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Responsive Collaboration for IEP and 504 Teams.

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CORWIN

CHAPTER ONE

Introduction

“If he’s not speaking by now, it’s not likely he will speak.”

These are the words the team heard about Elijah when he was 8 years old. Elijah has autism and a learning profile that easily fits into the federal disability definition for intellectual impairment. Members of his school team—including his speech and language pathologist, his special education teacher, the school principal, and a behaviorist—joined Elijah’s parents for the evaluation at a very reputable clinic. We all wanted what was best for Elijah.

As a team, we struggled with the results of this evaluation and recommendations for services and placement. And as a team, we rejected the recommendations for a substantially separate school with a program focused solely on “functional” vocabulary and life skills. While we all respected the expertise of the evaluator and his team, our vision was about inclusion, membership, and an enviable life in the community among people with and without disabilities.

Along the way, Elijah’s team discovered that his full-scale IQ is <1st percentile, with subtest scores at the highest in the 1st through 3rd percentile across the board. Achievement testing showed similar results, particularly in reading comprehension, writing at the single-word level and basic computation in mathematics. Middle school came and brought opportunities for inclusion in community-based settings, chorus, and science classes because these fit with Elijah’s strengths, interests, and preferences. High school offered opportunities for volunteer work and internships, as well as a new interest in art classes with nondisabled peers. Seizures, severe aggression, and a long-term absence from school were also part of the journey through high school, as were some amazing relationships with community fitness and recreation networks and with employers.

Fast forward to postsecondary life: Elijah has paid employment. He actually has his dream job: working on a farm with animals, being outside every day, and being part of a crew of people of all abilities—many of whom are young people, all of whom help each other do what needs to be done. He does speak, though not often, and sometimes about things that are silly or, in Michelle Garcia Winner’s language, “unexpected.” He reads and writes well enough so that without any instruction he recently ordered \$300 worth of Gatorade and \$150 worth of strawberry Mentos on Amazon. He also read from the Advent liturgy in church last Sunday, prompting a flood of emails to us from excited parishioners.

This is one story. There are many, many stories like this one. They are about one child, an individual, who was found eligible for special education at a young age. There are children all over our nation whose story includes, at some point, a journey through the referral and eligibility process. These children are accompanied on this journey by the adults who are caring for them and educating them. And what this group of adults, this team, decides can change the course of these children’s lives.

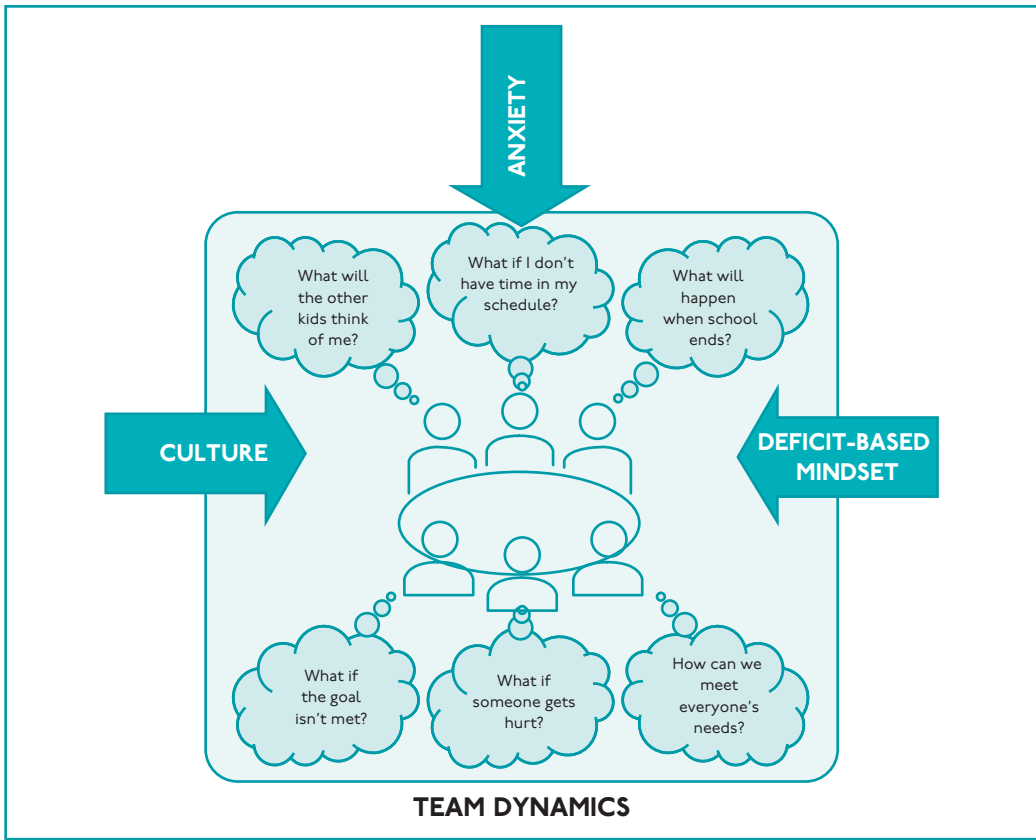
HIDDEN FACTORS THAT IMPACT TEAM DYNAMICS

At the point when a child is referred for a special education or Section 504 evaluation, a team of people is formed. This team of “parents, teachers, other school staff—and often the student—must come together to look closely at the student’s unique needs . . . and decide whether the child is a ‘child with a disability’ as defined by IDEA” if the referral is for special education (U.S. Department of Education, 2000). The team plays a similar role during consideration for eligibility under Section 504 of the Rehabilitation Act. The reason for having such a diverse team is to “pool knowledge, experience and commitment to design an educational program that will help the student be involved in, and progress in, the general curriculum” (U.S. Department of Education, 2000). The child’s trajectory toward a life of optimal outcomes rests on the success of the team. Teams succeed when decisions are made as the result of a compliant and collaborative process.

When team members meet, there are some very real barriers that can impact effective partnership. IEP and 504 teams have a common purpose: finding a fit between the learner

and schooling that results in effective access to schooling and progress in the general curriculum. Yet there are many hidden elements that can impact team collaboration when making the decisions that are required by law. For example, Figure 1.1 shows a few of the factors that team members may not share but that can have a significant impact on team dynamics.

Figure 1.1 ♦ Factors That Influence Team Dynamics



Impact of Culture on Team Dynamics

Team members bring their multiple cultural identities to the table. Culture refers to the diverse ways we understand and engage with the world, other people, ourselves, and institutions like families, schools, and other service agencies. People who work together on 504 and IEP teams are operating at the intersection of multiple cultures.

It is critical that team members understand the impact of these cultural differences on team decision-making. One model

of culture that teams might use to understand this impact is presented by Zaretta Hammond in her 2015 book *Culturally Responsive Teaching and the Brain*. This model recognizes *surface culture*, *shallow culture*, and *deep culture* (“Culture Tree” illustration by Aliza Maynard, in Hammond, 2015, p. 24). While it may be easy for team members to understand and accommodate surface culture, such as differences in native language or differences in physical ability, it is harder for team members to understand and accommodate deeper differences, many of which are not visible. How team members experience and respond to conflict—and express conflicting perspectives and wants—reflect elements of *shallow culture*. At this level, unspoken rules (e.g., being honest, ways of handling emotion, the nature of relationships) carry high emotional impact. Elements of *deep culture* include unconscious beliefs and norms (e.g., notions of fairness, decision-making) and carry intense emotional impact.

Everyone brings these unspoken rules and unconscious beliefs and norms to the meeting table. Team members can heighten their readiness for responsive collaboration by “[self-reflecting] on cultural beliefs and experiences” and “[developing] or [increasing] cultural consciousness” (Rossetti et al., 2017, p. 330). Responding to one’s own cultural beliefs and experiences related to the team’s work, and responding to those of other team members, can start by discovering potential anxieties.

Impact of Anxiety on Team Dynamics

There are many factors that cause team members to feel anxious. Everyone is worried that there will be conflict. Different perspectives and priorities about time and money can impede the team’s work. The laws are complex. Team members’ familiarity with the laws and regulations differ. The team meeting is serious business. It’s no wonder that the process of teaming can be filled with confusion and can provoke anxiety.

When anxiety is at play, brains flood with cortisol, frontal lobes shut down, and people can fall prey to blaming and judging one another, further damaging relationships and the ability to partner. So everyone who comes to the table is facing a situation in which there is tremendous potential for connection as well as considerable anxiety surrounding our relationship with a particular child and with other team members. We know from research regarding the brain and emotion that fear and anxiety impact brain function and decision-making

(Crespo et al., 2015; Grupe, 2017). The strategies for responding and supporting one another described throughout this book offer ideas for leaning against the emotions that come into play when working as a team on behalf of a child with disabilities.

Impact of Deficit-Based Mindsets on Team Dynamics

Another condition faced by 504 and IEP teams is the deficit-based approach to eligibility determination. This approach is strongly rooted in the history of educating people with disabilities. If you're not familiar with this history, one excellent resource that is being used by history educators across the United States comes from the Emerging America Project. This project offers professional development funded by the Library of Congress (find more information at www.emergingamerica.org).

If you are familiar with the history of educating people with disabilities in the United States, you know that institutionalization and segregation on the basis of disability-related needs is a prominent feature of our approach to educating this population. Messages about disability and a tendency to address people who think, learn, and behave differently by separating them from others contributes to deficit thinking. The close association to medical models of service that understand and make determinations about people with different abilities as something to be fixed or healed also contributes to deficit-based thinking. People including Ed Roberts, Victor Peneda, Alice Wong, Judy Heumann, Frank Stephens, and Judith Snow have advocated for a shift in the way society responds to the needs of people who speak, think, move, and act with assistance from devices and support providers. Including all students in the team process as active participants is one way teams can lean against the deficit-based mindsets that many associate with identifying and supporting students with disabilities in schools.

Underlying Need to Shift Our Mindset to Support Compliance and Collaboration

In this book, we address the pervasive biases in education that understand *different* abilities as *disabilities*. We want to encourage

you and ourselves to embrace another way of thinking. We want to lean hard against a culture that tells us that people with different abilities are people with defects. So we use the word “disability” not to describe people, but to align our communication with current legal terminology, hoping that soon this word will not be used to refer to the rich tapestry of abilities and ways of learning and being that people bring to public schools.

In this book, we want to invite you to champion this shift of mindset. Here is one practice that we hope you’ll consider adopting: When you approach eligibility, planning, and placement decisions, remember that the problem being addressed by student support teams, 504 teams, or IEP teams is not a student or a student’s profile as a learner. *The problem that is being addressed is the fit between a child and the way schooling has been provided.*

We’ve learned a lot about this fit in recent years, especially when the impact of COVID-19 disrupted education. Now, we know that there are many ways that people can engage in teaching and learning. So please join us in leaning against thinking and talking in ways that identify students as problems, people with deficiencies, people who need to be fixed or healed. Instead, we hope you’ll continually think, speak, act, and remind others about the focus of teams in schools, which is to find a better fit between the way schooling happens and the beautiful, unique, amazing way that an individual child learns.

A RESPONSIVE APPROACH TO TEAMING

One way we can support all members of the team to remain available for thinking, talking, and planning together is to embrace a responsive approach to the team process. Such an approach embraces all aspects of compliance and specific practices that promote effective, sustained, and responsive collaboration. Responsive teams come together during meetings to accomplish three tasks in repeating cycles of collaborative inquiry. These three tasks are as follows:

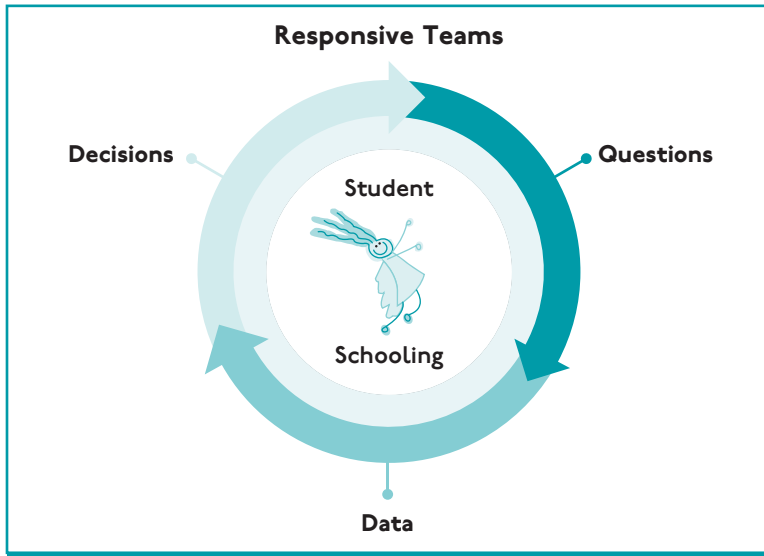
- *Identifying questions* that inform data review and group decisions. Questions often come from guidance documents or research about the team process. Questions

also emerge from guidelines or points of reference that help us make sense of our data. In special education, guidelines or points of reference come from several places:

- Laws and regulations (see “Summaries of Important Information” in the Appendix section of this book)
 - Research (e.g., evidence-based practice)
 - Curriculum learning strands and standards
 - Cultural norms, values, and the vision for the student’s future
- *Looking at data together* to understand the fit between student and schooling in relation to the questions
 - *Making decisions* driven by data using facilitation and a problem-solving approach

Figure 1.2 depicts these three tasks as a cycle that repeats over and over, creating a pattern or routine for conversations about eligibility, plan development, and placement determination.

Figure 1.2 • Responsive Teaming Cycle



The benefits of a responsive team approach align strongly with what we know about successful team dynamics. A team is the group charged with developing an educational program or plan for an eligible student with a disability. Successful teams engage in specific activities that include creating a vision, building the capacity of people, using data to inform decisions,

and engaging stakeholders in the process of making decisions and implementing plans (Leithwood et al., 2004). In order to accomplish these activities, team members must partner effectively because the task of responding to the fit between the student and schooling is given to the entire group, not just to one member or to the district. Team members bring their particular expertise regarding the student's strengths, needs, interests, preferences, and the interventions that have been tried. Responsive teams recognize and honor the authority of this expertise. Successful teams seek to build relationships with all team members and try to compose "living, breathing" plans that are "continually reviewed by the team working with the student" (Lesh, 2020).

COMPARING SECTION 504 AND SPECIAL EDUCATION REGULATIONS

When we refer to Section 504 of the Rehabilitation Act and special education regulations, we are referring to two different sets of federal laws. It is also important to remember that these two provisions are quite different in both the nature of the legal protections they offer and the populations of students who are protected. Section 504 of the Rehabilitation Act is a civil rights law that protects some students who are considered general education students with disabilities. IDEA 2004 is the current authorization of a federal law that is specific to special education and the rights of the group of students who are being evaluated and who are found eligible. IDEA 2004 is not a civil rights law; however, all children who are found eligible for special education under IDEA are also protected under Section 504. While this handbook is not a law book, we do believe that all team members need to have a working knowledge of some of the broad aspects of Section 504 and IDEA 2004 regulations. We have found that there are many confusions and misconceptions about the protections afforded under both acts for students with disabilities.

In each chapter, we will offer a summary table to address key elements of each provision. We'll focus on elements that are important for team members to know and understand and on elements that may be connected to misunderstandings.

Table 1.1 introduces overarching differences between Section 504 and IDEA 2004.

TABLE 1.1 Differences Between Section 504 and IDEA 2004

KEY ELEMENT	SECTION 504	IDEA 2004
Name of law and related regulations	Section 504 of the Rehabilitation Act of 1973 (Section 504)	Individuals with Disabilities Education Act of 2004 (IDEA)
Statute (legal citation)	29 U.S.C. § 794 et seq.	20 U.S.C. § 1400 et seq.
Regulations (legal citation)	34 C.F.R. § 104	34 C.F.R. § 300 et seq.
Type of law	<p>Civil rights law that protects “the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education” (Office for Civil Rights, 2020)</p> <p>The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in 100.6–100.10 and part 101 of this title.</p> <p>34 C.F.R. 104.61.</p>	Law that makes a free appropriate public education (FAPE) available to eligible children with disabilities (IDEA, n.d.).
Agency that monitors compliance	U.S. Department of Education Office for Civil Rights (OCR)	U.S. Department of Education Office of Special Education and Rehabilitation Services (OSERS) and Office of Special Education Programs (OSEP)

OUR INTENTION IN THIS BOOK

In this book, we propose a responsive team approach for any team partnering to make decisions on behalf of a student. Basically, this is a “how-to” manual that offers a consistent, clear, and responsive approach to decision-making.

In each chapter, we will explain the specific criteria that are identified in IDEA 2004 and in Section 504 of the Rehabilitation Act. These criteria are the tools that all team members need to understand and use to make decisions that comply with federal and state regulations. *Questions* about these criteria will lead team members to a deeper understanding of these regulations and also to a more complete understanding of a particular student. Additional questions related to learning strands and standards, the cultural norms and values of team members, and the vision for the student will also be important in guiding teams to use data and make decisions in order to improve the fit between the learner and schooling. We will discuss these criteria broadly; however, these criteria will vary from team to team, based on the needs and circumstances of a particular child. We will also describe strategies that teams can use *before, during, and after* team meetings to gather and review *data* together, rather than designating one person as the “expert” who presents data to the group and tells the group what it means. Finally, we will give you practical tools to connect the questions with individual data points from multiple sources to support the claims that team members make about how to interpret and make *decisions*.

The benefits of a responsive team approach are that all members will be informed, all members will have a voice, and all members will become fluent with the routines of making decisions that are compliant and collaborative.

WHAT TO EXPECT AS YOU CONTINUE READING

Here’s a summary of what to expect in the chapters ahead.

Chapter 2 explains what we mean by *responsive teams*. We share a bit of the research that supports this approach to teaming. We also share some of the reasons why you and others should adopt this approach to strengthen collaboration and compliance to optimize academic and social-emotional outcomes for students.

Chapters 3 through 9 are organized into four sections. Each of Chapters 3 through 8 compares the IEP (from IDEA 2004) and 504 (Section 504 of the Rehabilitation Act) processes. Each of these chapters also concretely compares the “frequent

approach” and the “responsive approach” advocated in this handbook. The term “frequent approach” refers to practices that we have experienced as familiar or happening in many of the schools in which we have worked and consulted. The term “responsive approach” refers to a contrasting way that you and others may want to consider so that you can act as a supportive team that prioritizes shared understanding and collaborative practices. For details about the focus of each chapter, see the table of contents.

We’ve organized this book to address these elements:

- Chapter 3 and Chapter 4 consider initial referral and eligibility determination.
- Chapter 5 and Chapter 6 describe the development of individualized plans and determination of educational placement.
- Chapter 7 and Chapter 8 invite readers to consider responsive teaming over time with attention to independent evaluations, manifestation determinations, and reviews and reevaluations of IEP and 504 plans.
- Chapter 9 concludes with a summary of key ideas and practices related to responsive teaming, as well as QR codes linking to resources and tools for implementation.

You can also expect a variety of tools:

- Checklists
- Graphic organizers
- Strategies
- Stories

These are designed to help you understand and apply the ideas discussed in each chapter and to measure the changes that result as you apply these ideas to support children with disabilities and the members of their teams.

WHO IS THIS BOOK FOR?

In writing this book, we have thought about and consulted with people in several different roles.

Special education teachers, related service providers, paraeducators and educational team leaders: This book is for special education service providers in a range of roles and positions who want to make the most of the team process. We are especially mindful of your need for specific strategies to facilitate teams effectively, to partner with other team members (including parents, guardians, students, and your colleagues, as well as community providers), and the way time works in schools. In thinking about you, we want to give you these items:

- Tools for keeping teams talking and making decisions together
- Strategies for documenting decisions and organizing information
- Ideas for facilitating courageous conversations and helping all team members reach consensus
- Information to demystify compliance for all members of the team

Parents/guardians and advocates: This book is for parents, guardians, advocates, and other adults who speak on behalf of children with disabilities. We are grateful for all that students, parents, and guardians have done to bring equity and access to our field of education. In thinking about you, we offer these particulars:

- Tools for getting the information you need to be full and equal members of the team
- Strategies for understanding and interpreting data in partnership with other team members
- Ideas to strengthen your advocacy on behalf of the children you support
- Information about how you can engage with other members of the IEP team effectively, even if you disagree

General education teachers: This book is for general education teachers across the PreK–12+ span who work diligently to know, understand, and teach children of all abilities. You bring knowledge about the curriculum and information about teaching and learning in the classroom that all members of the team need and value. In thinking about you, we believe you will benefit from these elements:

- Tools for understanding what information you already have at hand that the team needs to know
- Strategies for talking with other team members in a way that honors your expertise and their expertise and leads the entire team to a place of confidence about teaching and learning and what can be possible for this child in the general education setting
- Ideas for organizing and sharing information so everyone can understand your expertise
- Information about the importance of your role and the ways we can plan to support both the child and the work you're doing in the classroom with all students

Principals and school-based leaders: This book is for principals, assistant principals, deans, and heads of guidance departments who support educators and families to partner well on behalf of students. You understand how trends and patterns in data offer information about teaching and learning. You also understand and encourage a network of good-faith relationships, and you help people remain connected when differences arise. In thinking of you, we are providing this support:

- Tools to assist with the implementation of consistent protocols for teams supporting children with disabilities
- Strategies to support a facilitated approach to teaming
- Ideas for documenting decisions in relation to data gathered by the team
- Information that will allow you to evaluate the impact of using these tools, strategies, and ideas in your building

Special education administrators, evaluators, and central office leaders: This book is for special education administrators and district-level leaders who are responsible for compliance with IDEA 2004 and Section 504 of the Rehabilitation Act. You know the law and regulations, and you also know the people inside and outside of the district who are working to improve academic and social-emotional outcomes for students with and without disabilities. You understand norm-referenced data and the connections between scores and the profiles of individual students. In thinking of you, we offer this assistance:

- Tools to support consistent, data-based decision-making across all teams serving students with disabilities

RESPONSIVE COLLABORATION FOR IEP AND 504 TEAMS

- Strategies to resolve disputes and arrive at agreements at the planning team level
- Ideas for sharing information and clarifying the connections among regulatory criteria that guide decisions, data collected by teams, and the decisions made by teams about eligibility, service delivery, and placement
- Information to support in-district professional learning to strengthen collaboration and compliance

Professional development providers/higher-education faculty/state department of education staff: This book is for those who are training educators and educational leaders and who are looking for ways to inspire and equip people who give their lives to teaching and learning. You bring new ideas, fresh perspectives, and a growth mindset to the people you are coaching and mentoring. In thinking of you, we would like to share this information:

- Tools that can be used to strengthen adults' understanding and ability to support the team process
- Strategies to build the capacity of adult learners to consider multiple claims and ideas while insisting that these claims and ideas connect to data *before* proceeding with decision-making
- Ideas that are based in evidence and connected to current research in education
- Information that adult learners can use in districts, in schools, and in families to strengthen collaboration and compliance when planning for students with disabilities

For people in all roles: The process of determining eligibility, developing plans, and deciding upon educational placements requires team members to make claims and support them with available data. In this book, we will describe a responsive approach that invites team members to use data to construct a student profile to summarize strengths and areas of need before making decisions. A responsive team process connects questions and criteria for making decisions to qualitative and quantitative data before decisions are made.

Another important point we want to emphasize is that our work has been primarily in the northeastern United States.

As you read this book, we hope you will discover tools and thoughts that prompt your thinking about how you can strengthen responsive teaming in your school and in your state. It is likely that we will occasionally suggest or reference practices that are common in the Northeast but may not be required in your jurisdiction. Remember, always check the local and state guidance where you are practicing before making any changes in your practice. Responsive teaming is not a “lone ranger” approach, but one that we hope you’ll enjoy in dialogue and collaboration with others. We believe our ideas will inspire some new thinking and our tools will offer new ways to implement responsive practices, and we invite you to make changes and adjust whatever you discover in this book to fit with the requirements in your area. We’ll also welcome any feedback about how we can make changes to this book and the professional services we provide so that we avoid, as much as possible, contradicting compliant approaches in your area. Please reach out to let us know how we can improve our work!

Most of all, in writing this book, we thought of all of the students who are supported by teams of adults and whose strengths, interests, preferences, and individual learning profiles are at the heart of what we do in school. You have learned in the past, you are learning now, and you will continue to learn and grow in the future. In thinking of you, we bring faith in your unique and amazing capacities for learning; hope in your potential to discover the wonder of yourselves and to contribute to the wellness and joy of others; and love for you, exactly the way you are.

SUMMARY: OUR WISHES FOR YOU AS YOU READ THIS BOOK

As you read this book, what we wish most is that you will be inspired in the work you’re doing as part of a team that supports children with different learning profiles. The word “disability” is important as well as stigmatizing. It leads children to services and supports; it leads children to struggle and shame. Our wish for you and for every child whom you are serving is that the convening of the team would be a time for confident partnership, a time of celebration of accomplishments, a time when the learning profile of the child becomes ever more clear.

We wish for you a team process that energizes every member of the team. We hope that every time the team communicates or comes together around the table, there is a sense of anticipation that successes will be named, noticed, and celebrated and that needs will be named, noticed, and addressed. We hope that every time a team member has a great idea or a compelling concern, the rest of the team will listen and that team member will feel and know that they've been understood and taken seriously.

We wish for you many new ideas and understandings about what it means to work together, to collaborate and comply with regulations. We hope you will discover ways of working that are not afraid of looking at data and discussing what it really shows about the fit between an individual student and the way schooling is happening. We invite you to connect every claim about what should or could or might be done to what the data has told you about what works at school for this uniquely capable child.

We wish for you a journey that leads to a new place—a place in which your teams are stronger, safer, and always growing in trust and goodwill. May the team meeting table be a place of community and hospitality as much as it is a place of successful planning.

With confidence in your tremendous gifts and abilities as members of the team,

Albert and Laurel