

Understanding the Legal and Educational Options for your Twice-Exceptional Child

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Focus of Presentation

The process to accurately identify your twice-exceptional child's educational needs is often long and arduous, with many potential obstacles along the way. By knowing your rights under the laws (federal, IDEA, section 504) you can be a strong advocate for your child.

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Focus of Presentation

- Participants will examine these obstacles and some of the tools to work through them, including the types of assessments and evaluations that 2e children might experience, what Section 504 and IDEA mean for 2e children, and accommodations that are effective and research-based.

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Focus of Presentation

- We will also discuss different educational options and resources that support parent advocacy. By knowing your rights under the laws (federal, IDEA, section 504) you can be a strong advocate (if not the strongest) for your child.

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Belin Blank Center for Gifted Education and Talent Development at University of Iowa

- Currently designing the National Institute for Twice-Exceptionality.
- Estimates that there are more than 360,000 twice-exceptional students in schools in the U.S.

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New Operational Definition of Twice-Exceptional Reis, Baum, and Burke (2014)

"Twice-exceptional learners are students who demonstrate the potential for high achievement or creative productivity in one or more domains such as math, science, technology, the social arts, the visual, spatial, or performing arts or other areas of human productivity AND who manifest one or more disabilities as defined by federal or state eligibility criteria."

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Definition

"These disabilities include specific learning disabilities; speech and language disorders; emotional/behavioral disorders; physical disabilities; Autism Spectrum Disorders (ASD); or other health impairments, such as Attention Deficit/Hyperactivity Disorder (ADHD). These disabilities and high abilities combine to produce a unique population of students who may fail to demonstrate either high academic performance or specific disabilities. Their gifts may mask their disabilities and their disabilities may mask their gifts."

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Definition

"Identification of twice-exceptional students requires comprehensive assessment in both the areas of giftedness and disabilities, as one does not preclude the other. Identification, when possible, should be conducted by professionals from both disciplines and when at all possible, by those with knowledge about twice exceptionality in order to address the impact of co-incidence/co-morbidity of both areas on diagnostic assessments and eligibility requirements for services."

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Definition

"Educational services must identify and serve both the high achievement potential and the academic and social-emotional deficits of this population of students. Twice-exceptional students require differentiated instruction, curricular and instructional accommodations and /or modifications, direct services, specialized instruction, acceleration options, and opportunities for talent development that incorporate the effects of their dual diagnosis."

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Definition

"Twice-exceptional students require an individual education plan (IEP) or a 504 accommodation plan with goals and strategies that enable them to achieve at a level and rate commensurate with their abilities. This comprehensive education plan must include talent development goals, as well as compensation skills and strategies to address their disabilities and their social and emotional needs" (Reis et al., 2014, p. 222-223).

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Important Points to Remember

- Giftedness is a qualitative way of experiencing life that is very different from those who are not gifted.
- All gifted people have uneven or asynchronous development. Some gifted children have greater disparities between their strengths and weaknesses.
- Gifted and twice-exceptional children show remarkable strengths.

(Silverman, 2009)

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Identification for Gifted Programs

When children are being assessed for participation in gifted programming, significant discrepancies in scores are common among gifted children in general. For twice-exceptional children, high and low scores can cancel each other out when using composite scores.

(Hughes, 2009; Silverman, 2009)

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Arizona Revised Statutes (2007)

- 15-779.01 (B): The school district governing board is responsible for modifying the course of study and adapting teaching methods, materials, and techniques for students who are gifted and may have an educational disadvantage resulting from a disability...

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Arizona Revised Statutes (2007)

- 15-779.02 (A1): "School districts may identify any number of pupils as gifted, but shall identify at least those pupils who score at or above the ninety-seventh percentile, based on national norms, on a test adopted by the state board of education."

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Tests Approved by State of Arizona for Identifying Giftedness

- Group administered intelligence tests
 - Cognitive Abilities Test (CogAT)
 - Otis-Lennon School Ability Test (OLSAT)
- Individually administered intelligence tests
 - Wechsler Intelligence Scale for Children (WISC-IV)
 - Stanford Binet Intelligence Scales (SB5)
 - Differential Abilities Scale (DAS – II)

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"Culture Fair" Tests

- Differential Abilities Scale (DAS)
- Raven's Standard Progressive Matrices (SPM)
- Naglieri Nonverbal Ability Test (NNAT2)

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Achievement and Cognitive Abilities

- ACT
- Stanford Achievement Test (PSAT and SAT)
- Woodcock-Johnson III Test of Cognitive Abilities

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Rating Scales and Screening Instruments

- Gifted Rating Scales
- Kingore Observation Scales
- Iowa Acceleration Scale

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Qualification for Services

- How does **Section 504** (of the Vocational Rehabilitation Act) and **IDEA** (The Individuals with Disabilities Act) ensure that children with disabilities will receive testing, accommodations and services if they qualify for services?
- The activities to provide support for a student differs based on whether the goal is a 504 plan versus an IEP under IDEA. The activities conducted by schools may look similar, but the focus, purpose and eligibility criteria differ in significant ways.

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Comparison of section 504 and IDEA

Section 504 – Civil Right Law

- Prohibits discrimination against individuals with disabilities of all ages.
- Requires school districts to accommodate and/or provide services to students with disabilities in regular or special education.

IDEA - Education law

- Educational mandates that apply to school aged individuals.
- Mandate that eligible students receive access to special education services
- Services are designed to meet individual needs

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Comparison of section 504 and IDEA

Section 504

- Includes individuals of all ages.
- Does not include funding.
- 400,000 students are covered by section 504 only.

IDEA

- Includes school age individuals (3-22).
- Includes funding.
- 4.7 million students are covered under IDEA

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Comparison of section 504 and IDEA

Section 504

Purpose – to “level the playing field” Provide equal access to education by removal of barriers that exclude those with disabilities.

Provide FAPE – comparable to education provided for those without disabilities.

IDEA

Purpose – make service available to students with disabilities and protections that may not be available to those without disabilities.

Provide FAPE – one that addresses the unique education needs of an eligible student.

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Comparison of section 504 and IDEA

Section 504

- Offers a loosely defined approach to meeting a student’s needs, may include some or all of the areas under IDEA.

IDEA

- Offers a well-defined plan with timelines to meet student’s needs, underlined areas include parental participation.

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Comparison of section 504 and IDEA

Section 504

- Process may include:
- Review of outside records from psychologist, medical doctor, psychiatrist (i.e., ADHD).
- Consideration of student progress (grades, work samples).

IDEA

- Pre referral activities (interventions and observations in regular education).
- Consideration of student progress (grades, work samples)
- Meet with parents & permission to test

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Comparison of section 504 and IDEA

- | Section 504 | IDEA |
|---|---|
| <ul style="list-style-type: none"> • Process may include: • Observations • Consideration of student progress (grades, work samples). | <ul style="list-style-type: none"> • Pre referral process: consideration of student progress (grades, work samples). • <u>Meeting with parent & permission to test</u> • <u>Developmental history</u> • Hearing & vision screening • Behavioral observations |

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Comparison of section 504 and IDEA

- | Section 504 | IDEA |
|---|--|
| <ul style="list-style-type: none"> • May include testing | <ul style="list-style-type: none"> • Testing in all areas of suspected disability. Test that may be included: • IQ - DAS-2, S-B 5, WISC-4 and WJ-IV Cog • Achievement test – WJ-III and WIAT-2 • <u>Parents may be involved in completing testing, i.e., behavior checklist (BASC-2)</u> |

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Comparison of section 504 and IDEA

- | Section 504 | IDEA |
|--|---|
| <ul style="list-style-type: none"> • Eligibility – broader categories than IDEA • Consist of physical or mental impairment that “substantially limits” one or more “major life activity.” • (Learning is considered a major life activity). | <ul style="list-style-type: none"> • Eligibility – more restrictive than section 504 • Meet criteria for one or more of the 13 defined categories. • Disability must have has an adverse impact on educational performance. |

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Comparison of section 504 and IDEA

- | Section 504 | IDEA |
|---|--|
| <ul style="list-style-type: none"> • Parental involvement • Development of a 504 Plan | <ul style="list-style-type: none"> • Parental involvement • All areas underlined in Process section, and • Determination of eligibility for services • Development of an IEP • Parent permission to implement IEP |

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Comparison of section 504 and IDEA

- | Section 504 | IDEA |
|--|---|
| <ul style="list-style-type: none"> • A 504 plan is a written document that indicates the student’s disability and the accommodations or services that will be implemented. (There are no periodic reviews.) | <ul style="list-style-type: none"> • An IEP (individualized Education Plan) is a written document that indicates the student’s disability, accommodations and/or services that will be implemented to meet the student’s needs. These are reviewed annually. |

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Concern regarding discriminatory practices

- Monroe, the assistant Secretary for Civil Rights, made it clear that “educational practices that withhold services to 2E students can be considered discriminatory.” The referenced policies included:
- Refusal to allow 2E students into gifted programs.
- Require that students give up services designed to meet their individual needs (Special Education). Or
- Schedule conflicts that require a student to choose between gifted and special education programs.

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National Education Association (2006)

- Advocated for the needs of 2E in their newsletters.
- The NEA reported that this population is not systematically identified or offered programming options that meet their educational and emotional needs.
- The NEA theorized that this was happening, in part, because of the complexities of the 2E student, and the depth of understanding of educators regarding gifted, disabled and gifted with disability (2E)

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Roadblocks to Qualification and Identification

- Identification of 2E is difficult because:
 - High IQ masks the disability
 - Disability masks the High IQ
 - Neither giftedness nor the disability are identified, since the child performs at an average or acceptable level in the classroom.
 - This population is underidentified.

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Roadblocks to Programming for 2e

- Uncharted area for school personnel who are rarely trained in both gifted education and special education.
- Gifted + Disability = A new type of learner
- Successful programming is dependent on educators understanding giftedness, disabilities, and what happens when they occur together.

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Don't rely on one source of information

- Volumes have been written on Section 504 and IDEA- Resources on Section 504, IDEA and twice-exceptional.
- When it comes to understanding these laws, don't rely on one source of information – we have provided resources to assist your exploration.

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Strategies for Supporting Giftedness in the Classroom

- Let the child be who he is. A child feels worse when he is pressured to be someone he's not.
- Challenge students' intellectual abilities.
- Build on students' strengths, interests, and learning styles by providing a rigorous and enriched curriculum and options to use those strengths, interests, and learning styles. Support academic, executive functioning, and social skills within this framework.
- Pose real-world problem-based learning experiences.

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Strategies for Supporting Giftedness

- Provide for differential pacing in areas of strength and challenge, including acceleration in areas of strength.
- Have students set goals and make timelines.
- Incorporate the arts to provide outlets for creative abilities. Use visual imagery, rhythm, and music.
- Cultivate the student's sense of humor.
- Provide flexibility in instruction and choice in student products. Provide two or three choices for each task.
- Allow students to self-select projects.

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Strategies for Supporting Giftedness

- Look for mentors in the student's field of interest to validate the student's talents.
- Involve the student in Talent Search programs or classes and specialty summer camps.
- Bring successful 2e adults into the classroom to serve as role models or find information about them to discuss and share with the whole class.

(2e: Twice-Exceptional Newsletter, 2011)

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Compensation Strategies in the Classroom

- Provide support for students' areas of weakness/challenge and compensation strategies.
- Help students develop self-advocacy.
- Provide clear expectations.
- Give students the opportunity to meet and work with other twice-exceptional students.
- Use technology to aid in expressive language.
- Use adaptive technology and cueing.
- Provide multisensory experiences.

(2e: Twice-Exceptional Newsletter, 2011)

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For Parents

The process to accurately identify your child's educational needs (both behaviorally and academically) may be long and arduous, with many potential obstacles along the way.

The process to gain an accurate diagnosis may require a combination of professionals within and outside the school system. Misdiagnoses are common among 2e children.

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Recommendations

- Follow your intuition. You know your child.
- Enjoy your child. It's important for you also to focus on your child's strengths and support any weaknesses or challenges.
- Once you have an accurate diagnosis of your child's needs, the next step is to work with existing school programs and personnel to insure appropriate accommodations are put in place.

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Recommendations

- You can find allies in other parents, psychologists, counselors, and educators. They may be found in gifted parent groups. Or start your own support group.
- Help your child self-advocate by middle and high school.
- Be willing to deviate from the accepted path.

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Recommendations

- Your child may not finish high school in a typical timeline (could take longer OR may accelerate with accommodations).
- You may have to consider an alternative path (private school, homeschooling, online schools, mentorships, camps, etc.) to insure that your child's needs are met.

(2e: Twice-Exceptional Newsletter, 2011)

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