GUIDE TO IMPLEMENTATION
of Presuming & Constructing Competence

What can educators do to support presuming/constructing competence?

This guide highlights the many opportunities available for constructing students' competence through various aspects of their educational programs. It also recognizes that part of an educator's role on the student's team is as a mentor and coach to other team members who may not have the same level of knowledge and skill. The information in this guide is aligned with Chapter 1 of the Cheryl M. Jorgensen book, *It's More Than "Just Being In."*

HOW YOU SPEAK TO STUDENTS

When speaking to students with complex support needs, talk to them as if they understand the same information and ideas as their same-age general education peers. Use a normal tone of voice rather than a higher pitch as you might speak to a toddler.

Let students know that you have confidence in their learning. You might say "I know that you'll have to work hard to learn this, but I know you can do it!"

HOW YOU SPEAK ABOUT STUDENTS

Unless the student expresses a preference for disability-first language (e.g., "I am autistic") use person-first language such as:
- A student with Down syndrome
- A student who has cerebral palsy
- A student identified with an intellectual disability

Don't ever use the terms "low-functioning" or "high-functioning." All students, whether they have disabilities or not, have areas in which they have difficulty and areas in which they have strengths. For example, a student with autism who has very challenging behavior may also have great strengths in mathematics. Or a student with dual sensory disabilities may need sophisticated assistive technology (AT) but have a special talent in making friends.

Be aware when classmates are in earshot when discussing a student with another staff member. Step into the hallway briefly if you need to communicate something related to student hygiene, bathroom routines, or behavior. If you hear another staff member talking about a student in a way that might betray their privacy or dignity, speak to them about it in a private moment.

THE EVALUATION RESULTS AND PRESENT LEVELS OF PERFORMANCE OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP) SECTION OF THE INDIVDUALIZED EDUCATION PROGRAM (IEP)

If your student isn't yet able to communicate in ways that are commensurate with their same-age peers without disabilities, consider including a statement such as: "Because John does not yet have an effective way to communicate, his present levels of academic achievement are likely underestimates of his true knowledge and skills, due to the challenge in assessing what he knows".

Strive to create a strengths-based profile of the student. General education teachers find it helpful to know where a student's strengths lie when discovering the best way to teach them. If you find it difficult to uncover a student's strengths ask their parents or same-age peers from their general education class.

IEP GOALS AND OBJECTIVES/BENCHMARKS

Although many students with more complex disabilities may have functional or developmental goals on their IEPs, all students should also have goals that are strongly aligned with academic general education standards. Students who are not yet proficient communicators can still pursue those standards when their goals/objectives are focused on participation, for example:

> By the end of the first nine weeks, after listening to a selected passage and then presented with a speech-generating augmentative and alternative communication (AAC) device programmed with multiple possible right answers (errorless learning), Anna will participate in answering questions by activating the device 4 out of 5 times.

For a more detailed look at writing IEPs for students with significant cognitive disabilities, take the TX CAN online training: A Step Toward IEP Quality and Rigor.

It cannot be stressed enough how important it is to provide all students with a way to communicate about age-appropriate social and academic topics. You have an important role to play in assuring that all students have up-to-date AAC and AT assessments that are based on the presumption of competence.

The National Joint Committee on the Communication Needs of Persons with Severe Disabilities (https://www.asha.org/NJC/) issued guidelines regarding the provision of communication services to students with complex support needs. One part of these guidelines includes a Communication Bill of Rights:

All people with a disability of any extent or severity have a basic right to affect, through communication, the conditions of their existence. Beyond this general right, a number of specific communication rights should be ensured in all daily interactions and interventions involving persons who have severe disabilities. To participate fully in communication interactions, each person has these fundamental communication rights:

1. The right to interact socially, maintain social closeness, and build relationships
2. The right to request desired objects, actions, events, and people
3. The right to refuse or reject undesired objects, actions, events, or choices
4. The right to express personal preferences and feelings
5. The right to make choices from meaningful alternatives
6. The right to make comments and share opinions
7. The right to ask for and give information, including information about changes in routine and environment
8. The right to be informed about people and events in one's life
9. The right to access interventions and supports that improve communication
10. The right to have communication acts acknowledged and responded to even when the desired outcome cannot be realized
11. The right to have access to functioning AAC (augmentative and alternative communication) and other AT (assistive technology) services and devices at all times
12. The right to access environmental contexts, interactions, and opportunities that promote participation as full communication partners with other people, including peers
13. The right to be treated with dignity and addressed with respect and courtesy
14. The right to be addressed directly and not be spoken for or talked about in the third person while present
15. The right to have clear, meaningful, and culturally and linguistically appropriate communications

Remember that there are no prerequisites that students must demonstrate in order to be eligible for AAC systems and supports.

Sometimes a more extensive look at assistive technology is needed to determine the best supports for a student with complex access needs. When AT is considered, the team may:

- Complete multiple observations at school across several different classes, locations, and activities to identify opportunities for the staff and student to use AT to promote participation and learning.
- Consider what AT will support student and/or staff to do these tasks:
  — *Plan* writing
  — *Write* literary and informational text
  — Have text read aloud to support *listening comprehension*
  — *Understand text*
  — *Complete worksheets*
  — *Present work*
  — *Understand mathematical* concepts and do operations
  — *Identify important information from text*
  — *Determine best hardware, software, and apps to accomplish instructional tasks*
- Provide trial versions of AT.
- After the trial, provide specific recommendations for AT for the student, describing the features needed.
- Provide information about whether insurance or Medicaid might pay for hardware or software and guide district and/or family through the reimbursement process.
- Provide training for student, staff, and family on the recommended AT.
- Observe the student using AT in natural classroom situations to identify challenges and solutions through ongoing consults and additional team training as needed to utilize the AT with fidelity.

The team should observe all the environments and instructional activities the student will experience during a typical week and utilize that information to make decisions about the current year's AT and accessible instructional materials (AIM).

As described in IDEA 2004, supplementary aids and services

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section… [§300.320(a)(4)]

It's important for a student's team to understand the context in which the term is used, as they consider what services the student needs and how they will document them in the IEP.

Ensure that instructional materials are accessible to your student. Make sure that they are age-appropriate. Don't use pictures that are appropriate for a much younger child, but rather images that match the student's chronological age.

As an instructional leader in your school and on students' Admission Review and Dismissal (ARD) committees, advocate for the inclusion of professional development and/or technical assistance for the whole team if no one on the team has expertise in inclusive education, AAC, or AT.

For more information regarding assistive technology and accessible instructional materials, take the TX CAN training: Accessible Instructional Materials (AIM) for Students with Complex Access Needs.

When making a placement decision, the ARD committee team must consider the least restrictive environment (LRE). The placement decision determines where the student's special education instruction will occur. This decision is made by the ARD committee and is based on the student's IEP. The student must be educated in the school that they would attend if not disabled unless the IEP indicates that another school is appropriate. The ARD committee must consider placement closest to the student's home, if the student is not in the school the student would attend if not disabled.

LRE means that students with disabilities are educated with students without disabilities to the maximum extent appropriate. Students with disabilities must not be placed in special classes or separate schools unless education in regular education classes with supplementary aids, services, program modifications, and supports cannot be achieved satisfactorily. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of the services that they need. The student may not be removed from education in age-appropriate general education classes solely because of needed modifications in the general curriculum.

The LRE mandate of the Individuals with Disabilities Education Act (IDEA) requires students with disabilities to receive their education in general education settings to the maximum extent appropriate. If such a setting is not appropriate, the student is to receive their education in a setting with the least amount of segregation from the student's peers without disabilities, as possible. In short, the LRE relates to the settings where a student with a disability receives special education services, and how much time is spent in those settings, not what services a student is to receive.

Placement decisions cannot be solely based on:
- category of the student's disability,
- severity of the student's disability,
- language and communication needs,
- needed modifications in the general curriculum,
- configuration of the public agency's delivery system,
- availability of space or educational or related services, or
- administrative convenience.

Furthermore, 45 years of research has demonstrated that positive educational and adult life outcomes are correlated with the amount of time students with disabilities spend in general education classes.

ANALYZING STUDENT BEHAVIOR

When students have challenging behavior, the least dangerous assumption is that it has communicative intent. Rather than considering challenging behavior as just a part of the student's disability (i.e., "All students with Down syndrome are stubborn"), look for the communicative intent behind the behavior.

- Is the student bored?
- Are the curriculum materials inaccessible?
- Can they see and hear the teacher and their peers?
- Do they have unmet sensory needs?
- Are they in pain or discomfort?
- Are they lonely?

For a more detailed look at behavior as communication, take the TX CAN training: Three C's of Behavior Management.

This document was designed to accompany the Presuming Competence training from TX CAN.