

**East Central Regional Human Rights Authority
Report of Findings
Villa Grove School District
Case 17-060-9013**

The East Central Regional Human Rights Authority (HRA), a division of the Illinois Guardianship and Advocacy Commission, accepted for investigation the following anonymous allegations concerning the Villa Grove School District:

1. **Students with disabilities are denied access to needed accommodations.**
2. **The need for accommodations is not adequately reviewed as part of student IEPs or upon parental request.**
3. **The district's complaint mechanism for students with disabilities and their parents is inadequate.**

If found substantiated, the allegations represent violations of the Illinois School Code (105 ILCS 5) and federal and state special education mandates (34 C.F.R. 300 and 23 Ill. Admin. Code 226).

To investigate the allegations, an HRA team met with Villa Grove school district representatives, as well as representatives from Eastern Illinois Area Special Education (EIASE), reviewed pertinent policies and examined masked records of three students with disabilities.

FINDINGS

Interviews

The HRA asked how many students are served by the district. The staff response was 680. Out of those students, there are 143 children with individual education plans (IEP) and 20 children with 504 plans. There are 50 teachers.

The HRA asked staff to describe the process for IEP development. There are annual screenings of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services. School staff explained initially there is a response to intervention (RTI) system in place which includes a process for reviewing data to see if students are struggling. A parent could request the school to do the RTI. Some students move into the district evolving into new cases.

When describing the process for developing a 504 plan, staff explained that it is used when medical accommodations are needed. Some alternatives can be made to accommodate students with medical needs, such as diabetic student needing to take insulin.

The HRA asked how the school seeks out children needing special education services. Staff explained that they work closely with early intervention and preschool round up. They start looking at children at age 2. Most children needing services usually have a plan by age 3. There is a screening tool called Aimsweb.

teachers that are district based and provide significant information to teachers. Information is then passed on to parents such as occupational therapy or respite care resources. Some of the parents become very overwhelmed. A local hospital, Sarah Bush, has support groups. Parents can search for resources by county. Douglas County Mental Health is a resource example available to parents. Special education trainings are held monthly. Since they are a small district, usually only one teacher will go, but that teacher is expected to bring back what they learn and share with other staff. Recently they sent a teacher to the Dyslexia Training Illinois Reading Council. They have provided grief counseling to help students with a recent loss of a student last year. Currently they have 24 staff members trained on therapeutic crisis intervention (TCI), but the goal is to have everyone trained. The original trainer came from Baltimore, but two of the staff have become certified to be trainers.

Each student in special education has annual goals in the IEP. There are tri-annual meetings every 3 years at which there is a psychological exam but parents can request to have a child evaluated any time.

The HRA asked what information is communicated with parents. The first thing is the teacher reports which include student benchmarks. They determine students who are struggling and see if they had any write-ups and any subsequent need for the teacher to contact the parent to set up the RTI meeting. Some parents want to participate. Sometimes one parent will want the child in special education and another parent does not. Staff try to encourage both parents to let the school help the child the best way they can. The question they ask is what is educationally best for the child. Sometimes change is hard to accept. Most parents accept what they try to provide when they see that staff have the best interest at heart for the child. They also do home visits if the child is missing school. They try to build a relationship with the parent. If the child is in the younger grades, they want to make sure the child is okay. If a parent is unable to attend meetings, they have staff meet with the parent at the home to complete the special education paper work. They want to make that face-to-face contact.

The HRA asked about the district's grievance policy/procedure. The superintendent explained that usually if a parent has a complaint, they make an appointment to talk about it. Sometimes there is misinformation, or miscommunication. If the parent comes in, they try to address the parent's concerns and usually issues can be worked out. They make sure to provide a copy of their rights to due process if the parent is still upset. Sometimes a parent will come to a meeting and communication opens up and allows the ability for the parent to work things out. The grievance policy and procedure is on the school district website.

Record/Practice Review

The HRA reviewed masked records of three students with IEP's that required accommodations. Records are documented by Student A, Student B, and Student C.

Student A:

The IEP was completed in 2016. Under this student's strengths, it was documented that the student was outgoing. He gets along well with peers and teachers. His strongest subject is math. He seems to be confident and is starting to volunteer to read aloud.

- Wechsler individual Achievement Test-Third Edition (WIAT-III) is “for evaluating the process of reading words or decoding.”
- The Gray Oral Reading Tests (GORT-5) “provides a measure of oral reading.” This test showed the student scores were at 100% and 99 %.
- The Comprehensive Test of Phonological Processing (CTOPP) “is a test of an individual’s ability to use the sound structure of oral language, especially as it relates to mastery of written language.”
- The Beery-Buktenica Developmental Test of Visual-Motor Integration (Berry VMI) “is a test of how well an individual is able to coordinate visual and motor abilities,”
- Visual Aural Digit Span Test (VADS) “is a test of immediate, sequential recall,”
- Test of Information Processing Skills (TIPS) “provides a measure of skills related to acquiring, storing, and processing information. It measures ordered and unordered recall in both the visual and auditory modalities.”

Student A is described as having an academic potential in the above average range. The results of this test showed the student’s scores were below the mean at pseudo-word decoding, word reading, and spelling. He was also below the mean in phonological awareness and his phonological memory.

Student B:

This student’s IEP was completed in 2017. Per the IEP, “She is eligible for special education because of having other health impairment (OHI) attention deficit disorder (ADD).” In describing the effect of this individual’s disability on involvement and progress in the general education curriculum and the functional implications of the student’s skills, it documents that on 1/23/17 a re-evaluation meeting was held for the student to determine continued eligibility. At the meeting, her emotional disturbance (ED) label was dismissed and the OHI label was incorporated for her continued eligibility for a medical diagnosis of (ADD). In the notes section it was documented that her grades have ranged from A-F. “She takes notes in her Science class. The student performs better in highly structured classes. She has difficulty with time-management and planning out longer projects such as (art class and research projects.) Her written language skills are within grade level based on classroom assessments; however, the student needs the assistance of a teacher to formulate her thoughts....”

In student B’s functional performance “She benefits from sitting closer to the teacher for redirection, she needs longer assignments re-explained and she needs help breaking down long assignments into ‘chunks’ so that it can be accomplished on time. Visual timelines with due dates are helpful....”

In the Social Work update it was documented, “The student adjusted well to her transition to Villa Grove....” “...has been seen by the school social worker (and SE intern) this year in both individual and group sessions. The student is an active participant and volunteers to participate. She has met current social work goals and at this time, I would recommend dropping direct social work minutes on the IEP. As with all students she is able to seek out social work support at any time if it is needed. At her request, she is able to speak with the social worker as needed.”

- Picture/word schedule would be used.
- There would be an adult to assist with student's written responses.
- He would have extended time as needed.
- He would be provided an alternate setting with fewer distractions.
- Rephrase directions using modified language.

His IEP showed a behavior intervention plan to be utilized in the following areas:

- He would be provided a quiet/distraction free area as needed.
- He would be given a prompt before a change in activity.
- He would have written and visual schedules to use throughout the day.
- He would be praised for work completion and expected behaviors.
- He could earn tangible prizes for expected behaviors and compliance.
- He would be told no when he displays a target behaviors.
- Social stories would be utilized to teach an expected behavior.
- If endangering others the room will be cleared and he would be monitored to insure his safety.
- If endangering self TCI staff will be called to utilize de-escalation.
- Parents and teachers will daily use a daily communication log and will be notified of any modifications that need to be made to the behavior plan.

Parental concerns were to see improvement in the student's communication and comprehension skills.

Training

The HRA reviewed EIASE scheduled trainings for the remainder of the year <http://cedarwood.eiase.com/Calendar.php?month=03/01/2017> which included trainings on TCI and TCI Refresher Training, Autism (parent panel guest speakers), and Mental Health First Aid. There was previous training offered to teachers on Writing Measurable Goals, Getting to the Core of Literacy, Forums for School Psychologists, Social Work, Special Education and Coordinators, 504 Plans, Early Childhood, Sign Language, The Use of iPad with Children with Disabilities and many other various trainings.

The HRA was provided a sampling of 13 Staff Members (there are approximately 50 teachers working for the school district) that reported to have attended various conferences and trainings for the 2015-16 school year and 2016-17 school year. Altogether, there were 171 different trainings and conferences attended by these 13 teachers. The courses that would have specifically applied to the three students in this report are:

- 95 Percent Group – Reading Conference/RTI information/ Team building 2 days
- Administrators Academy Course - Illinois Performance Evaluation
- Attention Deficit Hyperactivity Disorder (ADHD)
- ADHD at EIASE

- Midwest Positive Behavior Interventions and Supports (PBIS) Coaches
- Play Based Activities for Phonological Development
- Power of Manding: How to Get Your Students Communicating
- School Psychologists Forum to Discuss New Eligibility
- Student Learning Objectives 101 and What It looks Like for Special Education
- Sound Judgment: Using Effective Speech Therapy
- Special Education Coordinators Forum to Keep up to Date on Legalities
- Special Education IEP Transition Workshop
- Special Education Law at EIASE
- Special Education Students in the General Education Setting
- Special Education teacher's forum
- Speech/Language Forum - EIASE
- STAR training (Discreet Trial Approach to Learning)
- Strategies for Teaching Social/Emotional Skills
- Teaching with Love and Logic
- Trainer of TCI training (40 hours) De-escalation Techniques and Physical Restraints
- TCI refresher (8 hours) De-Escalation Techniques and Physical restraints
- TCI Refresher for Developmental Delays
- Vocabulary and Development – Neuroscience Support the System's Approach, Vocabulary Choice and Vocabulary
- Website Assistance
- What General Educators Need to Know about Special Education
- What's New at the New Illinois Report Card (IRC) and My IRC: Train the Trainer
- Working Together with Students with Autism for Teachers and Paraprofessionals
- Writing Measurable Goals at EIASE
- Writing to Read

Some of the other classes attended by educators were on subjects such as professional development, autism, blood borne pathogens, bullying, inclusion, coaching, interventions for classroom management, and various teacher workshops. Division of Children and Family Services (DCFS) Mandated Reporter training, diabetes, fire prevention, the use of applications in Google, Google Chrome and iPad, emergency action planning, engaging students using gamification, Section 504, addressing self-destructive behavior in youth, sexual health education, sign language, suicide prevention, networking and many various other topics were included.

Policies

The HRA reviewed the following Villa Grove School District policies located on its website <http://www.vg302.org/cms/One.aspx?portalId=240903&pageId=750977>:

Student Rights and Responsibilities (July 16, 2012)

“All students are entitled to enjoy the rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting...” “Students should exercise these rights reasonably and avoid violating the rights of others. Students who

CONCLUSIONS

Complaints #1 and #2 state that students with disabilities are denied access to needed accommodations and the need for accommodations is not adequately reviewed as part of student IEPs or upon parental request. Federal Regulations in 34 C.F.R.300.1 state “The purposes of this part are—

- (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- (b) To ensure that the rights of children with disabilities and their parents are protected;
- (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and
- (d) To assess and ensure the effectiveness of efforts to educate children with disabilities.”

The definition in Sec. 300.8 (a)(1) of a child with a disability “means a child evaluated in accordance with Sections 300.304 through 300.311 as having mental impairment, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services....” It further defines a child with a disability in (E) (i) of this section if the child’s condition “Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child’s educational performance.” A specific learning disability is defined as “...a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.”

Pursuant to Sec. 300.17, “Free appropriate public education or FAPE means special education and related services that--

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the state educational agency (SEA), including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Sections 300.320 through 300.324.”

Section 300.22 states that an “Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with Sections 300.320 through 300.324.” The IEP is further defined in Sec. 300.320 (a): “...As used in this part, the term individualized education program or IEP means a written statement for each

For student B she would receive special education services of 230 minutes per week for math and 184 minutes for academic intervention support. She had goals to seek therapy services if she felt that she needed them.

Student C had adapted physical education. He was to be seen on a weekly basis with social work throughout the year, for 30 minutes per week. He would have 1405 minutes of special education in reading, English, spelling, math, science and social studies. He would have 60 minutes per week of speech/language services. He would be inside the general classroom 80% or more of the day.

From review of all three cases, accommodations were reviewed and provided pursuant to 300.324. Parental requests on all three IEPs were reviewed and parent comments were included in each IEP. Training was provided for teachers in very diverse areas. Teachers were afforded multiple opportunities to learn the complexity of disabilities that were applicable to their students pursuant to Sec. 300.8. These trainings would have applied to the three cases reviewed as well to the needs of other children with disabilities who attend Villa Grove Schools. These various trainings should enhance understanding for educators to meet the needs of these students and provide for specific supports and accommodations to ensure a free appropriate education per Sec. 300.17. **Based on the evidence, Complaints #1 and #2 students with disabilities are denied access to needed accommodations and the need for accommodations is not adequately reviewed as part of student IEPs or upon parental request are not substantiated.**

Complaint #3 stated the district's complaint mechanism for students with disabilities and their parents is inadequate. Per federal regulations for State Complaint Procedures in Sec. 300.15(a) "Each SEA must adopt written procedures for—

(1) Resolving any complaint, including a complaint filed by an organization or individual from another State...

(i) Providing for the filing of a complaint with the SEA; and

(ii) At the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint; and

(2) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities"

Sec. 300.153 states "(a) An organization or individual may file a signed written complaint under the procedures described in Sections 300.151...."

Per the discussion with the superintendent regarding the district's grievance policy/procedure the HRA was advised that usually if a parent has a complaint, they make an appointment to talk about it and they try to address the parent's concerns. If issues are not worked out, they make sure the parents have a copy of their rights to due process. The HRA could access the district's grievance policies from the school district website. The policy explained the process available to students, parents/guardians, employees, or community members to make a complaint regarding the actions of school board, school employees, or agents