

STATE BOARD OF REGENTS TO VOTE ON EASING HIGH SCHOOL GRADUATION REQUIREMENTS

The NYS Board of Regents will vote in October to decrease the number of Regents exams students are required to pass in order to earn their diploma. Schools will continue to offer Regents tests in English, math, science, U.S. History and global history. However, instead of passing all five to earn a diploma, students will have to pass just four. In place of the fifth exam, students will need to pass an alternative exit assessment that would be tied to technical education. This is in response to districts and parents advocating that creating multiple pathways to achieve high school graduation is very significant.



Tuition Reimbursement Awarded for High Academic Performing Student with Emotional Disturbance

Because a high schooler's anxiety and depression adversely affected her education by preventing her from attending school, the U.S. District Court, Southern District of New York held that the district erred in finding her ineligible for IDEA services. The court ruled that a school district could not avoid paying for a teenager's placement in an out-of-state therapeutic school simply by pointing out that her anxiety and depression did not prevent her from earning good grades. The District Court held that the student's inability to attend school, as evidenced by the district's agreement to provide one month's worth of home instruction, made her a "child with a disability" under the IDEA.

The judge criticized the SRO's reliance on the student's good grades in determining that her emotional disturbance had no impact on her learning. While such evidence might suggest that the student's disability did not have an adverse effect on her education, the judge explained, it was not necessarily conclusive. The court pointed out that the SRO did not consider "the more fundamental question" of whether the student could attend school. Not only did the student miss several weeks of classes during the fall semester, but she did not attend school at all from November through January of the then current school year. "During those last months, the district gave the student home instruction, a program which is normally only given to students with disabilities," the judge wrote. The court further noted that the student did not earn the minimum of credits required to move on to the next grade. Moreover, the student's grades, although still good, declined during her time in public school. Because the district erred in finding the student ineligible for IDEA services, the court held the parents could recover the cost of the student's residential placement. The court also ruled *(Continued on P.3)*.





EDUCATION QUOTE... "I did then what I knew how to do. Now that I know better, I do better." [Maya Angelou](#)

NEW YORK STATE & FEDERAL EDUCATION UPDATES

- **NYS GRADES 3-8 ASSESSMENT RESULTS RELEASED** NYSED released the results of the spring 2014 Math and ELA assessments for Grades 3-8. Significant gains were made in math, including students in every need/resource group. Modest progress was made in ELA. The percentage of students scoring at proficient and above in math rose from 66.9 to 69.6. ELA scores at proficient and above rose from 31.3 to 31.4 percent.
- **NYSED FIELD ADVISORY ON SPECIAL EDUCATION & COMMON CORE** NYSED released an advisory addressing the CSE's role on Special Education in relation to the new common core learning standards. The advisory provides that in a standards-based IEP, CSE incorporates NYS content standards in its development, and such IEPs are a best practice to create high expectations for students with disabilities. Steps to ensure IEPs are developed that are aligned to the standards are provided, as well as resources for parents, technical assistance and professional development.
- **PROTECTION of PEOPLE with SPECIAL NEEDS ACT ADVISORY** Commissioner's Regulations have been amended to reflect requirements under Chapter 501 of the Laws of 2012 that established the Justice Center for the Protection of People with Special Needs and created uniform safeguards for vulnerable persons in facilities or provider agencies. The purpose of the Act is to prevent vulnerable persons against abuse, neglect and other conduct that may jeopardize their health, safety and welfare. The Field Advisory provides information to residential schools on the requirements pertaining to these standards for both day and residential students, including relevant definitions, screening procedures, reportable incident procedures, code of conduct and staff orientation, and access to residential schools and records.
- **NEW TESTING MISCONDUCT REGULATIONS** The NYS Board of Regents has enacted regulations that impose mandatory reporting requirements for school personnel concerning testing misconduct on NYS assessments. The new regulations became effective May 14, 2014.
- **WORKFORCE INNOVATION & OPPORTUNITY ACT** President Obama signed into law the Workforce Innovation & Opportunity Act that seeks to maximize opportunities for youth and adults, with and without disabilities, to succeed in postsecondary education and in high-skill, high-wage, high-demand jobs in the 21st century economy. The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) and Office of Career, Technical, and Adult Education (OCTAE) invited comments and recommendations to help implement WIOA. For more information visit OSERS at <http://www2.ed.gov/about/offices/list/osers/index.html>.
- **FEDERAL GUIDANCE FOR EQUAL EDUCATIONAL ACCESS REGARDLESS OF IMMIGRATION STATUS** The U.S. Department of Education and U.S. Department of Justice released updated guidance for school districts designed to ensure they provide equal educational opportunities to all children, regardless of immigration status. The guidance instructs school districts that they may not require certain documents - such as a parent's state issued identification card or driver's license - where such requirement would prevent a student from enrolling because of the parent's immigration status. For more information visit <http://www.ed.gov/>.



LEGAL BRIEFS

(Continued from Page 1) that the grandparent's payment of the student's tuition did not bar the parents' reimbursement claim, as documentary evidence showed the grandparent considered those payments a loan to the parents. The child at the center of this case was a 17-year old high school student. Her parents contended that she is disabled because several years prior to the school year in question she began to experience intense depression. She had a history of eating disorders, and was repeatedly hospitalized. In the current school year, she was diagnosed with anorexia. A month later, she attempted to commit suicide. She overdosed on medicine several times and has self-harmed.



The student reported had difficulty going to school because of her anxiety, depression and fear. Academically, she did well in school. However she missed several weeks of school during the school year in question. Following her suicide attempt, the parents requested that she receive home education, which the district provided. Later, the student traveled with her father to Israel. While in Israel she tried to commit suicide by taking an overdoes of sleeping pills. Upon her return, she enrolled in La Europa Academy, a private school in Utah.

Emotional Disturbance Legal Analysis. Under NYS and Federal law a child is disabled as a result of an emotional disturbance if two conditions are met. First, the child must exhibit certain behavioral characteristics, symptomatic of an emotional disturbance. Second, those characteristics must be exhibited over a long period of time and to a marked degree that adversely affects a child's performance in school.

The SRO in this case found that the student exhibited two of the characteristics which was demonstrated by the student's anxiety, body image, cutting and eating disorder problems, and a "general pervasive mood of unhappiness or depression." However, the SRO concluded the student was not disabled because her serious psychological issues did not affect her educational performance.

The judge ruled that the SRO's finding that the student's educational performance was unaffected by her emotional problems has three major flaws:

- 1) The SRO focused on an assessment of the student's grades without considering the more fundamental question of whether she could even attend school. The record showed that during her time in the public school system, the student struggled to attend the high school. She was absent from school for weeks at a time, and in her last months in the public school system, was unable to attend at all;
- 2) The SRO ignored the fact that in her last year in the high school she was only able to obtain 10.5 credits, whereas NYCDOE requires that students complete a minimum of 11.
- 3) The SRO's finding that the student received consistently good grades is a misleading analysis of her grades. While she generally received good grades at every school she attended, her grades were declining while she was at the high school and, improved since she was placed in the private school.



The judge concluded that the SRO's determination that the student's educational performance was not adversely affected by her emotional problems was "insufficiently reasoned to merit that deference." The record shows the student has a long history of emotional/psychiatric problems which have adversely impacted upon her school functioning. Although the student continued to do fairly well grade-wise, there were times when her disorder so consumed her that she was not able to attend school. Further, the student had been previously hospitalized for her conditions. **Case Cite 63 IDELR 156 M.M. and I.F., on behalf of L.F., v. NYCBOE.**

NYS HEROIN-OPIOID AGREEMENT REACHED

Governor Cuomo and legislative leaders announced an agreement on a series of bills to help address the growing heroin and opioid epidemic, as well as prescription drug abuse in New York State. The legislation includes new programs and insurance reforms to improve treatment options for individuals suffering from addiction, measures to strengthen penalties and put in place additional tools for law enforcement to crack down on the distribution of illegal drugs; provisions to ensure the proper and safe use of naloxone (an overdose antidote); and support for enhanced public awareness campaigns to prevent drug abuse. Some of the most significant changes will affect insurance coverage treatment programs. The state Office of Alcoholism and Substance Abuse Services will issue a definition of what is "medically necessary" as a baseline for patients - a change that Governor Cuomo said will guarantee that insurers "can't play games and decide who gets treatment and who doesn't..." Insurers who reject paying for a certain course of care will be required to cover costs during the appeals process.

CUOMO SIGNS LAW EXPANDING CHILD ABUSE REPORTERS TO INCLUDE COACHES

Governor Cuomo signed legislation that added school coaches to the field of professionals required to report suspected abuse to authorities. The bill will also require coaches who currently hold or apply for a temporary coaching license or professional coaching certificate to complete two hours of training regarding the identification and reporting of child abuse maltreatment. As with all mandated reporters, coaches will be protected from civil liability resulting from reports that are proven unfounded. The commissioner of education will prescribe regulations for new training. Documentation of the completed coursework will be required to obtain and hold a temporary coaching license or professional coaching certificate effective July 1, 2015.



A NEW AUTISM STUDY ... finds that using tablet devices during therapy can help children dealing with autism make greater strides in communication (John Flavell/Lexington Herald-Leader/MCT). In a study of 61 kids with autism ages 5 to 8, researchers found that those given access to a tablet with a speech-generating app during therapy were able to make "significant and rapid gains" in their use of language, far exceeding the progress of children who participated in treatment sessions alone. All of the children in the study were minimally verbal and participated in two to three hours of therapy each week for six months that focused on improving language, play skills and social gesturing like pointing. In *(Continued on next page)*



addition to the therapy, half of the kids were given a tablet with a speech-generating app to use during the sessions. The app was programmed with pictures of objects being used in the therapy which allowed the child to touch an image and hear audio of an object's name. Ultimately, children who used the tablets were more likely to begin using language on their own, according to findings published recently in the *Journal of American Academy of Child and Adolescent Psychiatry*.

Children appeared to retain their new skills when they came for a follow-up three months after the study period ended, researchers said. Incorporating the tablets was most effective when used from the start of the treatment, the study found.

GOOD & BAD NEWS FOR LONG ISLAND SCHOOLS

No Child Left Behind originally required all school children to make continuous academic progress and reach academic "proficiency" by the end of the 2013-14 school year. Many experts regarded that goal as unrealistic, and in 2012 President Obama's administration granted New York waivers from what were also regarded as the law's more unrealistic requirements. The administration initially pushed for overhaul of the law itself, but Congress failed to agree on revisions.

The rating system for New York Schools, known as an accountability system, falls into five categories. Schools that test in the lowest 5% are deemed "Priority." Those in the next-lowest tier are called "Focus." If these schools do not improve, they face potential penalties, including reallocation of federal aid. On Long Island, 20 priority and focus schools in 6 districts are listed this year, which represents a decline of two schools as compared to last year. While "Local Assistance Plan" schools face no penalties, their districts must help them to meet academic targets and inform residents of improvement plans. Schools deemed in "Good Standing" are meeting state criteria for adequate performance. "Reward-list" schools receive state

certificates and may have an edge in applying for state grants.

On Long Island a total of 49 schools in 38 districts are named on the watch list because of unsatisfactory academic achievement.

On August 19th, NYSED issued a press release announcing the Commissioner identified 354 Reward Schools statewide under the ESEA Flexibility Waiver. Reward Schools are either schools that have high achievement or schools that have made the most progress in the state and do not have significant gaps in student achievement between subgroups. For information on Reward School identification methodology, visit NYSED's website at <http://www.p12.nysed.gov/accountability/ESEAMaterials.html>.

LONG ISLAND TEACHER AWARD WINNER

Ms. Jennifer Kreuzscher, a first grade teacher in the North Babylon Union Free School District, has been named the 2014 recipient of the Better Beginnings Award. The award, which is sponsored by the Board of Regents, celebrates the life and career of Helen Bach Moss, a young New York State educator who passed away in 1988. It recognizes elementary teachers who are skilled at engaging young minds and nurturing relationships with elementary school students.



SPECIAL EDUCATION CROSSWORD PUZZLE

Across

- 1 NCLB was this previously
- 5 Hue
- 10 Trig angle function
- 14 HIV initials
- 15 S.A. mammal
- 16 Tie
- 17 Put hands together
- 18 Lebanese diplomat Adnan
- 19 Best Picture in 2012
- 20 Residential learning
- 23 LIRRs
- 24 Pecan or apple
- 25 Kind of issue, or angled tool
- 28 Noah had one
- 30 Houston athlete
- 34 _____ Vera
- 35 Doubleday namesake
- 37 Mineral rocks
- 38 Speech mishaps
- 40 Capital of Norway
- 41 Teachers' Unions
- 42 Chocolate brand
- 43 In the womb, Latin
- 45 Window part
- 46 Youth org for boys, abbrev.
- 49 Mythical God
- 52 Tacked or secured
- 56 New Jersey borough
- 58 Nil or zero
- 59 Come together
- 60. Pet food name
- 64 Symbolic person
- 65 Guide a car
- 66 Musical work
- 67 Infamous cartel
- 68 Grasps
- 69 Beatty or Brower
- 70 Ancient World in Iran

Down

- 1 Per
- 2 Farm structure
- 3 Cheese type
- 4 Han's syndrome
- 5 Close-knit families
- 6 Car brand name
- 7 Portable lights
- 8 Persian mathematician Khayyam

| SEPTEMBER 2014 SPECIAL EDUCATION CROSSWORD PUZZLE | | | | | | | | | | | | |
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| 56 | | | | 57 | | | | | | 58 | | |
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| 65 | | | | | | 66 | | | | 67 | | |
| 68 | | | | | | 69 | | | | 70 | | |

- 9 Did this to the score
- 10 Glides perilously
- 11 Christian acronym
- 12 "Not a chance" slang
- 13 College type
- 21 Enrage
- 22 Secretive agency, abbrev.
- 25 Cleanse
- 26 Fashion magazine
- 27 Gloomy, stern
- 28 It's _____, not a girl
- 29 Singer and chef _____ Rogers
- 31 Oak or maple
- 32 Behind
- 33 Veal _____ Buco
- 36 Mia's son
- 39 Window dressings
- 44 Country initials
- 46 Comb broadly
- 47 Chicago Cubs Ron
- 48 Disney mermaid
- 50 Very funny!
- 51 You peel this
- 53 Not the express
- 54 WWII Bomber _____ Gay
- 55 Jeans
- 57 'ign' and 'un' ending
- 61 Chimp
- 62 McConaughey 2012 film
- 63 Nazi Waffen init.

Solution to Puzzle can be found on our website at at <http://blueseaeeducation.com/>
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