the United States Supreme Court in *Florence County School District Four v. Shannon Carter*, 510 U.S. 7 (1993). Thirty-four days later, the Court found for his client, Shannon Carter, in a unanimous decision.

Mr. Wright and his wife are the authors of several best-selling books, including *Wrightslaw: Special Education Law and Wrightslaw: From Emotions to Advocacy*. The Wright's new book, *Wrightslaw: No Child Left Behind*, was co-authored by Suzanne Heath.

## 2004 Legislation/Education Conference

Held at the Albany Marriott — for more information go to the New York State PTA's website [www.nypta.com](http://www.nypta.com)

### Saturday, Feb. 12

#### General Session I 1:30-3:00pm

*Overview of the State Budget:* A panel of experts will describe the major features of the 2004 budget.

#### General Session II 3:30-5:00pm (2 parts)

**Part A: Education Hot Topics:** A program to bring all PTA members up-to-date on the latest educational changes, programs, and hot topics such as: obesity; NYS Standards & Assessments and other initiatives.

**Part B: Funding Reform:** Hear about the latest proposals concerning education reform including

the status on CFE and funding issues.

#### Dinner and Keynote 5:45-8:15pm

### Sunday Feb. 29th

#### General Session III 9:30-10:30am (2 Parts)

**Part A: Our State Government: 101 Legislative Training:** A hands on workshop to make you an effective legislative advocate for children.

**Part B: Federal Legislation Update:** NPTA Washington conference attendees present what is happening in Washington, DC.

#### General Session IV 10:45-11:45am

**Part A: Education: The NCLB—**What are the components and how will it affect NY schools?

#### Part B: Special Education: Timothy's Law –

*Advocacy at Work:* Using Timothy's Law as a model learn effective techniques, tips, and advocacy methods.

#### Lunch and Keynote 11:45-1:15pm

#### Why You Should Attend

- \* To help strengthen PTA effectiveness as grassroots advocates.
- \* To learn more about current education issues.
- \* To understand the legislative process and learn more about PTA legislative priorities
- \* To network with other PTA members on key issues.

## PARENT PROGRAM SUMMARY BY NICOLE HOROWITZ

In November, SEPTA sponsored a Parent Program on advocating for your child, presented by Dr. Risa Tabacoff. Dr. Tabacoff is a developmental psychologist with MS degrees in Special Education and Creative Expressive Therapy. She has been working in the field of Special Education for 20 years. Currently, she works in Bedford at the Developmental Assessment and Intervention Center, which she founded over 15 years ago.

The first, of two key factors to parent advocating Dr. Tabacoff talked about, was the need for parents to stay on top of the school to speed up the CSE process. The formulas that are used for classifying students are constantly changing and the criteria are

being made tighter and more difficult to meet.

Time is of the essence because if a student doesn't have at least a 504 classification (504 students do not qualify for special education, but due to discrepancies between their IQ and actual performance they receive modifications in the classroom based on their needs, i.e., extra time on tests or being tested in a different medium) by 9th grade or is declassified before that time, it becomes even more difficult to get into the special education program.

The second factor Dr. Tabacoff talked about was handling the declassification of a special ed. student. If the CSE wants to declassify your child, Dr. Tabacoff advised you request a 6-month extension of the classification

status so the CSE can closely monitor the student's progress for signs of readiness. Once a child is declassified, parents need to state their wish for the CSE to reconvene in a specified time period to reevaluate their child's progress.

Advocating for your struggling child is nothing like it used to be. Just 10 years ago, schools were more willing to classify students who were struggling.

In the midst of it all, however, we, as parents, need to remember and remind our children that school is a small percentage of their total lives. And above all else, Dr. Tabacoff reminded us, we need to emphasize all the positive aspects that our children possess in the lives they lead outside of school.

## Medical And Therapy News

### Managing Life with a "Difficult" or "Different" Child by Barbara Probst, CSW

We've all been conditioned - both consciously and subconsciously - by the "medical model" of dealing with difficulty. That is, you diagnose the problem, you treat it, and then you cure it or fix it. Ironically, this search for solutions actually makes life harder when it comes to raising kids who are temperamentally difficult and who struggle with social, emotional and behavioral issues. No matter how effective the solution may seem at first - whether it's a new "points system," wall chart or clock for time-out - after a while it falls apart and we're left feeling more frustrated, disappointed, and down on ourselves than before.

What's the alternative to this cycle of hope and hopelessness? Perhaps we need to think differently before we can act differently. Remember when your child first learned to walk? You focused on removing potential obstacles to minimize tripping and falling - you cleared the path and managed the environment so your child could practice getting it right and experience the feeling of success - and you cheered every incremental improvement, no matter how small.

In the same way, our job now is not so much to discipline as it is to manage the environment and make it as benign as possible. "How can he learn what's ac-

ceptable if there are no consequences?" Since consequences haven't worked thus far, it's amazing how much we cling to this way of thinking! Your child will learn, but he will learn better through the experience of getting it right - which you make possible by helping to manage his world - and being rewarded by your attention when he does something right or refrains from doing something wrong.

Instead of rules, it's more useful to think of principles that can help to minimize the stress that all of you - and especially your child - experience.

- ☺ **Check the context.** Is there something about the environment that you can change? It can be something simple and concrete. Think of whisking the toy out of your toddler's way.
- ☺ **Stop and wait.** Unless someone is in danger of getting hurt, often you don't need to do anything at all. The moment of crisis will pass if it doesn't receive your attention.
- ☺ **Provide the words.** "You're the kind of person who ... gets upset when you have to stop an activity ... doesn't like to be disappointed ... has a hard time choosing between two things that both sound good ..." The words make him feel that he's not the only person who's ever felt this

way. Because they engage his mind, even for a moment, they lessen the grip of the all-consuming emotion and give him a way to move on.

- ☺ **Change your focus.** Train yourself to comment on the times your child does something right, not the times he does something wrong. Once your radar shifts, you'll be surprised at how many good moments there actually are.
- ☺ **When you do punish, keep it short.** If you take away your child's Game Boy for the weekend at 9:00 on Saturday morning, there's no incentive for him to try better. Divide the day into manageable chunks. Tell him he has a fresh start and another chance to do it right from noon until dinner.
- ☺ **Apply the above principles to yourself, too.** Treat yourself with the same compassion.
- ☺ **Laugh whenever possible.** With your child. With others who also understand how hard it is.

For information about support groups and family sessions, call 914-271-1266 or email [barbprobst@aol.com](mailto:barbprobst@aol.com)

**Editor's Note:** Barbara Probst is a social worker who offers parent support groups, family consultation, and AD/HD counseling in Somers.

## FEATURE ARTICLE

### Obtaining an Assessment for Your Child or Adolescent Ten Tips for Parents from Dr. Mel Levine

The following information was obtained from the All Kinds of Minds website. For more information about topics or products mentioned below visit [www.allkindsofminds.org](http://www.allkindsofminds.org).

1. Try to learn all you can about differences in learning. That way you can ask clinicians the right questions and be in a good position to understand and apply the results of an assessment. Becoming knowledgeable about learning will help you be the best possible advocate for your child.
2. If possible, it is best for assessments to be performed by a small team of people from different disciplines rather than just one person. The team might include a physician, a psychologist, and an educational diagnostician (sometimes called a psychoeducational specialist).
3. It is best to have children evaluated without being labeled. It is not terribly useful to undergo extensive testing and then be told simply that your child has "ADD" or "LD." Sometimes a label is needed to obtain services from the school. In that case, we would suggest you and [your] child should not pay very much attention to the label. Instead you need to know exactly where the breakdowns are occurring. For example, if your child has trouble in math, you should find out if the problem is with the memory part of math, the concepts, the terminology, all the detail, the procedures, the pace, etc. If there's a writing problem, is it the motor control part, the language, organization, the attention component of writing, etc? All academic skills can be broken down in this way.
4. You also need an accurate description of the brain processes that are really strong in your child. In other words, you should ask for a precise profile of your child's strengths as well as weaknesses.
5. An assessment should lead to very specific and practical suggestions for helping a child succeed both at home and in school. The report you receive should be more than just a long list of test scores. It should not simply recommend special education or medication and nothing else. There should be a specific plan for accommodating certain weaknesses, intervening to strengthen any lagging functions, and strengthening the child's strengths and interests.
6. Following an assessment, you and your child should undergo what we call "demystification." That is, one of the people who assesses your child should spend time explaining the profile that was uncovered and accounting for the exact reasons for any academic difficulty. Demystification should be upbeat, optimistic, and presented in language the child can understand readily. Remember, children have a hard time working on something if they don't have words for it!
7. To understand his or her learning issues better, your child might benefit from reading one or more of the books I have written for students. These include: *Keeping a Head in School* (for adolescents); *All Kinds of Minds* (for elementary school kids); and *Jarvis Clutch—Social Spy* (a book about social pressures and skills mainly for middle school students).
8. Whoever evaluates your child should also provide follow-up services, seeing him or her from time to time to monitor progress and offer ongoing advice. That professional should also be available to help you advocate for your child's needs in school.
9. Try to help your child's teacher and school develop greater expertise in dealing with learning differences. More information about programs and materials can be found on our website ([www.allkindsofminds.org](http://www.allkindsofminds.org)).
10. If assessment services outside of the school are lacking in your area, encourage the development of a local Student Success Center. More information about Student Success Centers can be obtained by requesting a brochure through [ssc@allkindsofminds.org](mailto:ssc@allkindsofminds.org).

Best of luck to you. Most importantly, don't ever give up on your child or allow her or him to give up. So many struggling kids grow into remarkably productive and gratified adults, especially if we offer them the understanding, support, respect, and love they so desperately need during a tough era in their lives.

### The Mission of the PTA

- ✎ To support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children.
- ✎ To assist parents in developing the skills they need to raise and protect their children.
- ✎ To encourage parent and public involvement in the public schools of this nation.

OFFICERS

**PRESIDENT** Jane Hellberg  
**VICE PRESIDENT** Lisa Immerblum  
**SECRETARY** Laura Hanlon  
**TREASURER** Katherine Realbuto

*Together We Make A Difference*

Somers Central School District

Special Services Barry Whalen  
 277-3777 Alethea Shepperly  
 Superintendent of Schools Dr. Joanne Marien  
 248-7872  
 Asst. Superintendent Kathy Mason  
 248-5531

*We're on the Web!*  
[www.SomersSEPTA.org](http://www.SomersSEPTA.org)

**SEPTA RESOURCE LIST\***

**PLEASE NOTE:** The following is a compilation of resources that SEPTA members have used and found helpful. While SEPTA does not endorse any individual resource, we do hope that you find this list useful.

Social Groups

New York Presbyterian Hospital Outpatient Department - 997-5940  
 White Plains Groups for boys & girls  
 Dr. Bob Milich Croton-on-Hudson 271-5326  
 Groups for boys  
 Dr. John Slater Irvington 591-6868  
 Groups for boys (uses Karate), Once Upon a River

Social Worker

Laura Hanlon Somers 837-6795

Tutors

Pam Provetto Thornwood 769-9036  
 Orton-Gillingham

Books

Anderson, Winifred, et. al *Negotiating the Special Education Maze: A Guide for Teachers and Parents*  
 Humes, Edward *School of Dreams*  
 Johnston, Marianne *Dealing With Anger*  
 Levine, Mel *A Mind at a Time*  
 MacCracken, Mary *Turnabout Children: Overcoming Dyslexia and Other Learning Disabilities*

Websites

[www.cldinternational.org](http://www.cldinternational.org) Council for Learning Disabilities  
[www.dldced.org](http://www.dldced.org) Division for Learning Disabilities  
[www.ldanatl.org](http://www.ldanatl.org) Learning Disabilities Association — Information on legislation and sample letters to use to write to legislators  
[Www.LDAAmerica.org](http://Www.LDAAmerica.org) Learning Disabilities Association of America

\* This is only a partial list and will be changed in each issue of the newsletter. For a complete list, please see our website.

**SPOTTING SCHOOL-RELATED PROBLEMS AT HOME: A TEAM APPROACH**

Adapted from The National Association of Elementary School Principals

If you could spot your child's school-related problems as easily as you do a sore throat, and immediately took action, you might eliminate many minor "learning aches" and start earlier professional treatment of serious learning problems. Children are no more immune to school problems than they are to soar throats. Sooner or later most kids, whether brilliant, average, or below average struggle in school. The best way to help them is to **get help early**.

**Establish a good relationship with your child's teachers, principal, and counselors.** Just as you depend on them to keep you informed about your child's progress in school, they in turn, depend on you to alert them, immediately, of troublesome symptoms seen at home that may be related to school. Don't hesitate to initiate the first contact. Teachers feel that parents' lack of interest is the greatest obstacle they face in providing a good education. Grades take weeks to earn, so if a bad report card is your first clue your child's problem, the trouble may have been

building for some time.

**What should be considered a problem?** Anything that you feel is affecting your child's academic progress or social adjustment — a sudden drop-off in grades, unusual personality clashes with peers and/or teachers, or major changes within the family. Diagnosing problems isn't easy, that's why you and teacher working as a team is best.

**How do you detect a problem?** By listening to your child and watching for such warning signs as:

- *Physical Signs:* headaches/stomachaches after school; changes in eating habits; oversleeping or trouble falling asleep; mild but frequent illnesses that keep them home from school.
- *Escape Signs:* wasting time instead of doing homework; watching more TV than usual; staying at friend's houses longer

than usual.

- *Verbal Complaints:* "I can't concentrate, class is too noisy," or "The other kids keep bothering me and I can't do my work."
- *Signs of Frustration:* slamming doors on purpose; spending an inordinate amount of time on homework; tearing up homework or starting it all over; picking fights with friends; making self-deprecating remarks.

**What should you do?** First, talk to your child about the difficulties you have noticed. Then, call the teacher or counselor. If the problem persists, then call the principal.

**Always voice your concern.** If you're wrong, nothing is lost, but if you're right, everything is gained for your child.