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The Design, Implementation, and Evaluation of a Program to Train Educational Advocates

Sue Ann Carpenter
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THE DESIGN, IMPLEMENTATION, AND EVALUATION OF A PROGRAM TO TRAIN EDUCATIONAL ADVOCATES

by

Sue Ann Carpenter

A Thesis
Submitted to the
Faculty of The Graduate College
in partial fulfillment
of the
Degree of Master of Arts

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Sue Ann Carpenter
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CHAPTER I

INTRODUCTION

The Fourteenth Amendment states in part:

No state shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

States have made education a right which has been written into laws, so it must be applied equally to all persons; and due process must be followed in securing those rights if necessary. Before 1970 many handicapped children were not receiving public education. In 1970 the Children's Defense Fund reported that "nearly two million children 7 to 17 years of age were not enrolled in school" (CDF, 1974), many being handicapped children.

It was not until the landmark case in 1970 (Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania) that due process was described for public schools in establishing programs for retarded students to assure that they would get equal protection--equal educational opportunities. As a result of this case, a 23-step procedure was established to assure that due process was followed. Since that time many states have followed
suit in developing laws to establish due process procedures.

Michigan passed the Special Education Code in 1971. It describes due process procedures, rights of handicapped students, and procedures that the Intermediate School District must follow in assuring that due process is followed and that the programs schools provide follow state standards (Special Education Code, 1971). The Intermediate School District (ISD) is required to write a plan of service which must be approved by the state in order to receive funding. Although the laws provide for due process to be followed, it has been necessary to have hearings to enforce the laws.

The passage of public school laws or the issuance of court orders does not guarantee that mentally retarded students will receive appropriate educational services within the public schools of this nation. The right-to-education must be supported in philosophy and practice by local boards of education, teachers, and concerned citizens. It is at the community level where the right-to-education truly becomes a reality. (National Association for Retarded Citizens, 1974)

On the local level it may not be necessary to go as far as a hearing to obtain the services necessary for handicapped students.

Established by the Act, an Educational Planning and Placement Committee (EPPC) is a meeting designed to plan for the educational future of each student; it is one step before a hearing. If the parent/guardian and the school personnel do not agree on the educational recommendations established at the EPPC or if due process is not followed, then a hearing may be called.
The Act states that the parent or guardian of the handicapped student must be invited to attend the EPPC, and the parent/guardian may disagree with the committee and request a hearing. Thus parents may, if they choose, play a crucial role in determining their child's educational future. If they do not choose to attend the EPPC, a surrogate may be assigned. In either case it is necessary for the representative of the handicapped student to have some knowledge of the rights of the student.

A number of programs have been developed to train parents, volunteers, and staff to represent handicapped students at EPPC's. The Michigan Association for Retarded Citizens (MARC) provides a training program mainly for staff of ARC's. They hold training no more than once a year and limit the number of participants. Training is usually held over a two-day period. Statewide training is also provided for regional directors of other organizations for handicapped individuals such as Michigan Association for Children with Learning Disabilities and Michigan Association for Emotionally Disturbed Children. The Kalamazoo Public Schools ran a training program for volunteers from the community. The eight training sessions were completed, but few volunteers ever assisted in EPPC's after training.

Because of the number of requests for educational advocates to assist with EPPC's, the Kalamazoo Association for Retarded
Citizens (KARC) saw the need to train volunteers to be available to assist. Both parents and school personnel were requesting assistance, but the staff of KARC did not have the time to follow through. Volunteers were available and interested in being trained as Educational Advocates to assist parents of handicapped students and to directly represent the handicapped student at EPPC's.

The KARC was interested in establishing a group of advocates who would be available to assist during EPPC's but who would not have to be trained on-the-spot. Many times KARC is not contacted for assistance until a few days before the meeting, which leaves no time for training. KARC was also interested in having advocates who were not associated with the school district, so that there would be no conflict of interest, as in past training programs. The training program was designed to teach the skills necessary for the advocate to represent the best interests of the student. The following four areas were developed through interviews with people presently acting informally as advocates and people involved in developing the Public School program. The areas are: knowledge of the laws related to due process and the rights of the handicapped in educational settings, knowledge of the community and educational services available within the community, the process the advocate should follow, the responsibilities of the advocate after the EPPC.
CHAPTER II

METHOD

Subjects

Six females participated in the training program. They ranged in age from 21 to 47. A variety of educational backgrounds were represented. Three subjects had bachelor degrees: one in psychology, another in special education, and the third in psychology and social work. The remaining three subjects had received masters degrees: one in clinical psychology, another in rehabilitation counseling, and the third in business and special education. Two were mothers, each with one child who was receiving special education services. All subjects had experience working with mentally impaired persons either as a teacher, parent, or tutor. All but one subject had attended an Educational Planning and Placement Committee (EPPC) meeting. Only one had attended as an independent representative of the student involved.

The subjects were selected on the basis of their association with the Kalamazoo Association for Retarded Citizens (KARC), or with someone within the organization who recommended them. All showed an interest in the training program and asked to participate.
Setting

Four different rooms were used for the training sessions. Two rooms contained tables, two contained only chairs. In all rooms, the chairs were arranged in a circle or a semicircle (see Figure 1).

When the video tape equipment was used during the EPPC simulations, the monitor was facing the wall (see Figure 2). There was no significant difference in the physical dimensions of each room. It was necessary to use different rooms because the rooms were used for other purposes and the same room could not be scheduled for all sessions.

Procedure

The target behaviors were developed by compiling information gathered during interviews with people in the community who had either acted as an educational advocate on an informal basis or who had researched advocacy programs. All seven people interviewed were asked the same questions (see Appendix A). Many questions were answered similarly by all of the people interviewed. Four main objectives were obtained by compiling the answers obtained from the interviews. They were: (1) knowledge of the laws related to due process and the rights of the handicapped in educational
Figure 1. The arrangement of furniture in the rooms used for the training sessions.

Figure 2. The arrangement of furniture in the rooms used for the video taped simulations.
settings, (2) knowledge of the community and educational services available within the community, (3) the process the advocate should follow, and (4) the responsibilities of the advocate after the EPPC.

An Educational Advocacy Training Program developed by staff members of the Intermediate School District was used as a starting point for the materials, as was information printed by the Michigan ARC and the Grand Rapids Public Schools.

Each training session was held in the evening and lasted approximately two hours, with two sessions held during each week of two consecutive weeks. The information necessary for fulfilling the role of the educational advocate was divided among four sessions. Study questions were provided at the end of each session. In each training session an outline was used as a guideline for the trainer presented in lecture format, with the same trainer presenting the lecture at each session. The outlines are included in Appendix B. Below is a brief description of what occurred in each session.

Session 1

1. Written pretest was given.

   The following were explained:

2. Reasons for devising a training program.

3. The goal of present and future programs.

5. An explanation of definitions of handicaps.

6. The objectives were answered as a group.

Session 2

1. Session 1 objectives were reviewed.

   The following were explained:


3. The members and the role of the EPPC.

4. The EPPC process.

5. Areas important for the advocate to know about.

6. The role of the advocate.

7. The objectives were answered as a group.

Session 3

1. Sessions 1 and 2 objectives were reviewed.

2. The process the educational advocate should follow was explained.

3. A slide presentation of community and educational services available to handicapped people was given.

4. Questions frequently asked about EPPC's, the law, and hearings were handed out and explained.

5. The objectives were answered as a group.

Session 4

1. One pre- and one post-simulation was replayed
and discussed.

2. Written post-test was given.

3. Questions were asked about the answers to the written test.

4. An evaluation of the training program was filled out.

5. The participants discussed the training program.

Design

Two types of pre-/post-tests were administered to each subject: One was written; the other was a role play simulation of an Educational Planning and Placement Committee (EPPC) meeting. The written test required true/false, fill in the blank, and matching responses. The 22 questions covered specific information necessary for an advocate to know without referring to notes or to the Special Education Code. See Appendix C for a list of the actual questions used on the test. The same questions were presented before and after training.

Five people took part in the EPPC simulation. Four volunteers played the following roles: principal, teacher in a program for the severely mentally impaired, teacher in a program for the trainable mentally impaired, and a school psychologist. All were given written guidelines to follow which provided a definition of their role.
in the EPPC. They were also given a script to follow. The fifth person who took part in the simulation was the subject who played the role of the educational advocate. The subjects were also given information about an imaginary student for whom the meeting was being held. Before each simulation, the subject was given directions to do whatever was necessary to act as an educational advocate. Each subject took part in the simulation both before and after training. See Appendix D for the script and role descriptions.
CHAPTER III

RESULTS

Reliability

Two independent observers scored the video-taped simulations. One observer and the trainer scored the written tests. The simulations were scored by recording the behaviors on a form provided by the trainer (see Appendix E). An answer key was used by the observers for scoring the written tests. Reliability was calculated by the following formula:

\[
\frac{\text{Number of Agreements}}{\text{Number of Agreements and Disagreements}} \times 100
\]

The mean reliability was 95 percent for the appropriate behaviors during the simulation. The reliability ranged from 88.6 percent to 100 percent. The mean reliability for the responses on the written tests was 95 percent, with a range between 90 percent and 100 percent.

Data

There was a significant difference between pre- and post-tests on both the written test and the simulation (\(t = -3.9, \ df = 5, \ p \ .05; \ t = -6.63, \ df = 5, \ p \ .01\)).
**Written**

There were 21 questions on the written test with a total of 29 points possible (see Table 1). The questions covered information the advocates should know without looking up the answer; they also included situation exercises. The scores on the pretest for all subjects ranged from 59 percent to 91 percent, with a mean of 75 percent. The scores on the post-test ranged from 91 percent to 100 percent, with a mean of 96.5 percent. The mean increase from pre- to post-test was 21 percent, with a range of 0 percent to 41 percent.

**Simulation**

A total of 15 points were possible covering 13 areas in which the advocate was scored on the occurrence of a statement or question directed towards another member of the simulation. The pre-simulation scores ranged from 0 percent to 46 percent of the total points, with a mean of 27.3 percent. The mean for the post-test scores was 75.3 percent, with a range of 66 percent to 88 percent. The mean increase from pre- to post-simulation was 48 percent.
<table>
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<td>Post</td>
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<td>1</td>
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<tr>
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<td>16 (59%)</td>
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<td>26 (91%)</td>
<td>26 (91%)</td>
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<tr>
<td>5</td>
<td>19 (69%)</td>
<td>27 (94%)</td>
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<td>6</td>
<td>22 (81%)</td>
<td>28 (97%)</td>
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CHAPTER IV

DISCUSSION

Overall, the participants showed a greater proficiency in the target skills at the completion of the training program. All participants showed a significant increase in the target behaviors from the pre- to the post-simulation. All but one participant increased in the number of correct responses on the written post-test.

The education and experience of the participants was an important factor in the interpretation of the results. The scores on the written pretest were high probably because of the past history. They were all well educated in a human service area. They also had previous contact with retarded people and special education, which would have provided them with some information on the written test. This might explain the high scores on the pretest. Although the pretest scores were high, there was improvement on the post-test for all but one subject. Subject 4 remained at 91 percent on both the pre- and post-tests. It is difficult to speculate why she did not improve, as she did not miss the same questions on both tests. Two of the six participants achieved 100 percent on the written post-test. To accommodate all participants to achieve 100 percent, it would be possible to relate the context of the sessions
directly to the question which was on the test and clarify the answer at that time.

All but one participant, Subject 2, showed a much greater increase on the simulation scores than on the written test scores. This could have been the result of lack of experience with the EPPC meeting. Although the participants increased on the post-simulation, they did not engage in all behaviors which were specified for an advocate, i.e., obtain 100 percent. Training did not include practicing the skills specified for an advocate during the EPPC, so the increase in those behaviors was a result of the verbal information they received. The simulations were used as an evaluative devise and not as a teaching devise. In future programs it would be possible to video-tape the presimulations and some examples of well run EPPC's in order to explain how the simulations could be improved and to show how they should look. It would also be beneficial to have the participants role play and then provide them with feedback on their performance.

Since advocates would make suggestions for alternative placement programs during the EPPC, the portion of Session 3 devoted to community and educational services should be expanded. This training program should give a general idea of what services are available and who to contact to gain further information about the school or agency.
Data were collected on the simulations by observing the video-tapes. Because of the size of the monitor and the fact that those involved were mainly talking, it was difficult to determine who was talking and to whom the questions were directed. It would be advisable to record the data when the simulations are taking place.

This study provides KARC with a good base from which to build a core of people who will be qualified to represent students at EPPC meetings. As civil laws, school programs, community programs, and the needs of the handicapped change, the program will have to be updated. With each new training program, more information may be gained. This information may be used to modify and improve the program. With modifications and improvements, this program would also be beneficial as inservice training for professionals and citizen advocates who are involved in the educational process and are not familiar with laws, facilities, and EPPC's. It would provide them with information and help them understand the role of an advocate.

This program could be modified for use by other ARC's interested in establishing educational advocate programs. The specific community agencies and school programs would need to be changed, but the format of the program and remainder of the content could stay the same.
Many ARC's or other interested parties could have available volunteers who would be independent advocates for handicapped students. Parents would have assistance readily available, and handicapped students would be more likely to receive the services they lawfully deserve.
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Children's Defense Fund. *Children out of school in America.*

Under the provision of Public Act 198 of 1971. Michigan
Department of Education, Lansing, Michigan.

National Association for Retarded Citizens Research and Demonstration Institute. *Monitoring the right to education.*

Pennsylvania Association for Retarded Children v. Commonwealth

APPENDICES
APPENDIX A
INTERVIEW QUESTIONS
INTERVIEW QUESTIONS

1. What should be the qualifications of an educational advocate?

2. What do you see as the role of the educational advocate? Why?

3. What should an educational advocate know before starting the advocacy process?

4. How should that information be taught?
TRAINING SESSION 1--NARRATIVE

I. Pretest--Before we start we'd like you to answer these questions as best you can. We want to find out what you already know before we start training. All of you have experience of different kinds and it will help us to know what you already know about what is included in our training program.

II. I'm very anxious to start on the program because I think it is very important and hopefully worthwhile. You are playing an important part by volunteering to participate in the first program, whether you help us evaluate the program or whether you actually go on to become an educational advocate.

A. There are a number of reasons for setting up the educational advocacy program.

1. In Michigan, the Association for Retarded Citizens helped in getting P. A. 198 established. 198 is the basis for the Special Education Code. This provided for the opportunity for input from parents/advocates which is very important. The ARC's recognized that in order to implement the law and assure that the input is given, or has the opportunity to be given, that there must be advocates available at different levels. Education is one level where advocates are needed. Some ARC's in Michigan have professionals as advocates, such as Washtenaw and Midland, but Kalamazoo Association for Retarded Citizens (KARC) thinks it is important to increase the capacity to help by reaching to volunteers. Michigan ARC is promoting the use of advocates. There are now people available through MARC for legal assistance. MARC itself offers occasional training sessions for educational advocates, but they are limited. So we have taken it upon ourselves to develop a program. It is our part in safeguarding rights and advocating for services for handicapped citizens, this particular program being in the educational realm.

2. Another reason for setting up the program is that there are many laws and guidelines which have been established to protect the rights of handicapped citizens. These laws look great, say wonderful things, but they
aren't effective; they don't mean anything unless someone tries to enforce them. KARC and educational advocates are one of those important groups advocating for people so those laws are enforced. There are other people who are advocating for handicapped students, but we are an external force, assisting and coordinating to make those laws work.

One instance which showed the need for an educational advocate is a situation in Delton where a student needed special education services and the mother requested an Educational Planning and Placement Committee (EPPC) to determine whether her son was eligible. She understood the school personnel she talked to to say that the school had never had an EPPC. She was quite upset and contacted KARC. George Martin, the executive director, talked with her a bit and connected her with Mary Alice Fredericks who had experience with that particular school district and who could provide the assistance and information which was helpful in clarifying the situation.

3. The third reason for the program is that the KARC office has been getting a number of calls from parents who are requesting information and/or help with EPPC's, and calls from school personnel--special education directors, psychologists--who expect a parent to disagree or not understand the process, or when they know a parent is not going to be available at the EPPC. At the time, KARC could not handle them all. It is the case in some ARC's, as I mentioned before, that the staff acts as educational advocates. This isn't going to happen at KARC for two reasons. One is that the staff would never have the time to handle all the requests; second, and most important, is that KARC thinks that it is important to move towards volunteers. Volunteers are the bulk of this organization; they are the most resourceful, helpful, important people around...the volunteers will meet the need as educational advocates...you will be able to help students obtain the services they have the right to have, otherwise they may not have them. Some parents have been acting as educational advocates. They have helped us develop this program. We want to organize the information they and others have given us and have
educational advocates available to represent students when called upon.

4. The last reason for the development of the training program is that it is my master's thesis project. I'm in the psychology department at Western, hoping to graduate in August. Actually the program was in the planning stages before I decided it would be my thesis. It started as an internship project this past winter and grew from there.

Those are the four reasons for setting up the program itself, but this first program will be somewhat different from future programs.

B. This first program will serve as a test of the materials, techniques, and information that we think is important for educational advocates. We want to determine whether this program is teaching you anything you didn't already know about advocacy, EPPC's, etc. That's why you were asked to take part in the simulation and take the pretest, so we could find out what you already know.

C. We want to have more training programs in the future which will have as their main goal to train educational advocates who will be available through EPPC, also to assist the parent and/or the citizen advocate in preparing for the EPPC. We hope to also provide an inservice for interested citizen advocates, parents, professionals who may need training on a certain aspect of the program but not all of it. You may not choose to act as an advocate after training, but I think you will benefit in a number of ways. It is important for us to get feedback on the program. Did you learn anything; how could it be improved? And for you, information on the EPPC process may have some personal use—as a parent, teacher, or citizen advocate—who will be in contact with EPPC's and people involved in them, even though you may not be acting in the educational advocate position.

That's briefly what the program is all about, the general information which everybody wonders about. We're going to start at the backbone of special education: handicapped rights, education—as far as we're concerned, that's the Special Education Code or Mandatory. There are many other laws that advocates
should be familiar with, but for our purposes now, we will focus on the Code.

III. (Pass out copies of the Special Education Code.)

A. The Special Education Code will be the most important law for educational advocates to know. It is the basis for all of our special education programs and processes. We have been talking about EPPC's and educational advocates, but we have not defined those words. We will define them by examining how they came about, and that's mainly by looking at the Code.

The Special Education Code was mandated by Public Act 198. P. A. 198 was passed in the late 50's suggesting programs for handicapped children. The programs were not mandatory; they could be provided if some schools wanted to. Programs for handicapped had been provided by parents and ARC's, and were very expensive to run. The Code was mandated in 1971 combining revisions of 198 and mandating it, making it law. Handicapped students already had the right to an education as provided by the Constitution, but it was not until people got together to get on the state government to specify rights for the handicapped, that the laws were implemented. Before and after Mandatory, school districts around Kalamazoo were beginning to take over the private schools. Right now in Grand Rapids the school district is actually buying a school which was set up by the ARC. People were excited about Mandatory, which looked very good, but even though it is a law, it needs to be put into effect, which is a good reason for educational advocates.

It's important for you to know this background to get a good base for some decisions you will have to make as advocates. It's necessary to know the whys.

In the 50's, along with the development of the ARC movement, some terminology was developed as the part of the impaired person in society was reevaluated. The concept of normalization was developed: all people should be able to live as normal a life as possible, engaging in the same experiences, working with similar problems. Another concept is that of the developmental model: retarded people are capable of learning and developing. These
terms may be helpful in considering the future of students
you may be associated with.

B. (Put transparency #1 on projector.) Mandatory describes
handicaps, how to obtain services, what a program should
consist of, qualifications of administrative personnel,
financing, and requirements of the school districts.

1. First we'll start with the handicap descriptions or
definitions. (Pass out handout #1.) (Briefly read over
the labels.) It is important for you to know what the
symbols stand for because they will be thrown into
conversations without an explanation. One of the
important parts of the definition to remember is that
IQ scores are not used; deviation scores are used.
The scores indicate the amount that the person is
below the "normal" rate of development. Also notice
that evaluations need to be made by a number of people,
and that the person must meet more than one descrip-
tion in order to carry that label.

2. There are other initials which are defined in Mandatory
which are extremely important for you to know. EPPC
is one. Next time we will talk about what an EPPC is,
what an educational advocate is, and the responsibil-
ities of each.

3. (Pass out Session 1 Objectives.) Let's go over the
objectives to bring out any questions you may have and
to make sure I covered everything. I'll read the
objectives and you share the answer to it.
DEFINITIONS OF HANDICAPS

Below is a list of definitions of handicaps as defined in the Code, also included is the section number of the Code where the definition can be found.

R 340.1702 Handicapped. "Handicapped person" means a person identified as severely mentally impaired, trainable mentally impaired, educable mentally impaired, emotionally impaired, hearing impaired, visually impaired, physically and otherwise health impaired, speech and language impaired, homebound, hospitalized, learning disabled, or having a combination of two or more of these impairments and requiring special education programs and services in accordance with rules 3 to 14.

R 340.1703 SMI. "Severely mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist certified psychologist or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

a. Development at a rate approximately 4 1/2 or more standard deviations below the mean as determined through intellectual assessment.

b. Lack of development primarily in the cognitive domain.

R 340.1704 TMI. "Trainable mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist, or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

a. Development at a rate approximately 3 to 4 1/2 standard deviations below the mean as determined through intellectual assessment.
b. Lack of development primarily in the cognitive domain.

c. Unsatisfactory school performance not found to be based on his social, economic, and cultural background.

**R 340.1705 EMI.** "Educable mentally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist, certified psychologist, or certified consulting psychologist, and other pertinent information, as having all the following behavioral characteristics:

a. Development at a rate approximately 2 to 3 standard deviations below the mean as determined through intellectual assessment.

b. Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic.

c. Lack of development primarily in the cognitive domain.

d. Unsatisfactory academic performance not found to be based on his social, economic, and cultural background.

**R 340.1706 EI.** "Emotionally impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist and social worker, a certified psychologist, a certified consulting psychologist, or a certified psychiatrist, and other pertinent information, as having one or more of the following behavioral characteristics:

a. Disruptive to the learning process of other students or himself in the regular classroom over an extended period of time.

b. Extreme withdrawal from social interaction in the school environment over an extended period of time.
c. Manifestation of symptoms characterized by diagnostic labels such as psychosis, schizophrenia, and autism.

d. Disruptive behavior which has resulted in placement in a juvenile detention facility.

R 340.1707 "Hearing impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an audiologist and otolaryngologist, and other pertinent information as having a hearing impairment which interferes with learning.

R 340.1708 "Visually impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an ophthalmologist, or equivalent, and other pertinent information as having a visual impairment which interferes with learning and having one or more of the following behavioral characteristics:

   a. A central visual acuity of 20/70 or less, in the better eye after correction.
   
   b. A peripheral field of vision restricted to no greater than 20 degrees.

R 340.1709 "Physically and otherwise health impaired" means a person identified by an educational planning and placement committee, based upon an evaluation by an orthopedic surgeon, internist, neurologist, pediatrician or equivalent and other pertinent information, as having a physical or other health impairment which interferes with learning or requires physical adaption in the school environment.

R 340.1710. "Speech and language impaired" means a person certified by a teacher with full approval as a teacher of the speech and language impaired, who has earned a master's degree and has completed at least five years of successful teaching of the speech and language impaired, as having one or more of the following speech, oral language and verbal communication impairments which interferes with learning or social adjustment:

   a. Articulation which includes omission, substitutions
or distortions of sound.

b. Voice with inappropriate voice pitch, rate of speaking, loudness or quality of speech.

c. Fluency of speech distinguished by speech interruptions (blocks), repetition of sounds, words, phrases or sentences which interfere with effective communication.

d. Inability to comprehend, formulate and use functional language.

R 340.1711. "Homebound" means a person certified at least annually by a licensed physician as having a severe physical or other health impairment preventing school attendance.

R 340.1712. "Hospitalized" means a person who cannot attend school because of hospitalization for a physical or medical impairment, exclusive of emotional impairment unless as an accompaniment to a physical or medical impairment.

R 340.1713 LD. "Learning disabled" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a school psychologist or certified psychologist or certified consulting psychologist or an evaluation by a neurologist, or equivalent medical examiner qualified to evaluate neurological dysfunction, and other pertinent information, as having all the following characteristics:

a. Disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculation.

b. Manifestation of symptoms characterized by diagnostic labels such as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia, or aphasia.
c. Development at less than the expected rate of age group in the cognitive, affective or psycho-motor domain.

d. Inability to function in regular education without supportive special education services.

e. Unsatisfactory performance not found to be based on social economic or cultural background.

R 340.1714. "Severely multiply impaired" means a person identified by an educational planning and placement committee, based upon a comprehensive evaluation by a neurologist, orthopedic surgeon, school psychologist, certified psychologist or certified consulting psychologist, ophthalmologist, or otolaryngologist and an audiologist, and other pertinent information such as previous medical records and any education history, as having all of the following behavioral characteristics:

a. Severe multiplicity of handicaps in the physical and cognitive domain.

b. Inability or expected inability to function within other special education programs which deal with single handicap.

c. Development at less than the expected rate of age group in the cognitive, affective or psycho-motor domains.
Training Session 1--OBJECTIVES

1. State the four reasons for setting up the educational advocacy training program.

2. What is the goal of this first training program?

3. What is the goal of future training programs?

4. Give a brief history of the Special Education Code:
   a. From what was it mandated?
   b. When did it become law?
   c. Does it provide direct funding?
   d. Were services provided for handicapped students before it was mandated? If so, by whom?

5. Why is knowledge about normalization and the developmental model important?

6. List three areas which are described in Mandatory.

7. Why is it important to know the initials and general descriptions of handicaps?
I. Review the objectives from Session 1.


A. Mandatory describes the necessities of the Intermediate School Districts. (Hand out the KVISD Plan.) Let's go through the Plan and the Code and compare the table of contents. Most everything included in the Code is also included in the Plan. Refer to page 23 in the Code to see what is required for the ISD's. The Code is the ideal, the Plan is closer to real, and you must talk to people to see what is really happening in the schools.

III. EPPC (Transparency #2)

A. The EPPC is made up of administrative personnel (school psychologists, superintendent, principal, social worker), instructional personnel (teachers, vocational teachers), and parents are invited to attend. Note that parents are invited, and the EPPC can be held without them. Notice also that it is not required that there is anyone present who directly represents the student. We will talk more about this later.

B. This group of people forming the committee recommends placement and programs to the superintendent of the school district. The committee itself does not make the decision. The committee should recommend the following:

1. Educational needs of handicapped person,

2. Educational plans for each handicapped person,

3. Assignment of basic educational programs and supportive services to carry out each educational plan, and

4. Determination of a timetable for implementation and re-evaluation of each educational plan.

The committee also determines if the student is eligible for special education services; what label will be placed on the
student, from the list that we went over at the first session.

C. The type of educational, social, and physical needs the students have are based on the evaluations made before the EPPC. Then with these needs in mind, an educational plan will be developed for the student recommending a basic special education or regular education program along with supportive services (OT, PT, vocational training) to carry out the plan. A timetable should then be developed for the implementation and evaluation of the plan. Also, it is important to know who is going to carry out each recommendation, when the recommendations will be implemented, when the student will start in the program, who will arrange transportation.

D. Mandatory has set up a chain of events as far as certain responsibilities of people and deadlines according to the law which must be met, both before, during, and after the EPPC meeting. (Hand out EPPC process.) Let's read over the process; feel free to ask questions when you do not understand.

IV. The role of the advocate.

A. Your primary interest as an advocate is to represent the best interest of the student and to insure that s/he get the best possible program. In some situations you will be involved in, there will not be parents available, then you will directly represent the student. When a parent is available, you will assist the parent in the process to represent the best interests of the student. The advocate may be the sole independent voice of the student.

B. As an educational advocate, there are four areas which are important for you to know about:

1. The process you should follow in advocating for the student.

2. You should have a working knowledge of the laws in order to assure that the student's rights are not violated.

3. Be familiar with the educational and community
services which are available within this area.

4. After the EPPC to monitor that the recommendations are initiated and when possible and necessary to recommend further referrals.

We will explain these further in the next session.

V. Let's go over the objectives for this session; please ask questions if you are unclear about what we have covered.
1. Referral can be made by medical, school personnel, parents, public and private agencies. The referrals in written form are sent to the school district.  K--p.7  K--p.145

2. The superintendent should appoint an educational planning and placement committee.

3. The superintendent, as a minimum, shall direct the committee to convene and recommend, not later than 25 school days after receipt of the referral, for possible special education services, regular and special education programs and services, according to the educational, social and physical needs of the individual handicapped persons, based on all diagnostic and other evaluative information requested by the committee or provided by the parent or handicapped persons. The time limits in this rule may be extended by the state board of education upon demonstration of just cause in writing.

4. The superintendent should also request in writing or notify personally the parents to participate as members of the committee. All school records concerning the person suspected of being handicapped shall be made available to the parents upon request.  C--p.5  K--p.149

5. The committee or the parent can request diagnostic information to be reviewed by the EPPC.

6. The superintendent, as a minimum, shall place immediately, upon request of the parents (written), a handicapped person in an appropriate special education program or service for a period not to exceed 25 school days during which time an evaluation shall be made and an educational planning and placement committee convened to make recommendations, if the person has been enrolled in a special education program in another school district, institutional program, or other appropriate program for handicapped persons, and evidence is presented that demonstrates reasonable cause to believe the person is eligible for a special education program or service. If parental consent is not obtained, an educational planning and placement committee shall be convened and its development of a recommendation shall be
expedited, giving the case precedence over all other cases except previous cases also being expedited under this provision. K--p.20

7. The superintendent, as a minimum, shall initiate special education programs and services, as recommended by the educational planning and placement committee or based on the decision of the hearing officer, in not less than five or more than 15 school days after the parents have been notified. C--p.6 f

8. Within 10 calendar days from the date of recommendation of the educational planning and placement committee shall notify the parent, personally in conference or by certified mail, concerning the placement or change in educational status.

9. Notification should include: C--p.6

(a) Describe the proposed action, including specification of the statute or rule under which action is proposed and a statement of the reasons therefore, including specification of any tests or reports upon which the action is based.

(b) Advise the parent of all options of educational opportunities available to the handicapped person.

(c) Inform the parent of his right to contest the proposed action at a hearing, as described in Rule 24, before the superintendent of the intermediate school district or local district.

(d) Inform the parent that, after the intermediate school district hearing and lacking a decision satisfactory to the parent, he may be heard by the state board of education, or its designee, at a time and place specified by the state board of education, or its designee, and reasonably convenient to the parent.

(e) Inform the parent of the availability of organizations, their addresses, and telephone numbers, to assist the parent at the hearing.

10. Notification shall specify the following procedures for
requesting a hearing: C--p. 7  K--p. 20

(a) If notice is given at a conference with the parent, the parent may indicate satisfaction with the recommendation and, in writing, may waive the opportunity for a hearing.

(b) If notice is given by the superintendent by certified mail, the parent desiring a hearing shall complete the form provided at the conference and mail it to the superintendent within seven calendar days of the date of receipt of the notice. Change in educational assignment shall not be made during this period.

(c) If dissatisfied, the parent may request a hearing in writing, on a form provided at the conference, within seven calendar days of the conference. Change in educational assignment shall not be made during this period.
Training Session 2--OBJECTIVES

1. List three people who must be invited to attend the EPPC.
2. What are four things the EPPC must recommend?
3. Describe the role of the educational advocate.
4. What four areas are important for the advocates to know?
5. What is the importance of the KVISD Plan?
6. What are three things the superintendent should do concerning EPPC's?
7. Referrals can be made by whom?
TRAINING SESSION 3--NARRATIVE

I. Review objectives for Sessions 1 and 2. Review the EPPC process.

II. Process for the advocate.

A. (Hand out the process for the advocate.) In the second session we talked about the four areas which were important for the advocate to know about. Let's go over one of the areas: the process of the advocate. (Read over the handout, specifying the difference in responsibilities depending on the availability of the parent. (Ask for questions.) This process is the ideal, you may not have time to do all of this before each EPPC. (Ask which ones would be most important to do if time is limited.)

III. Educational and community services.

A. One of your responsibilities as an advocate is to suggest alternatives for placement. It is important to know what is available if you are going to suggest alternatives. It may be beneficial to talk with people in those agencies before the EPPC to find out what they could provide the student. A slide show has been developed on the services available. See appendix for handout. (Show slide show.) (Ask for questions.)

IV. Specific questions about the EPPC process.

(Hand out two handouts. One on questions an advocate should be able to answer without looking them up, the other on the process of a hearing.) The answers have a reference number to the Special Education Code after them; you can refer to that section in the Code to see how the answer is worded in the Code. We have answered most of those questions in the content of the past two sessions; please look them over; and ask questions if you do not understand what is written.

V. Answer the objectives for Session 3. The last session will be devoted to an evaluation of the training program.
EDUCATIONAL ADVOCATE'S RESPONSIBILITIES
With Parent Involvement

Before EPPC:

___ 1. Advocate is assigned a protege through KARC. Information is exchanged on the student's name and location.

___ 2. Advocate should contact the parent by phone to make introductions and to arrange a time to meet the student and to gather the following information.

___ 3. Advocate should meet the student. If possible, talk with the student about his/her placement and future goals.

___ 4. Meet with the parents and gather the information below.

___ Has the parent been notified personally or by certified letter concerning the placement or change of placement? If not the parent should request it from the school.

___ What is the reason for the EPPC? The school should clarify this if necessary.

___ Parents should be asked to share any information which could relate to the student's progress, performance, or goals; such as, testing results and recommendations the parents may have requested from outside sources, progress reports, significant correspondence.

___ Parents should be informed of the meaning of the EPPC process, who is involved in the committee, and what the committee should have as its goals.

___ The advocate should assist in developing or clarifying goals the parent may have and they should be written down.

___ 5. Advocate and parent should make arrangements to visit the present program if the parent is not already familiar with it. Alternative programs should be suggested. In talking with the present teacher, the parent should ask questions prepared ahead of time concerning the goals for the student.
and how the student is presently meeting those goals.

6. Advocate and parent should meet again to re-evaluate the goals and possible programs keeping in mind what is best for the student.

7. Contact should be made with relevant people who should be present if possible and necessary. Parent and advocate should meet with them and discuss goals.
EDUCATIONAL ADVOCATE'S RESPONSIBILITIES
Without Parent Involvement

Before EPPC:

1. Advocate is assigned a protege through KARC. Information is exchanged on the student's name and location and the name and location of the person who referred the student.

2. Advocate should contact the person who made the referral and gather pertinent information which is listed below.

   - What is the reason for the EPPC?
   - Reason for the parents decision not to participate.

3. Advocate should meet the student. If possible talk with the student about his/her placement and future goals.

4. Advocate should make arrangements to visit the present program and talk with the teacher concerning the goals for the student and how the student is meeting those goals.

5. Advocate should gather information about alternative programs.

6. Advocate should try to gain access to the student's school files by contacting the guardian. From these files, information important to the student's future should be written down.

7. Contact should be made with relevant people who should be present, if possible and necessary, at the EPPC. The advocate should meet with them and discuss goals for the student.

8. Advocate should write goals for the student from the information which is available.
During EPPC--AGENDA

1. Introduction made of all present.

2. Chairperson should state the reason for the meeting and how the meeting will be conducted.

3. Summary should be given on the reason for initial referral, subsequent contact at home or school, and what kinds of assessments were used.

4. Each member of committee should provide goals for the student and suggestions for programs to meet those goals.

5. The goals and placement should then be discussed as far as positive and negative outcomes.

6. As information is combined and discussed, the recommendations should be restated and agreements and disagreements discussed.

7. As recommendations are agreed upon someone should be assigned to be responsible for the implementation of that recommendation and a date should be set for the initiation of the recommendation.

8. The recommendations should be reread asking for clarification if necessary.

9. Chairperson should inform the committee that the recommendations will be sent to the proper personnel for approval and should be signed and returned within seven days, otherwise the program will be implemented. Those present should also be informed that the parent does have a right to a hearing and should sign the recommendations indicating a request for a hearing.

10. The meeting would then be adjourned after the chairperson set the next contact between the student/parent and the schools.

If the parent were not present at the EPPC, the advocate would insure that the agenda were followed by asking questions to
clarify information and by requesting information which was left out.

If the parent were present at the EPPC, the advocate would assume a different role. The advocate could ask the parent questions to help the parent become involved, could ask for clarification if the parent did not do so, could assist the parent in presenting his/her position.
With Parent Involvement

After EPPC:

1. Advocate should make her/himself available to go over the recommendations for better understanding, and to make sure that they were the same ones which were agreed upon at the EPPC.

2. Advocate should contact the parent to find out when the recommendations were received and whether the parent decided to agree with them.

3. Advocate should make sure the recommendations were returned within seven days of the day they were received.

4. If signed and approved, advocate should keep in contact until the date of the implementation of the recommendations, as set up at the EPPC. If not implemented by that date, the parent should arrange another meeting.

5. If signed and not approved, the advocate should refer the parent to the proper people at KARC to provide further assistance.
Without Parent Involvement

After EPPC:

___1. Advocate should keep in contact with school personnel to find out when and if the recommendations were signed and returned.

___2. If the recommendations were signed and approved, the advocate should keep in contact with school personnel to make sure the recommendations were implemented by the date set at the EPPC. If not implemented, the advocate should contact those people responsible for the implementation and request another meeting.

___3. If the recommendations were signed and not approved, the advocate should contact the parent and ask them if they would need help with the hearing. If so, the advocate would proceed with #5; if not, the advocate would try to keep in touch with the parent.

___4. If the recommendations were not returned within seven days, the program would be implemented and the advocate should monitor the implementation as before.

___5. If a hearing were to take place, the advocate would refer the student and parent to the proper people at KARC.
Mandatory Special Education for the handicapped child was made law in 1971, becoming active in the 1973-74 school year. It
establishes these main things:

1. Your handicapped child is eligible for special education from the time he is born until he is 26 years old, if he has not yet graduated from high school. R340.1721
   --Regardless of how severe his handicap is.

2. Your child's special education must be of high quality. R340.1733
   --One that is designed to develop his maximum potential.

3. A committee called the Educational Planning and Placement Committee must plan your child's educational program and see that it meets your child's needs. R340.1722
   --The parent is a member of this committee with equal responsibility for making decisions.
   --No individual acting alone can develop and decide on a program for your child.
   --Your child's educational plan must explain what is to be done and why.

4. You have the right to appeal any decision the school makes about your child's program. R340.1725
   --The procedure must be explained to you.

5. A review of your child's educational plan and his progress must be done at least once a year. R340.1722 (d)
   --You must get a copy of the annual review.
   --If you disagree, you have the right to appeal.
6. You have the right to see your child's school records. R340.1722 (b)

7. Each intermediate school district must have a written plan that explains all of the special education programs and services available. R340.1831

--This must be done each year.

8. A Parent Advisory Committee must work with the intermediate school district. R340.1833

--This committee must be made up of parents of handicapped children.

--Before this plan is accepted by the State, the Parent Advisory Committee must sign the plan indicating that the committee has been involved in the development of the plan. R340.1835

9. The intermediate school district plan must develop a way of identifying handicapped children in the school and the community. R340.1832 Sec. 1.1

10. The local school district is responsible for providing special education programs and services for children who have been identified. R340.1721

Some Questions You May Have

1. What is the Educational Planning and Placement Committee (EPPC)? R340.1722

Before any plans can be made for your child, the local school superintendent must appoint an EPPC. This is the most important group in the school system for planning your child's program. The EPPC has the responsibility for: R340.1832 Sec. 1.3

A. Deciding if your child is eligible for special education.

B. Recommending the best program for your child or
changing his program.

C. Describing the program and what it will do for your child.

2. Who are the members of the EPPC? R340.1701 (4)

A. The parents of the child.

B. A school administrator.

C. A teacher.

D. Specialized diagnostic personnel appropriate for planning in the suspected area of impairment.

3. How does the EPPC work? R340.1722 (c)

The EPPC must analyze all evaluation information that is available about your child's problem.

--Your permission is necessary for this.

The EPPC must come to an agreement as to the best program and educational goals for your child.

If there is disagreement, more information must be gathered.

As a key member of this committee, your opinion is of crucial importance in what the EPPC recommends.

4. What is the best way to inform the school that I may have a handicapped child? (KVISD Plan)

You should write a letter to your local school district superintendent. Keep a copy of the letter for yourself.

Although the law is not specific, it is reasonable for you to expect the completion of your child's evaluation within 30 days. During this period, you should be kept informed of the progress of the evaluation.

5. Can anyone refer my child for evaluation for special education services? (KVISD Plan)
Any qualified professional can refer your child for evaluation. By law, the school cannot ignore a referral. It is strongly recommended that a school, once having received a referral, secure parent permission before proceeding with any evaluation.

6. Can I disagree with the educational plan developed by the EPPC?

Yes--You can disagree with the educational plan.
R340.1723 (f)

If you disagree with the plan, you may request a formal hearing for appeal. By law, the school must provide a program for your child once he has been evaluated and found eligible for special education. The superintendent may temporarily place your child in a program while you are appealing the decision of the EPPC.
R340.1724 2

7. If I disagree with the decision of the EPPC, what do I do?

If you disagree, you must do so in writing, indicating a desire for a formal hearing. R340.1723 (f)

The school will contact you to give you a full explanation of the procedure. Some highlights of the procedure are:

A. A hearing must take place between 15 and 30 days after your request.

B. You must be given access to your child's school records.

C. You may bring with you to the hearing anyone you wish.

D. You may require the attendance of any school personnel.

E. You may have the hearing closed to the public.

If you are not satisfied with the hearing decision, you may make another appeal to the State Superintendent of Public Instruction.
Additional important EPPC information is available in the booklet, "Educating Parents to Programs for Children." To obtain the booklet, write to Parent Advisors for Special Education, Kent Intermediate School District, 2650 E. Beltline, S. E., Grand Rapids, MI 49506.

8. What happens if there is no program for my child?

If the school system does not have an appropriate program, it must start one or contract with another school district to provide one.

9. If I do not know anything about special education or handicapped children, where can I go for help?

A. Call your local school district superintendent's office.

B. The Special Education Department of your intermediate school district.

C. The Parent Advisory Committee for your intermediate school district for special education is composed of parents of handicapped children. As such, they understand the schools, the needs of handicapped children, and the feelings of parents. They are an excellent source of help.

D. Some parent organizations for handicapped children are:

Michigan Association for Retarded Citizens
Michigan Speech and Hearing Association
Michigan Association for Emotionally Disturbed Children
Michigan Association for the Deaf
Michigan Association for the Blind
Michigan Association for Children with Learning Disabilities

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WHAT HAPPENS IF I DON'T LIKE THE RESULTS OF MY CHILD'S EPPC


First, define why you don't like the results of the EPPC. Don't let time get away from you. You have seven days in which to act.

2. What shall I do first?

Get back to the professional people first, those involved with your child's educational planning. Perhaps you'll want to set up a meeting with that person from the EPPC with whom you felt most comfortable. Discuss the questions that may have occurred to you since you last met, maybe the ones you were afraid to ask.

3. If I feel I need more information, what then?

First, you may ask any of the people already involved, the professionals who have seen and know your child, to review the records. Second, there may be new sources--people whom you haven't involved yet: your pediatrician or family doctor, speech therapist, remedial reading teacher, school social worker, school psychologist, volunteer helpers who may know your child, public health nurse, or anyone you feel may be able to give new insight into your child's problems.

4. Do I have the right to see my child's school record?

Yes. You should contact your local school and request that the records be made available to you; you may also request that a person having knowledge of the records be available to help interpret them to you.

5. Do I have the right to ask for another EPPC?

Yes, one or even more if you feel it will be helpful to your child's education and proper placement.

6. Do I have the right to ask for help, and who can help me?
You may take with you to an EPPC anyone whom you feel will be of help to you and your child. At some time, you have probably been supplied with a list of Parent Advocates. If you don't have the list, ask for one from your local intermediate school district.

7. What happens if I still disagree with the alternatives offered for my child at an EPPC?

The next step in the appeal process is called a "hearing." It is a more formal procedure.

You will have been notified either at a conference or by certified mail within ten calendar days of the recommendation of the EPPC. If you decide to ask for a hearing, you must make your request in writing on a form given you at the conference or included in your certified letter. You have seven calendar days from the conference or receipt of the certified letter to file your request. Also, during this time, no change may be made in your child's educational placement.

8. How soon must the hearing take place?

The hearing shall be scheduled not less than 15 nor more than 30 calendar days following receipt of request from the parents. However, upon good cause shown either by the parent or the school officials, reasonable extensions of time may be granted by the State Board of Education or its designee. You should also know that the hearing must be held in your local district at a time and place convenient to you and the school officials.

The local district may ask the Intermediate District to hold the hearing. In that case, you may be asked to give your permission for the hearing to be held at the Intermediate School District.

9. Who will preside at the hearing?

The "hearing officer" presides at the hearing. The hearing officer shall not be an employee of the involved local school district or another local district within the same Intermediate District or of the Intermediate School District of which the local district is a part. The
hearing officer should be a person chosen because of his knowledge of hearing procedures, special education programs and services, and a sensitivity to the needs of a handicapped person, his parents, and the educators. The hearing officer should have no previous involvement in the situation so that he can be impartial.

10. Is the hearing public?

Parents have the right to request a closed hearing; and if they do, then only those directly involved with the child must be invited by the local district to the hearing. The parents have the right to invite individuals to attend the hearing who might speak in behalf of their child.

11. Can I bring someone along to help me or be represented by someone else?

The parents of a handicapped person may be represented at the hearing by any person of his choosing.

The parents or their representative shall:

A. Have access, prior to the hearing, to all records of the Intermediate or local district concerning the handicapped person.

B. Have the right to compel the attendance of, and to question, any witness testifying for the Intermediate or local district and any official, employee, or agent of the Intermediate School District or local district who may have evidence upon which the proposed action may be based.

C. Have the right to present evidence and expert medical, psychological, or educational testimony and other pertinent information.

12. Can I bring in my own experts?

You may have present at the hearing anyone you feel will be of help to you. Costs or fees, if any, related to the attendance of parent representatives are to be paid by the parents. Parents may provide written reports as evidence. Upon receipt of such reports, the hearing
officer will include them as part of the official transcript. Also, a stenographic or other transcribed record of the hearing shall be made and one copy shall be given to the parents or their representatives. Any cost beyond the original transcription cost may be borne by the requesting parties.

13. Can I change my mind between the time I request a hearing and the hearing day if the problem is resolved?

Yes, a written statement should be submitted if you feel that continuation of the appeal procedure serves no further purpose.

14. Will the hearing officer announce his decision at the end of the hearing?

Under law, the decision of the hearing officer must be based solely upon evidence presented at the hearing. Not later than 20 calendar days after the hearing, the hearing officer shall render a decision determining the educational placement or status of the handicapped person. The decision shall be in written form and shall be accompanied by written findings of facts and conclusion of law and shall be sent by certified mail to the parent, his representative, and the local school district superintendent.

15. What happens to my child's education while all this is going on?

No change in your child's educational placement may be made during the appeal process, except a temporary placement upon written consent of the parents. If consent is not obtained from the parents, written request for a temporary change may be made to the State Board of Education by the superintendent of the Intermediate or local school district. The State Board of Education shall take action in writing within 10 calendar days of receipt of the request setting forth the reasons, therefore, and upon, notice to the parents. If the request is granted, the hearing must still be held within the time limits already mentioned.

16. If I'm still not satisfied with the decision of the hearing officer, then what happens?
The next step in the appeal process is to the Superintendent of Public Instruction for a review of the case. The review may be held by the State Board of Education or its designee who shall not be an officer, employee, or agent of the Intermediate or local school district in which the handicapped person resides or in which the proposed program and services are to be provided. The deadline for appeal to and decision by the hearing officer shall apply in appeals to the State Board of Education.

All the records of the school district hearing, including the evidence, shall be submitted to the State Board of Education by the district superintendent for review. The decision of the State Board of Education or its designee may be made entirely from such records or he may require a full hearing involving all or selected parties in the case and review the decision de novo. The State Board of Education or its designee may affirm, reverse, or modify the decision of the hearing officer, or may remand the matter to the hearing officer for further proceedings.

17. Can I hurry the procedure along by bringing suit in a court of law rather than all these appeals?

No. The courts will tell you that you must exhaust all the educational appeals processes—the EPPC, the hearing, and the appeals to the State Board of Education before you can go to the law.

Under the United States Constitution, education is not a fundamental right of every citizen, but it is considered one of the responsibilities of each state under the Tenth Amendment. Many court decisions have been developed, in part, on the basis of equal protection clause of the Fourteenth Amendment. The Fourteenth Amendment states in part, "nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."
In essence, equal protection stipulates that laws be applied equally to all citizens and that they be applied by due process.

While recognizing the authority of the individual states in regards to providing education, the Supreme Court, as early as 1945 in Brown vs. Board of Education, applied the Fourteenth Amendment to education when it stated: "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Due process legal proceedings have been established to protect individual rights and liberties. This concept has been handed down through English Common Law and refers to the procedures whereby any person is restricted in the exercise of his rights. Due process is a set of hurdles which the public or its representatives must run to restrict the freedom of a citizen. When a decision is made about educational placement and this decision might affect the rights of the student or his parents, all due process safeguards must be considered.

The due process clause means to the parent of a handicapped person among other things:

1. Your child cannot be placed in a special education classroom without your knowledge.
2. School officials may not exclude your child from school (without your knowledge).

3. The state or local government cannot institutionalize your child without your consent.

Due process rights and the fair hearing process are the best guarantee we have that schools will adapt to meet the needs of all children, but only if we make use of the hearing to solve specific problems and to force major policy shifts by school districts.

Under Michigan Mandatory Special Education Act 198, parents are guaranteed the right to an education for handicapped children from age 0 through 25 years or until they graduate.

But also under Mandatory Special Education, parents have the right to a place in their child's educational planning and placement. They have the right to challenge the decisions of the local or intermediate districts at a formal hearing and have the right to challenge the results of the hearing before the State Board of Education.

The enactment of Mandatory Special Education, including the section on parent and child's rights (R340.1723-1724-1725), came about because lots of people believe in the concept of equal protection under the law and the right of due process.

A hearing is a very important part of due process--if you feel your child's educational needs can only be met by asking for a hearing, you not only have the right but the responsibility to request a
hearing.

After you have exhausted the educational appeal process, you still may appeal to the courts if your child's needs have not been met.

And remember, too, that no hearing ever benefited just one child. From a hearing, may come a new program or service and many children will also benefit from this.

We truly believe that if the parents and the educators and administrators of local and intermediate districts keep the idea of what is best for this particular child foremost in their minds, we will provide each handicapped person with the best quality education possible.
General Guidelines for Citizen Advocates:

1. Think first in terms of your protege's needs, rather than services available. ("My protege needs an environment in which he receives a high degree of individual instruction in skill development to prepare him/her for a job that calls forth his/her real abilities," rather than, "My protege needs a sheltered workshop.")

An advocate is one who offers creative alternatives.

2. Your responsibility is to assist your protege in securing services he/she needs. In many instances these services are granted by law.

3. Encourage professionals to become advocates themselves, rather than mere referral agents.

4. The advocate may be the element that makes a plan work.

5. Always remember: A mentally retarded person has the same rights as all citizens.

Specific Guidelines:

1. An advocate may make a specific request for services.

2. An advocate may lodge a complaint that services promised to a protege or services required by law are not being provided.

3. An advocate may complement agency efforts.

4. An advocate may participate in program planning sessions involving several agencies or insure that planning sessions be held when needed.
A Partial Listing of Agencies That Serve Developmentally Disabled Persons in Kalamazoo County

I. Department of Social Services
666 Porter Street (382-2870)

A. Areas of responsibility

1. Licensing of foster homes for children and adults and enforcing licensing standards.

2. Administering assistance payments (A. F. D. C., food stamps, Medicaid, general assistance)

3. A variety of social services that Department provides directly or purchases from another public or private agency.

II. Social Security Administration
West Main Mall (381-2190)

A federal agency under the U. S. Department of Health, Education, and Welfare.

A. Administers Supplemental Security Income (SSI). This program is intended to provide a uniform income floor to persons who are over 65 or disabled or blind and who have little or no income or resources.

B. Guidelines for advocacy regarding SSI:

1. To apply for SSI benefits, one goes to the local office in person with the protege. Prepare in advance: proof of income, bank statements, insurance policies, titles of ownership, information on one's disability--from schools, physicians, etc.

2. Do not accept a verbal denial. Get it in writing. There is an appeal process if eligibility is denied.

3. A disabled person receiving SSI benefits receives $27.00 per month for personal expenses if the person is living in a licensed foster home.
4. Even if a person has too much income to receive monthly SSI payments, he/she may be eligible for Medicaid and should apply at the local office of the Department of Social Services. Note: As of this date no one is known to have grown rich from SSI payments.

5. If a computer goof results in overpayment of benefits, disabled person should not return the overage unless requested in writing, and even then may not be required to do so.

6. If unsure of what is granted by law, ask for written guidelines.

7. Call on the Citizen Advocacy Coordinator for advice.

III. Vocational Rehabilitation Service (V. R. S.)
508 E. Dutton
Executive Director--Ken Bates
Coordinator for Services to SSI Recipients--Tom Oulette
666 Porter
344-0177

A division of the State Department of Education

A. VRS offers a variety of evaluative, counseling, training, job assistance services, as well as financial assistance for certain mechanical aids.

B. To be eligible a person must be disabled, have a vocational handicap, be employable with training. A special criteria for SSI recipients who receive Vocational Rehabilitation Services is that the person have the potential to become a productive member of society who will be paying taxes and who will not have to continue to depend on SSI payments.

IV. Educational Services

In 1971 Special Education for the handicapped person became mandatory in the state of Michigan. The law became active in the 1973-1974 school year.

Provisions:
A. The handicapped person is eligible from birth through age 25, regardless of the degree of impairment.

B. An Educational Planning and Placement Committee must develop a plan for the student. The plan must:

1. Be designed to develop maximum potential.

2. Involve the parent as an equal, if the parent is available and willing.

3. Be reviewed once a year.

C. The local school district is responsible for providing special education programs and services for a person identified as handicapped.

D. The advocate may appear at an EPPC to represent the interests of a protege. The advocate must have permission from the parent or the protege if he/she is over 18 and does not have a guardian.

Specific Educational Programs

Kalamazoo Valley Intermediate School District (KVISD)
1819 E. Milham Road, P. O. Box 2025, Kalamazoo, MI 49003
Superintendent: Mr. Paul Wollam
Director of Special Education: Ms. AnnLee Decent

Special Education Directors:

Central District: Robert Guarino, Director of Special Education for Kalamazoo Public Schools

Southern District: Larry Coin

Eastern District: John Engle

KVISD is a link between local school districts and the State Department of Education. It provides services that individual districts may find difficult or impossible to provide.

KVISD Special Education Programs:

1. Juvenile Home--1424 Gull Road (342-1390)
2. Multi-Handicap Center, 4606 Croyden  
   Director: Jerry Shook (381-4620)

3. Program for Severely Mentally Impaired, 4606 Croyden  
   Director: Elliott Caldwell (381-4620)

4. Youth Opportunities Unlimited, 422 E. South Street  
   Executive Director: Ron Williams (349-9676)

5. Regional Assessment Center for the Handicapped  
   (REACH)  
   741 Pleasant Avenue  
   Director: James Kay (381-4620, Ex. 221-222)

6. Pre-Primary Education and Training, 1819 E. Milham Road  
   Charles Burkett (381-4620, Ex. 252)

Requests for services provided by KVISD should begin with the local school district, which can then provide a plan which involve KVISD services.

Other educational programs for educationally handicapped persons:

1. Local school districts within Kalamazoo County. Students with educational handicaps may be enrolled in regular classrooms or in self-contained classrooms for special education students. A handicapped student's plan may include participation in both regular and special education classrooms.

2. John F. Kennedy Center, 1411 Oakland Drive,  
   Kalamazoo, MI 49008  
   Principal: Richard Pattison (385-0887)

   Training for mentally retarded persons considered to be trainable for employment.

V. Residential

All homes for persons with developmental disabilities must be licensed by the Department of Social Services, and they must meet guidelines established by the state of Michigan.
A. There are many mentally retarded persons living in homes of private citizens, some of which have been licensed by the State Department of Social Services.

B. Board-operated facilities:

1. McKercher Group Homes--administered by the McKercher Non-Profit Housing Corporation for both men and women. Executive Director: Warren Fritz, 349-2621.


3. Total Living Center, 2575 North Drake Road (342-0206) Evelyn White: Head of Nurses for Provincial House, Inc. Dorothy Barstow: Program Coordinator for Coldwater State Home.

A nursing home whose residents are mentally impaired children and adults from Coldwater State Home and who require skilled nursing care.

4. Kennedy House, 2611 North Drake Road (382-3992) A residence for mentally impaired children and youth who have been placed from Coldwater State Home. Kennedy House is administered by Provincial House, Inc. Residents are under the jurisdiction of Coldwater State Home.

5. Oshtemo Care Center (375-1204) Director: Ken Mueller

Private nursing home, whose residents (adults and children) under jurisdiction of Coldwater State Home and who require skilled nursing care on a 24-hour basis.

VI. Vocational

A. Vocational Rehabilitation Service (State of Michigan) 408 E. Dutton (343-1518) Director: Ken Bates
B. Jenkins Vocational Rehabilitation Center
Goodwill Industries of Southwestern Michigan
2700 N. Pitcher Street, Kalamazoo, MI 49007 (343-4616)
Director: David Davey
(GKUW Agency and KARC member)

C. McKercher Rehabilitation Center, Inc., 1540 N. 30th St.
P. O. Box 349, Kalamazoo, MI 49005 (349-2621)
Director: Warren Fritz
(Work Activities Center and Adult Activities Center funding through Mental Health Services Board and the Greater Kalamazoo United Way)

VII. Legal

A. Kalamazoo County Legal Aid Bureau, Inc.
415 County Building (344-8113)
Director: James Toohey

B. Lawyer Referral Service--Kalamazoo Bar Association
346 South Rose Street (344-6125)

VIII. Recreational

A. Helen Coover Social Recreation Center
718 Jasper Street (385-8191)
Coordinator for Special People: Denise Docsia

B. Sharing what you like to do.

C. Your imagination.

IX. Counseling, Specialized Foster Care, and Parent Training

A. Family and Children Services, 1608 Lake St. (344-0202)
Executive Director: Donald VanderKooy
Coordinator for Life Consultation: Janet Ferguson
Coordinator for Parent Training Services and Foster Care: Linda Wienir
Training Session 3--OBJECTIVES

1. List at least one school program serving each handicapped description (SMI, TMI, EMI).

2. List four community agencies and briefly describe their roles.

3. Why is it necessary to know about the services that are available?

4. If a hearing was indicated following an EPPC, where would your role as an advocate normally end?

5. Why is it important to be familiar with problems within the schools?
TRAINING SESSION 4--NARRATIVE

I. Simulations

A. Let's look at one pre- and one post-simulation. As we see and hear what the advocate does, state what she is doing according to the process she should follow, and add whatever she left out. Use the checklist on the process the advocate should follow during an EPPC when a parent is not involved.

II. (Take the written post-test.)

III. (Hand back the written pretest when everyone is completed with the post-test.)

A. Read over the test you just finished and see if you have any questions on the answers you wrote down. If you do, please ask them. We'll go over the answers one at a time.

(Read the questions; have the participants answer the question.)

IV. Please fill out this evaluation of the training program. It is very important for us to get your comments on the program in order to improve it for future programs. If you have time, please stay and talk to me about the program.
EDUCATIONAL ADVOCATE EVALUATION

1. Persons suspected of being handicapped may be placed in a special education classroom for diagnostic purposes prior to the Educational Planning and Placement Committee (EPPC). (T or F)

2. After referral to Special Education because a student is suspected of being EMI, TMI, SMI, EI, and/or LD, the school psychologist and/or the school worker performs the diagnostic evaluation and determines whether or not the student should have an EPPC meeting based on the findings of the evaluation. (T or F)

3. Students suspected of being SMI, TMI, HI, VI, POHI, EMI, and/or LD must have all diagnostic data submitted to an EPPC which will determine their eligibility for special education programs and services. (T or F)

4. Match the following major aspects of the special education delivery system with the persons who have the primary responsibility for those aspects:

   a. Diagnosis
   b. EPPC (determining eligibility and placement)
   c. Placement
   d. Writing performance objectives

   I. Superintendent or his designee
   II. Administrative, diagnostic and instructional personnel, and parents
   III. Physician, ophthalmologist, audiologist, otolarynologist, school psychologist, school social worker, other psychologists, neurologists, master's level teacher of speech and language impaired with five years of experience
   IV. Instructional personnel

5. List three purposes of the EPPC.
6. List three necessary members of an EPPC, according to law.

7. Recommendations from the Committee must be signed by the parent or guardian and returned within _____ days, otherwise the program will be implemented.

8. Of the following statements about the Special Education Code, _____ is/are true.

   (1) It was written as a mandate from P. A. 198 in 1971.

   (2) It describes and appropriates money for programs for children eligible for special education.

   (3) The Code serves only those persons considered SMI, TMI, and EMI.

9. List three community agencies which are available to handicapped citizens.

10. When the recommendations are not accepted and a hearing is requested, it is normally the educational advocate's responsibility to represent the protege when no parent is available. (T or F)

12. Only the parents and the school personnel have access to the child's school records. (T or F)

13. Students with IQ's below 20 are excluded from special education programs. (T or F)

14. According to the law, it is necessary for both the new and old teachers to be present at an EPPC before the student can move to the new program. (T or F)

15. EPPC recommendations should be ready to be signed at the EPPC to speed the initiation of the new program. (T or F)

16. How often must a review of the student's educational plan and his/her progress occur?

17. Who should notify the parent concerning the convening of an EPPC?
18. The school contacted KARC requesting an education advocate. KARC then contacted you, giving you the student's name and the name of the school contact. What would the educational advocate do next?

19. List three things related to the EPPC that an educational advocate should do prior to the EPPC.

20. Briefly, what is the role of the educational advocate?

21. A principal, social worker, special education teacher, vocational director, parent, and educational advocate are present at an EPPC to determine what should happen to the handicapped person upon his 26th birthday and his departure from the program. The social worker, vocational director, and special education teacher voiced their recommendation at the EPPC that the student should go into a sheltered workshop situation. What should happen next?

22. At the end of the EPPC, recommendations have been developed and agreed upon. They are reread aloud as follows:

(1) Begin a program at the J. F. Kennedy School.

(2) Obtain speech and hearing services through Western Michigan University.

(3) Take part in recreational programs at the Helen Coover Center.

The recommendations were verbally approved by all members. What else should have been done with those recommendations to assure their implementation?
FULL SCRIPT OF EPPC SIMULATION

Principal--"I'm not sure that all of you know each other. I am __________, the principal of this school; this is __________, John's teacher in the SMI classroom; this is __________, the teacher in the TMI classroom; and this is __________, the school psychologist. (pause) The purpose of this meeting is to determine proper placement of John Tee. At present he is in the SMI (Severely Mentally Impaired) program at DTC (Day Training Center). There has been some question as to whether that is the best placement for him. In order to determine this, let's have each of you make some suggestions based on your observations and evaluations. __________ (school psychologist), since you have recently tested John, why don't you start."

School Psychologist--"I tested John on May 25th and observed him in the classroom on May 26th. John tested at the borderline between SMI and TMI with an IQ of 33 and a social quotient of 5.11 (5 years, 11 months). During the testing he was hyperactive, quite paranoid about the questions I was asking, always looking at me to see if I was going to reinforce his response. (pause) When I observed John in the classroom, he seemed to like his teacher, __________. He followed her/ his directions when asked to do something, stayed on task until the teacher left and an aide came in to conduct the class. At that time he started running around, hitting other kids, throwing his materials on the floor. He would not follow the aide's instructions and the teacher had to come back into the room. I think from my observations, John needs constant supervision which he gets from his present teacher. She seems to be the only one who can handle him."

Teacher 1--"As far as John's work in my classroom, he performs as well as can be expected. He talks in one- and two-word phrases, which I understand but not everybody does. Socially he's not very developed. The other kids don't go near him because he picks on them; they just don't interact with him. I don't think he would fit in a higher level classroom."

Teacher 2--"John was in my classroom for a day. He worked on some assembly tasks, but was busy watching the other kids,
although he did not interact with them. He stayed by himself. This could have been the result of the new situation. I think John would function well in my classroom."

Principal- -"Well, each of you who have had contact with John has stated your observations; let's get on to the recommendations."

School Psychologist- -"I think it would be a good idea for John to stay where he is. He is progressing in _________ class and he might fail in a new, more difficult classroom. We don't want to take that chance with him. He is difficult enough to handle now for anyone besides _________. By next year he may be able to move on, but not yet. I recommend he stay where he is."

Principal- -"It sounds to me that he functioned well in _________ class when he visited, and she seems to think that her classroom would be appropriate, providing the skills that are necessary for vocational training."

Teacher 1- -"But if he fails in that classroom it could ruin him. He is material for a vocational workshop, but if moved too fast up the ladder it may frustrate him. He is the best student in my class and I would hate to see him fail in a program which is too difficult for him."

(If the advocate does not interrupt with support for change, follow (1). If she does support the change enough to be convincing, take (2).

(1) Teacher 2- -"Well, you may be right. I have a large classroom and I may not be able to give him enough attention. Like you said, his speech is difficult to understand and he didn't interact with the other students. It may be best for him to stay where he is for the time being."

(1) School Psychologist- -"I would agree with that decision."

(1) Teacher 1- -"I think that would be best for John."

(1) Principal- -"Well, it sounds like that is the final decision. Any other recommendations--ancillary services? Okay, we'll have an annual review next year. Thank you for coming."
(2) **Teacher 2**--"Yes, he should take the risk involved. He's at the same academic level as the lowest functioning students in my room, but he could work hard and improve. We could work on his social skills also."

(2) **School Psychologist**--"Well, if you're willing to try, he might make it."

(2) **Principal**--"Anything else? Any other recommendations? Okay, we'll have an annual review. The results will be sent home to his parents. Thank you for coming."
EPPC Simulation Information--PRINCIPAL

You conduct the meeting. You don't have much to say about John since you haven't had contact with him personally. The school psychologist called the EPPC after conducting some tests, but has since changed his mind about a change of placement--probably a result of talking with his present teacher. You made sure the parents were notified, but you knew they would not attend. You do not know who the advocate is, but you do know she is from the local ARC. You do not know what part she will play in the EPPC.
You tested John because his present teacher requested it. You used the Vineland Social Maturity Scale, and the Stanford-Binet. Because the scores were nearly out of the SMI range, you thought John should be placed elsewhere and you requested an EPPC. On consultation with his teacher you found out that she didn't want him out of her class. He is the star pupil and a favorite of the teacher. She starts to convince you that he may fail in another classroom. You did notice that when you tested him you had a hard time keeping him in his seat at first. You have also noticed that he teases other children and teases the aides by misbehaving when his teacher is not in the room.

You could be convinced either way in recommending that John be kept in the same program, or moved on to another.
You are John's teacher in the SMI classroom. You know John is at a higher level than the other students in your room. He can print his name, sight read words, work at pre-vocational tasks longer than other students; so you asked the school psychologist to test him. After the testing the school psychologist told you that John scored so high that he thought John could function in another program, so he talked to the principal about having an EPPC. You don't want to lose John because he is progressing so rapidly in your classroom. He follows your instructions where he does not mind the other teachers; that gives you confidence. You are concerned that John would fail in another classroom and would become frustrated, thus he would not try to learn. You meet his needs in your room by providing him with academic and pre-vocational tasks. You are concerned about John's success.

If the others at the EPPC want the change in classrooms for John, you do not outwardly agree unless pressed for an answer.
You are the teacher in the TMI classroom. John visited in your classroom for an afternoon. You assigned him such tasks as printing his name and collating papers. He worked attentively at the tasks, but would not interact with the other students. You tried to get him to play ball with the other students, but he would not play even with heavy prompting. You have a large classroom and don't necessarily want another student. But you do think John would fit in with the rest of the students who are closer to his level of functioning than the SMI students are, and you feel your classroom best fits his academic and social needs. John was somewhat difficult to understand when he spoke, but with individual tutoring he could improve. He was not a behavior problem when in your class, which could be because he was in a new situation with new people.

You think your classroom best fits his needs, yet you have a large number of students already in your room. Your vote could go either way; if you receive no support for moving John to your class, you will not push for the change. But if you receive support from the advocate, you would fight to have him in your class, since it does best meet his needs.
EPPC Simulation Information--EDUCATIONAL ADVOCATE

You received a call from KARC to represent John Tee. The advocate coordinator you talked with told you that John's parents called KARC when they received the invitation to attend John's EPPC. They are not going to attend the EPPC but wanted an independent person at the meeting to represent John.

You did not meet with his parents, but you did meet John and visited the classroom he is presently in. When you visited the SMI classroom, you met the teacher; but she did not have much time to spend with you. She did make it clear that she did not want John to move into the TMI classroom, which was the purpose of the EPPC. In the classroom you observed John, but you did not see any school records. You noticed that when left alone John would tease the other students, which made his teacher come back into the classroom, then he would stop. He received much attention for this misbehavior. When placed at the bottle assembly task, he worked for over 30 minutes without being disruptive.

You did not observe John in the TMI classroom when he visited for a day.

With the above information, act as John's advocate during the EPPC.
APPENDIX E
SIMULATION EVALUATION
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<th>Subject's Number</th>
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<td>1. Advocate introduced herself</td>
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<td>2. Advocate states why she is present</td>
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<td>4. Advocate asks for clarification on observations</td>
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<td>6. Advocate presented her contact with John</td>
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<td>from SMI teacher</td>
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<td></td>
<td>from TMI teacher</td>
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<tr>
<td>9.</td>
<td>Were recommendations read without being requested</td>
<td></td>
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<tr>
<td>10.</td>
<td>Did advocate ask for recommendations to be read</td>
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<tr>
<td>11.</td>
<td>Did the advocate ask for a timeline</td>
<td></td>
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<tr>
<td>12.</td>
<td>Did advocate ask who was responsible for implementing the recommendations</td>
<td></td>
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<tr>
<td>13.</td>
<td>Number of statements made by the advocate</td>
<td></td>
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<tr>
<td></td>
<td>stating her point</td>
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<tr>
<td></td>
<td>suggesting placement</td>
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</tr>
<tr>
<td></td>
<td>suggesting solutions</td>
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