

THE STUDENT SUPPORT TEAM: A LEGAL ANALYSIS OF THE PREREFERRAL
INTERVENTION PROCESS IN GEORGIA

by

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(Under the Direction of John Dayton)

ABSTRACT

The use of prereferral intervention teams in Georgia began as a response to litigation in the 1980s. As part of the settlement of the case, the state adopted the Student Support Team (SST) program. The SST program addresses students who are struggling academically or behaviorally. The SST process also helps to prevent inappropriate referrals to special education and provides the regular education teacher support for assisting students who are experiencing difficulty in the classroom. The SST process may eventually lead to a special education referral, but that is not its primary purpose.

Teacher perceptions play an important role in the success of the SST. Many Georgia educators perceive the SST process as time consuming and ineffective. Often the process is viewed as simply the means for having a child placed in special education. A lack of training and knowledge about the SST program contributes to the apprehension that some teachers feel toward the SST process. Fear of litigation and a lack of understanding for the rules and regulations that apply to the SST process contribute to the anxiety connected to the SST process.

This study analyzed the current status of the law related to the SST process. This analysis was done through a review of federal and state regulations that apply to the SST process. Relevant court cases were also reviewed. The purpose of this study was to provide educators with guidance for implementing an effective and legally sound SST program. Some of the significant findings include:

1. Prereferral teams have been found to reduce the number of inappropriate referrals to special education.
2. The Student Support Team was developed in response to litigation.
3. There are several federal regulations that impact the functioning of Student Support Teams
4. Recent regulations and trends in education have required schools to be accountable for the success of all students. Prereferral teams, such as Georgia's Student Support Team can serve as a tool to help teachers address the needs of a diverse population.
5. The SST can fulfill the required procedures for a school to apply the Teacher Removal Act. The SST provides the documentation of behavioral interventions necessary to take a student to a tribunal for chronic misbehavior (O.C.G.A. § 20-3-764; O.C.G.A. § 20-2-738).

INDEX WORDS: Prereferral Intervention Team, Student Support Team, Academic Intervention, Academic Assistance, Special Education Referral

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DEDICATION

This dissertation is dedicated to my family. Shelly, you provided the inspiration, motivation, and support I needed to complete this task. Joseph and Elijah, you are my special blessings. I am grateful for your love and patience throughout this journey. I also dedicate this to my sister Darlene. Darlene, you did not get to see me complete this task, but you were always so supportive of me. I know you are proud. I am thankful for the “gift” of your life.

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CHAPTER 1

INTRODUCTION

Purpose of the Study

The Student Support Team (SST) process was designed to help educators in Georgia properly screen students who might be referred to special education testing. Many states have adopted similar support teams that have become known as prereferral intervention teams. A prereferral intervention team provides consultation to teachers using a problem solving process to better serve students, provides teachers with skills and strategies to assist students, and helps prevent inappropriate referrals to special education (Eidle, Truscott, Meyers, & Boyd, 1998). Systems that use prereferral teams have found a significant reduction in the numbers of students being referred to special education (Buck, Polloway, Smith-Thomas, & Cook, 2003).

Despite the positive outcomes, many educators find the process cumbersome and confusing. Because it is a legal process that is mandated under Georgia law, teachers are often intimidated and fearful of the process. Lack of training and education about the process contributes to this confusion. How the program is implemented from system to system may vary greatly. Even within a school system the process may be different from one school to another. Parents and teachers often become frustrated with the time required and the administration of the process.

The state created the SST process as a response to *NAACP v. Georgia* (1983). The suit alleged the use of intraschool discrimination predicated on the widespread

practice of grouping students on the basis of ability or achievement. The plaintiffs also alleged that the public schools in the thirteen counties named as defendants were incorrectly and disproportionately placing minority students into educable mentally retarded (EMR) classes. The plaintiffs argued that these practices were violations of the Fourteenth Amendment of the U.S. Constitution (1868), Title VI of the Civil Rights Act of 1964, § 504, and the Equal Educational Opportunities Act of 1974 (EEOA). The allegations of handicap discrimination were presented as a violation of § 504 of the Rehabilitation Act (1973).

The charges of intraschool segregation were unique because charges of segregation historically involved separate facilities. The ruling in *Brown v. Board of Education* (1954) declared *de jure* segregation unconstitutional. The “separate but equal” doctrine resulting from *Plessy v. Ferguson* (1896) was ruled a violation of the equal protection of the laws. In the Georgia case, the NAACP alleged that the schools were using ability grouping and the EMR classes to create segregation within the schools that may not have resulted in separate facilities, but were inferior and segregated settings for these students. Statistical data presented during the case supported these claims by showing a disproportionate number of Black students being placed in the EMR classes and “lower” classes.

The case was tried without a jury from October 31, 1983 to December 20, 1983; the district court entered an order finding no infringement of the Constitution, Title VI, or the EEOA. The court, however, held that the defendants did violate certain regulations that fell under Section 504 governing the identification, evaluation and placement of

students in EMR programs and scheduled a hearing for the appropriate relief. It was at this hearing that the SST process was presented as part of the settlement.

Legal authority for the SST process is now found in the Official Code of Georgia. The Georgia Department of Education uses as "indicators of legal adherence" (a) Minutes of Student Support Team meetings and (b) a cross-check of Student Support Team Minutes with special education reports gathered by the Georgia Department of Education monitors. At least five different legal and procedural mandates govern the establishment and/or operation of Student Support Teams:

1. *Georgia State Conference of Branches of NAACP v. Georgia*
2. Georgia Board of Education Policy IG/JE
3. Georgia Department of Education Standard I 16
4. Section 504 of the Rehabilitation Act of 1973
5. Local School Board of Education SST and Section 504 Policies

The 1980s saw a surge in the growth and use of prereferral intervention teams. Many states, such as Georgia, created these teams as a response to litigation. Buck, Polloway, Smith-Thomas, and Cook (2003) surveyed the 50 states and the District of Columbia and found that 22 of the 51 states were required to have a prereferral process; 15 said that it was recommended; 8 indicated that they were neither required nor recommended to have a prereferral process. The remaining six indicated that the decision was at the discretion of the local school system.

The 1997 amendments to the Individuals with Disabilities Education Act (IDEA) mandate that the utilization of general education resources be exhausted before a student is determined to be eligible for special education (34 C.F.R. § 300.550). This requires a

process for screening students. The evaluation process can be time consuming and costly. School systems have used prereferral teams to significantly reduce the number of special education referrals.

Recently, the referral process for special education has received much attention. As part of the reauthorization of the Individuals with Disabilities Education Act (IDEA), congressional hearings were held on the special education referral process. These hearings were held in the summer of 2002. Robert Pasternack (2002), assistant secretary of education, spoke at these hearings and described the referral process as a model that waits for children to fail before identifying them as having a disability. Most children are between 12 and 17 years of age when they are diagnosed as having a disability. Pasternack stated that by this age it is too late for many of the students. They have been placed in a pattern of failure that is hard to escape, and it is necessary that students be identified earlier. Prereferral intervention teams were presented as one means of improving the process and ensuring that students are identified earlier (Committee Hearing, 2002).

School systems that have had success with prereferral intervention teams provide their employees with the training and resources needed to carry out the process. While the state of Georgia mandates the process, very few resources or opportunities for training are provided. Buck et al. (2003) found that 63% of the states using prereferral intervention teams provided training, while the other 37% did not provide training. School administrators and teachers must become more knowledgeable about the SST process for it to be effective.

This study provides a review and analysis of the legal and procedural aspects of the process. Research supports the value of prereferral teams for teachers and students (Safran & Safran, 1996; Hayek, 1987)). However, the success of these SST programs is contingent on the effective application of these practices. Administrators and teachers must be given guidance on how to create successful SST programs. A review of several Georgia county procedures revealed inconsistent results. Some systems, such as Atlanta City Schools, provide the school officials with many excellent resources and support services; other systems provide very few resources for their schools. Using the SST process was not intended to be complex or burdensome for educators. A greater understanding of the process must exist for it to be implemented effectively in schools.

There is a wide range of names used for prereferral intervention teams. Some of these names include teacher assistance teams, academic intervention teams, student study teams, teacher intervention teams, and mainstream assistance teams. For the sake of clarity, this study will refer to prereferral intervention teams as Student Support Teams (SST). Student Support Team is the name used for Georgia's program, which is the primary focus of this study.

Research Questions

1. What are the significant historical events that led to the development of the SST process?
2. What is the current legal status of the SST process?
3. Based on current research and the current legal status of the SST process, what guidance can be provided to educators for implementing a successful SST program?

Procedures

Research for this study included a review of federal and Georgia statutes, regulations, and case law impacting prereferral intervention teams. The litigation that led to the development of the Student Support Team program in Georgia was carefully analyzed, including an analysis of *NAACP v. Georgia* (1983). The following legal issues used in the *NAACP* (1983) case were reviewed: Equal Protection Clause, PL 94-142, Section 504, Title VI of the Civil Rights Act, and the Equal Educational Opportunities Act. Further, the federal and state laws and regulations governing Georgia's Student Support Team were analyzed. The state of Georgia data were retrieved from state regulation manuals and the Georgia Department of Education website. Relevant cases were identified and examined through searches of "Lexis-Nexis" and "Findlaw." Relevant journal articles were also identified through a search of "Lexis-Nexis," "ERIC," and "EBSCO" databases. The University of Georgia library was used to research historical documents and accounts.

Organization of the Study

Chapter one is divided into five parts:

1. Purpose of the Study
2. Research Questions
3. Procedures
4. Organization of the Study
5. Limitations of the Study

Chapter two is organized into three parts:

1. A chronological review of the relevant literature related to prereferral intervention teams.
2. An examination of the historical development of the SST process in Georgia. This section includes an in depth analysis of *NAACP v. Georgia* (1983) the case that led to the creation of the SST process in Georgia.
3. A comprehensive description of the Student Support Team process and procedures using the Georgia codes and the SST Resource Manual provided by the Georgia Department of Education. This section also includes a review of relevant federal and state rules, regulations, and case law that are related to the SST process.

Chapter three is organized into two parts:

1. An analysis of the current status of the law related to prereferral intervention teams.
2. Current trends that may impact the functioning of SSTs.

Chapter four is organized into three parts:

1. Findings
2. Conclusions
3. Recommendations for school personnel on how to comply with the state rules and regulations when implementing an SST program.

Limitations of the Study

This study was designed to provide a better understanding of the SST process in Georgia. The procedures, regulations, and legal analysis are specific to Georgia, and do

not necessarily apply to the operation of prereferral intervention teams in others states.

The study is also limited to the process that may eventually lead to a special education referral. The study does not explore the issues that may result from the referral to special education.

CHAPTER 2

REVIEW OF THE LITERATURE

This chapter provides a chronological review of the relevant literature on prereferral intervention teams, an overview of the historical development of the student support team (SST) process, and a description of the rules and regulations governing the SST process. Section One examines the relevant literature pertaining to the SST process. This section introduces the concept of prereferral intervention teams and traces their historical development. Studies examining the efficacy of different programs are also included. These studies revealed some of the strengths and weaknesses of prereferral intervention programs.

Section Two analyzes the case of the *Georgia State Conference of Branches of NAACP v. State of Georgia* (1983), which led to the development of the Student Support Team process in Georgia. Relevant court cases that are referenced in the *NAACP* case are also reviewed. The subsequent appeals are also examined. The legal arguments used by both the plaintiffs and the defendants are closely reviewed.

Section Three incorporates the Official Code of Georgia, the *Student Support Team Manual* provided by the Georgia Department of Education, and applicable federal regulations to document the process and give the procedural guidelines governing the implementation of the SST program. The Georgia case law related to the SST process is also discussed. Section three concludes by providing some examples of the SST policies adopted by local school boards in Georgia.

Section One: Research on the Historical Development and Current Status of Prereferral

Intervention Teams in the U.S.

The years following the Civil Rights Act of 1964 saw the racial desegregation of schools and the integration of students with disabilities into the public schools. The accommodation of students with disabilities mandated in the *Education for All Handicapped Children Act of 1975* (EAHCA) created many challenges for schools. The tumult of this time period and the subsequent adjustment period resulted in many lawsuits that have contributed to the current educational landscape.

Lawsuits related to different areas of special education were brought before the courts following the EAHCA. Georgia and other states were faced with litigation related to the process of referring students to special education. In 1982, a class action lawsuit was filed against the state of Louisiana. The plaintiffs claimed that up to 10,000 students were left in limbo waiting for multifaceted evaluations that were months overdue. The state was simply unprepared to address the massive quantities of referrals in a timely manner. This suit resulted in a ruling that called for quick, effective evaluation for students with special needs, a thorough, focused, and purposeful intervention system created and implemented by classroom teachers. This resulted in Louisiana developing a prereferral intervention process (Yell, Rogers, & Rogers, 1998).

As in Louisiana, many states created an intervention process to address the problem of excessive or inappropriate referrals to special education evaluation. Prereferral teams first emerged in the late 1970s and gained prominence in the 1980s. These first referral programs did not result from litigation; instead they were primarily used as a means of reducing the number of referrals to special education.

Special education can be very costly for states. Since its inception special education has created additional expenditures for states. While the federal government mandates the EAHCA, it is only partially funded by the federal government. The average cost of educating a student with special needs is 2.1 times the cost of educating a regular education student. Some extreme cases have resulted in systems paying over \$200,000 a year for services for a single student (Sack, 2001).

Since the passage of the *Education of All Handicapped Children Act*, PL 94-142, in 1975, there has been a steady increase in the percentage of students receiving special education services. In 1976, there were 3.7 million children between the ages 3 to 21 who were found eligible for special education services. By 2000, the number of students found eligible had increased to over 6.1 million. The 1976 numbers represented 8.3% of the total student population. The 2000 numbers showed the percentage increasing to 12.8% of the total student population (Horn & Tynan, 2001).

There have been many reasons given for the increase in special education services and expenditures. Since the passage of PL 94-142, advocacy groups have pushed to broaden the definition of students who qualify for special education. One of the most significant changes has been the inclusion of children with attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD). These students can qualify under the category of other health impaired (OHI). The addition of these two categories virtually assures continued growth in the numbers of students being served through special education (Horn & Tynan, 2001).

Special education has also seen a large growth in the number of students who are diagnosed as specific learning disabled (SLD). In 1976, at the inception of the Individuals with Disabilities Education Act, about 22% of the total special education population was identified as having SLD. In 1998, that percentage had increased to 46% of the special education population. The challenge of diagnosing students with SLD is that there are no universally accepted, validated test or diagnostic criteria. According to James Ysseldyke, director of the National Center on Educational Outcomes at the University of Minnesota, over 80% of all schoolchildren in the United States could qualify as having an SLD under one definition or another (Horn & Tynan, 2001). The lack of clear criteria makes it possible to diagnose almost any underachieving or low-performing child as SLD.

Parents have also contributed to the growth in special education. Special education does not have the stigma it once had. There are many attractive accommodations that may come with special education services. These accommodations might include the use of a laptop, audio or visual technology, the use of a personal tutor, extra or even unlimited time on classroom tests and standardized test.

Current trends, such as high stakes testing, could make it tempting for schools to exclude low-achieving students from taking standardized tests. In fact, several states, such as Kentucky, Louisiana, and South Carolina, who have seen increases in test scores, have also seen an increase in the percentage of special education students excluded from taking the test (Horn & Tynan, 2001).

The National Center for Education Statistics has tracked the growth of special education from 1976 to 2001. The classification rate for special education students in the United States was 13% for the 1999-2000 school year (National Center for Educational

Statistics, 2001). Table 1 uses data from the National Center for Educational Statistics to show the distribution of special education services and how it has grown since 1976.

TABLE 1: Special Education Growth (1976-2001)

TYPE OF DISABILITY	1976-77	1992-93	2000-01
*NUMBERS IN THOUSANDS			
All disabilities	3,694	5,111	6,293
Specific learning disabilities	796	2,351	2,842
Speech or language impairments	1,302	994	1,084
Mental retardation	961	518	599
Emotional disturbance	283	400	472
Hearing impairments	88	60	70
Orthopedic impairments	87	52	72
Other health impairments	141	65	292
Visual impairments	38	23	25
Multiple disabilities	-----	102	121
Deaf-blindness	-----	1	1
Autism and traumatic brain injury	-----	19	94
Developmental delay	-----	-----	28
Preschool disabled	-----	525	592

Adapted from National Center for Education Statistics (2001). Children 3 to 21 years old served in federally supported programs for the disabled, by type of disability: 1976-77 to 2000-01.

The trends in some areas of disability show a decrease. This decrease can be attributed to advances in the field of medicine. While these medical advances have

decreased some areas of disability, the advances have also contributed to an increase in some categories due to the improved survival rates of premature babies and babies born with different maladies (Berman & Urion, 2003). As demonstrated through the above data, the scope of special education has grown significantly in the past three decades. This growth has impacted the budgets of local school system. One of the original purposes of prereferral teams was to address the costs created by excessive special education referrals.

About the same time that prereferral teams were being developed to reduce the number of special education referrals, James Chalfant and his colleagues developed the concept of teacher assistance teams. These teams stressed collaborative problem solving, general education teacher ownership, and immediate classroom assistance (Hayek, 1987). These teams placed the onus on the teacher in the classroom to take the action necessary to assist children who are struggling.

While the original purposes of prereferral intervention teams and teacher assistance teams were different, the two separate ideas eventually became merged into one. This resulted in teams that provided assistance to the regular education teacher, but also served the function of reducing special education referrals. There are those that believe that the two should still be separate. Some proponents of teacher assistance teams have argued that when informal problem-solving teams become too highly structured, they also become too time consuming, too behavioral, too bureaucratic, and tend to maintain the role and power of specialists (Pugach & Johnson, 1989).

Both prereferral intervention teams and teacher assistance teams use a problem-solving approach. Problem solving is a systematic approach that includes the assessment

of children and their environments, identification of needs, development and implementation of supports to meet needs, and the monitoring and evaluation of outcomes (Nunn & McMahan, 2000).

Prereferral teams have been the focus of many studies. The number of states using some type of prereferral team has increased dramatically over the past twenty years. There are a variety of names for these teams, including: student support teams, academic intervention teams, student study teams, teacher assistance teams, and child study teams. While the names may be different, the purpose is generally the same.

The effectiveness of these teams has been well documented. Congressional hearings were held in the summer of 2002 for the reauthorization of the IDEA. The House of Representatives did not go as far as mandating prereferral teams, but recommended that states have prereferral programs that work to reduce the number of students designated as having disabilities (Congressional Hearings, 2002).

Prereferral intervention teams are designed to assist general educators. Problems are identified during the initial meeting. The identification of the problem should be found using data. While the teacher may be the best source of information, teachers' perceptions can be biased (Knotek, 2003). Objective data is needed to ensure that appropriate interventions are recommended.

The team develops recommendations and interventions to address the academic or behavior concerns. The team should provide in writing the specific strategies being implemented. Often, this is the stage that results in the process being ineffective. Teachers are given ambiguous suggestions that are destined to fail because clear

outcomes are not discussed or presented. These interventions are perceived as “going through the motions” so that a child can be referred to special education.

The next step is to monitor the recommendations and interventions. The SST reconvenes to determine the effectiveness of the team’s recommendations. If the academic or behavior problems continue, the team may come up with new interventions. If all proposed solutions fail, then the student is usually referred for an educational evaluation and/or psychological testing to determine eligibility for special education services.

There have been numerous studies that have shown the benefits of prereferral intervention teams (Safran & Safran, 1996; Del’Homme, Kasari, Forness, & Bagley, 1996). These benefits impact the students, teachers, and administrators.

Administrator can receive many benefits from utilizing prereferral teams. The teams can benefit the principal by providing her with the chance to demonstrate instructional leadership. The participation on a team also provides the administrator first hand knowledge of the competencies and skills of teachers. This also may result in the principal being more in tune with staff and students and better able to make effective decisions when problems develop (Myers & Kline, 2002).

The teachers can also receive many benefits from the SST process. The teams provide a support system for teachers. The team also provides the teacher with a vehicle for communicating the problems that teachers and students are experiencing. Communication can often be problematic in the school setting because of departmentalization and isolation. The use of SSTs for obtaining assistance with student

problems may be less threatening to teachers than discussing the problems with administrators.

Ultimately, the process is designed to benefit students. The prereferral teams can provide students with a variety of strategies and interventions to help them be successful in the classroom. At the lower grades these teams can serve to identify emerging problems that a child may be experiencing, such as speech impairments, developmental delays, and attention deficit. At the secondary level, students may become more active participants providing feedback about interventions (Hunt, Doering, Hirose-Hatae, Maier, & Goetz, 2001).

The student support teams have also been found to be more cost effective. Excessive special education expenditures may be avoided by weeding out unnecessary referrals (Buck et al., 2003). Teacher collaboration might also reduce the amount of resources needed to train staff on effective practices. In addition, the added collegiality could promote a better school culture resulting in more productive teachers.

While the benefits of prereferral teams are well documented, there are many obstacles that must be overcome to successfully implement an SST program. Often there is a lack of knowledge about the process. Many teachers believe that special education referral is the primary purpose of SSTs. Prereferral intervention teams are designed to help general education teachers solve student learning and behavior problems in the classroom. They are not a part of the special education referral process and are not a part of IDEA.

A lack of understanding the prereferral intervention team process may contribute to the reluctance teachers have to embracing the process. Graden (1988) suggested that

school personnel implementing SST programs need training to better understand these three areas: consultative problem solving, small group problem solving, and intervention-oriented assessment practices.

The lack of teacher understanding about the SST process has been documented in several studies. Logan, Hansen, Nieminen, and Wright (2001) studied twenty-four general education elementary teachers' beliefs and perceptions about the SST process and the students they brought to SST. Through interviews the researchers discovered the following: (a) SST was not functioning as designed; (b) teachers clearly believed that the primary purpose of SST was to test and place students into special education programs; (c) teachers referred students to SST with whom they had not been successful; (d) teachers believed their role was to document what had been tried and not worked to solve the student's problem; and (e) teachers believed that there was covert evaluation by administrators during the SST process which created anxiety and fear on the part of the teachers (Logan, Hansen, Niemenin, & Wright, 2001).

Logan et al. (2001) found that there is very little research on the efficacy of student support teams. They contend that the research done on prereferral intervention teams is with the assistance of university personnel who have assisted the teams in developing the procedures and interventions and who have helped with the implementation of the program. These research settings are not always indicative of what is happening in the typical program.

Teacher resistance to more paperwork may be another obstacle. Teachers already feel inundated with the tasks that are required of them. Some teachers view the prereferral process as another barrier that prevents the student from receiving help.

There are some criticisms of the SST process. Knotek (2003) suggests that because the prereferral team serves as the center point of a process whereby a student is either referred back to general education or on to special education, the team has dual, and in some ways conflicting, mandates. On the one hand the goal of the prereferral team is to promote a student's functioning in general education classes; on the other hand, its goal is to prove that a student cannot appropriately function in the general education classroom and should therefore be moved on to special education. This conflicting mandate may be the reason that prereferral intervention teams tend to favor referral over intervention (Fluglum & Reshcly, 1994).

The SST format may not be the most conducive to a collaborative approach. Teachers are often required to give their assessment of a student's performance in front of an administrator, counselor, and fellow teachers. The teacher stands to lose more than anyone else if the student is not performing up to par. By acknowledging that a student is having a problem, the teacher is implicitly acknowledging that she or he is also having difficulty and may need assistance (Knotek, 2003).

Knotek (2003) found that the decision to refer a student for SST consideration is often arbitrary. Reasons for referring a student may be as unscientific as the student's behavior was bothersome. He contends that the referral to special education evaluation may occur de facto with the act of SST referral. Knotek further contends that the effect of referrals being both initially tainted by teacher's subjective opinions that are then subjectively rubber stamped in the multidisciplinary team's may be that bias is unwittingly being introduced in the referral and then left unexamined in the team's decision.

Student supports teams are more prevalent at the elementary and middle grades. The high school is a unique environment that has many different obstacles that stand in the way of SST implementation. Secondary schools have also been faced with the challenge of accountability and growing numbers of students with learning or behavioral difficulties. Secondary schools have underutilized prereferral intervention teams (Myers & Kline, 2002).

Some have questioned the use of these teams in high schools because of the differences in structure and culture from elementary and middle schools. Nevertheless, secondary educators are faced with similar challenges of teaching heterogeneous classes. Classroom teachers have expressed that they are unable to intervene effectively with children who have behavioral or learning problems. Prereferral intervention teams can provide diverse perspectives that can help the regular education teachers address the problems being seen in the classroom (Myers & Kline, 2002).

The lack of a common planning time can be another challenge. One of the tenets of the SST process is to provide a variety of perspectives from different teachers. The schedules of many schools, especially secondary schools, do not allow for several teachers from different disciplines to meet. Also, the departmentalization of secondary schools may complicate the process. Some departments within schools may be strong and collaborative. Resistance may result if these departments believe that the prereferral team is overlapping their work and creating more work.

Another factor that impacts high school teachers is the time commitment. High school teachers often work with large numbers of students. Unlike elementary teachers, high school teachers may only have to deal with a student's behavior for a fraction of the

day. Teachers may choose to tolerate this behavior rather than engage in what is perceived as a time consuming process.

Secondary teachers also perceive their students differently than their elementary counterparts. Because students are expected to take responsibility and act like “adults,” teachers may feel that action should not be expected on their part. Many of the interventions suggested in earlier grades, such as monitoring assignment notebooks and academic contracts, are not viewed as appropriate for students in secondary school (Myers & Kline, 2002).

High school teachers may also view the accommodations afforded in the SST process as watering down their curriculum. Teachers in elementary and middle levels are often less content oriented and more student oriented. At the high school level, teachers are more often viewed as specialists. This attachment to their content makes it difficult for many to do what they perceive as compromising the expectations of learning related to their subject.

Despite the challenges, successful SSTs have been implemented. There are some key ingredients that are needed for the success of the teams to be realized. Administrative support is one of the most important aspects of operating a successful program. As with any school-wide initiative it is imperative to have an administration that positively supports and participates in the employment of a program. Some argue that it is better to exclude administrators from being on the actual team. The administrator can still provide support through necessary resources and positive reinforcement (Sindelar, Griffin, Smith, & Watanabe, 1992).

Training is also an important part of a successful program. Teachers, counselors, administrators, and other team members need to receive instruction and staff development on topics that can benefit the SST process. These topics include: classroom management strategies, behavioral interventions, and academic interventions. Manuals and web sites that provide information and strategies would also be beneficial.

Pennsylvania implemented a statewide instructional support team process to provide prereferral assessment and intervention for at-risk students in 500 districts. The program was designed as a 50 school-day process. Interventions and assessments were used. Students who were not successful in the allotted time period were referred to special education evaluation. Results from the state program showed a reduction in the number of students found eligible for special education. It also provided more support for those students not referred to special education. It was also discovered that the costs of operating the prereferral intervention teams was no more than the traditional refer-test-place process (Kovaleski, Gickling, Morrow, & Swank, 1999).

Often there is conflicting research on the same program. While Pennsylvania's program has been lauded by some, others have found weaknesses in the program (Rock & Zigmond, 2001). In 1990, the Commonwealth of Pennsylvania began requiring the use of intervention assistance teams. These teams were established in response to the increasing number of students being found eligible for special education. The funding patterns, which penalized schools for providing support to students before formal assessment had taken place, also served as an impetus for implementing a more structured SST program. These assistance teams operate under the following principles:

1. to ensure effective use of general education services for all students prior to referral for special education services.
2. to establish building-based, teacher problem solving teams to assist teachers
3. to systematically screen students prior to referral for special education services using assessment and instructional techniques, and
4. to provide support and assistance to general education teachers serving student with disabilities in inclusive classrooms (Rock & Zigmond, 2001).

Pennsylvania phased in the program and provided extensive training for school districts. Rock & Zigmond (2001) found that there were no longitudinal studies of the outcomes of prereferral intervention teams. Therefore, they designed a study that looked at the outcomes experienced by students two years after they had received assistance from an SST. The study also looked at whether a special education referral had been avoided or simply delayed. The outcomes of the research showed that a disproportionate number of minority students were recommended to SST (Rock & Zigmond, 2001).

Bias in the referral process is another concern when considering the SST process. There are many student characteristics that have been associated with bias in referral and placement. These characteristics include gender, social class, and ethnicity (Hetzner, 2002; McMillam, Gresham, Lopez, & Bocian, 1996). Minority students are referred for, identified for, and receive special education services in greater numbers than their proportion in the general population; yet the reasons for this disparity remains largely unknown (Serna, Forness, & Nielson, 1998).

It is important for the SST to clearly define the problem of the student. Clearly defining the problem can lead to the most appropriate interventions and strategies.

Bangert and Cooch (2001) recommended the following questions when identifying student need:

1. What is the problem situation?
2. What is the student doing or not doing that has caused someone to perceive a problem?
3. What environmental factors are contributing to the problem situation?
4. What behaviors would the team like to see and not see the student engage in?
5. What performance level will the student need to reach to meet expectations?

There are also key questions that must be asked when looking to develop solutions to the problems being confronted:

1. What factors contribute to the mismatch that exists between actual and desired levels of performance?
2. In what setting is the problem behavior occurring, and in what setting is performance better?
3. What assessment methods are most appropriate for determining factors contributing to the problem situation? How do these methods relate to intervention design?
4. What resources are available to help resolve this problem situation?

Reviewing data available from school records, medical records, student work samples, teacher and parent interviews, direct observations, behavioral ratings, and other

miscellaneous sources can help provide the answers to these questions (Bangert & Cooch, 2001).

One of the problems facing prereferral intervention teams is the lack of interventions that are research-based and proven to be effective. Interventions must be logically related to the problem and selected based upon information gathered from an analysis of the problem. The facilitator of these teams must be knowledgeable about curriculum and instructional methods. In many prereferral team models the administrator takes the lead role during meetings. In these cases, it is necessary for the administrator to demonstrate instructional leadership. This requires knowledge of current best practices for addressing academic and behavior issues.

Through their research, Logan et al. (2001) came up with four recommendations for successful SST implementation. The researchers recommend that:

1. The interventions and suggestions presented at SST meetings be “expert” knowledge. The findings showed that teachers shared “craft” knowledge, but did not offer research-based information on effective teaching and behavioral management strategies.
2. Removing people who evaluate teachers from the SST process was another recommendation. Underlying fear of negative evaluation existed amongst many of the teachers. This fear created tension and a need for teachers to “win” placement in special education to prove that the problem lay with the student and not the teacher. In schools with more than one assistant principal, it was suggested that one be relieved of evaluation responsibilities. He or she would then be available to assist teachers and provide them with research

based intervention strategies. In smaller schools, a lead teacher could assume this role.

3. Disconnecting SST from the referral to special education procedure was also suggested. If teachers realized the goal was to assist the student in the regular classroom, not to move them toward special education, strategies might be more effectively implemented.
4. Finally, the group recommended that training be provided for all participants. Procedures for running the process should be clearly explained. Expert information, research-based strategies and interventions, and best practices should be provided to teachers and administrators. (Logan et al, 2001, p. 282)

The current trends in education will continue to reinforce the need for prereferral intervention teams. *The No Child Left Behind Act of 2001* requires schools to look at all subgroups found within the school. These subgroups include at-risk students and students with disabilities. Schools must find effective ways to help these children achieve or they may end up being labeled a school “needing improvement.” Prereferral teams provide one strategy for addressing these needs. Also, the current budget shortages being faced by many states are impacting educational practices. School systems have to look at the cost-effectiveness of the programs being funded. Prereferral teams have been shown to reduce the number of students who are identified as disabled and consequently reduce the associated costs (Safran, 1996).

Future research must look at how to measure the effectiveness of prereferral intervention teams. Some studies have used the reduction of special education referrals as the primary measure of success. Little has been done to evaluate the impact on student

achievement. Although it would be a major undertaking, research must be done that documents the long-range impact of prereferral teams on student performance.

Section Two: The Historical Development of Georgia's Student Support Team Process

This section looks at the court case that initiated the SST process in Georgia. The legal arguments used by the plaintiffs are analyzed. These legal arguments are reviewed chronologically from desegregation to the current legislation that is referenced in the case.

Georgia State Conference of Branches of NAACP v. State of Georgia (1983) [hereinafter "NAACP"], led to the development of the SST program. This case was filed on June 8, 1982. The NAACP represented plaintiffs from thirteen Georgia counties, and brought suit against the thirteen local school districts, the State of Georgia, the State Superintendent of Schools, and the Members of the State Board of Education. The following counties were named in the suit: Liberty, Lee, Bleckley, Crisp, Americus, Miller, Jefferson, Burke, Vidalia, Evans, Pelham, Thomaston, and Coweta.

The first motion by the plaintiffs was to seek class certification. All parties were grouped into two categories: the statewide organization (Georgia State Conference of Branches of NAACP) and the local plaintiffs. The plaintiffs used a statistical expert to demonstrate the existence of the represented classes. The defendants tried to argue that the plaintiffs did not have a sufficient understanding of the purpose of the lawsuit to adequately represent the unnamed class. The court allowed the class certification. The court responded:

While the depositions of the named plaintiffs and their representative are not the best examples of individuals schooled in sophisticated use of the English

language or legal lexicon, such skills are not crucial in determining adequacy of representation (570 F. Supp. 314, at 14805).

The plaintiffs were seeking declaratory and injunctive relief against the defendants in order to end alleged intentional racial discrimination in the public schools in the State of Georgia. The suit claimed that discrimination was taking place in the local school through two distinct processes. First, the plaintiffs asserted that intraschool discrimination was taking place through ability grouping in classrooms. Secondly, the plaintiffs charged the school districts with discriminatory practices in the placement of Black children in educable mentally retarded (EMR) programs. The court viewed the plaintiff's claim as a second-generation desegregation problem. The plaintiffs further argued that the disproportionate classroom configurations resulted in educational deficits that should be remedied.

At the beginning of *NAACP*, the court noted the disagreement between the plaintiffs and defendants on the proper legal standard. The plaintiffs argued that the case addressed problems associated with the "vestiges of discrimination." The plaintiffs argued that present discriminatory intent did not need to be proved because the perceived ills were based upon prior *de jure* segregation. The defense argued that present intent to discriminate must be proved.

The Supreme Court had addressed the issue of desegregation twenty-nine years earlier in *Brown v. Board of Education* (1954). Prior to this ruling, *Plessy v. Ferguson* (1896) had established a legal basis for a system of segregated schools. In this case it was ruled that it was acceptable to have a dual system that provided services and facilities for Blacks and separate facilities and services for Whites. The *Plessy* decision reflected the

point of view that Blacks were inferior, a view that was prevalent at that time (Dayton, 1999). This “separate but equal” doctrine was reversed with the *Brown I* decision.

Minority students brought the case to the court seeking aid in obtaining admission to the public schools of their community on a nonsegregated basis. In *Brown* the Court had to answer the following question: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? The question was answered in the affirmative as described by Chief Justice Warren (1954) writing for the court:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. 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... We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought

are, by reason of the segregation complained of, deprived of equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment. In approaching this problem, we cannot turn the clock back to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. (*Brown v. Board of Education*, 1954, p. 493)

The Court was very clear that segregation denied students equal protection of the laws. Constitutional scholars contend that among the reasons that the Equal Protection Clause was placed in the Fourteenth Amendment was to ensure that former slaves would be provided the same civil protections as white Americans (Lamorte, 1999). Although it may have been originally created to address the situation of former slaves, the equal protection provision of the Fourteenth Amendment has had a major influence on policy in American public education.

As a result of the *Brown* ruling, Schools were given the charge of administering schools on a racially nondiscriminatory basis with “all deliberate speed” (*Brown v. Board of Education*, 1955). The period of 1955-1963 did not see a lot of activity directed toward implementation of the court’s decree (Dayton, 1993).

The court’s directions became more explicit in subsequent cases, holding that, “School boards operating state compelled dual systems were nevertheless clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a

unitary system in which racial discrimination would be eliminated root and branch.”
(*Green v. County School Board*, 1968, p. 437)

In the case of *Green v. County School Board* (1968), the courts determined that the “freedom-of-choice” plan was not enough to create a unitary system. New Kent County is located in rural Eastern Virginia. The system had a population of about 4,500. The school system serviced approximately 1,300 pupils. The system had a school for White students and a separate school for Black students. Even after the ruling from *Brown I* the system continued to operate segregated schools. Threatened with the possibility of losing federal financial aid, the school system adopted a “freedom of choice” plan. After three years of the program the two schools in the small Virginia system still remained largely segregated. The records showed that no White students applied to go to Watkins School and only 115 Black students had enrolled at the New Kent School. In other words, the system remained a dual system. The court required the board to formulate a new plan that would end racially segregated schools. It was not enough to have a plan; the plan had to be effective. This ruling put the onus on local systems to ensure that segregation did not exist in the schools.

The *NAACP* case was unique because it extended the scope of possible segregation. Cases before this time had dealt primarily with the physical facilities. The court’s concern at that time was with the elimination of the physical separation of the races in the public schools. This focus of the Court was stated in the case of *Swann v, Charlotte-Mecklenburg Board of Education*, (1971). The Court specifically declined comment on the other alleged manifestations of racial discrimination stating:

We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with the myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and the one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. It would not serve the important objective of *Brown I* to seek to use school desegregation cases for purposes beyond their scope, although desegregation of schools ultimately will have impact on other forms discrimination. We do not reach in this case the question whether a showing that segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is constitutional violation requiring remedial action by a school desegregation decree. This case does not present that question and we therefore do not decide it. Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools. (Swann v. Charlotte-Mecklenburg Board of Education, 1971, p.22)

The defense in the *NAACP* case argued that the practice of grouping students according to ability was based upon sound educational principles and not upon discriminatory practices. Courts have established that ability grouping is not *per se*

unconstitutional, even when it results in racial disparity in a school district's classrooms. The courts look at a district's history of segregation when evaluating its ability grouping practices. School districts must have operated a unitary school system for a period of at least three years. This precedent was established in several cases including *Castaneda v. Pickard* (1981) and *McNeal v. Tate County School District* (1975).

The Eleventh Circuit Court of Appeals found that achievement grouping is permissible in a school district that has not been declared fully unitary if the school district can demonstrate that its assignment method is not based on the present results of past segregation or will remedy such results through better educational opportunities. The court in *NACCP* (1983) stated that the plaintiffs had failed to prove that ability grouping, as practiced by local defendants, and monitored by the state, was the result of the present effects of past intentional discrimination.

The grouping of students in the Georgia counties varied. Vidalia City School District began grouping students in the late 1950s. Students in first grade through eighth grade were grouped according to results of the Scott Foresman reading test. The system also used the Holt math system to classify students. In Lee County, a team of school personnel including the principal and the students' teachers assigned the students. The team in Lee County used a variety of assessments to determine placement, such as the Georgia Criterion Referenced Test and the MacMillan Skills Test. Many of the thirteen counties also had a system of reevaluation to determine if the initial placement was still accurate.

The plaintiffs used the services of Dr. Martin M. Shapiro, a statistical expert, to show that there were a disparate number of students being placed in EMR classes and in

the “low” classes. Dr. Shapiro used data from the Office of Civil Rights of the U.S. Department of Education. Data was taken from nine metropolitan counties for the years 1972, 1976, 1978, and 1980. The data were analyzed to provide summary statistical indices of racial disproportionality in each of four placements characteristics. The four indices represent measures of the degree of disproportional Black/White student placement in the following categories:

1. between the several schools of each system;
2. among the various classrooms within each school;
3. in assignments to Educable Mentally Retarded programs;
4. in assignment to Specific Learning Disability (SLD) classrooms.

The sample classrooms were analyzed using an index of a chi-squared divided by degrees of freedom, which is represented by the following formula: X^2/df . The data showed that the classroom placements had a statistically significant racial impact.

Table 2 shows the total number of districts filing OCR reports each year and the number of systems in which classroom placement had a statistically significant racial impact:

Table 2: Number of Districts with Significant Racial Impact

<u>Year</u>	<u>Total Districts</u>	<u>Districts With Significant X^2/df</u>
1972	165	139
1976	151	145
1978	170	100
1980	155	77

*Table Adapted from Data in *NAACP v. Georgia* (1983).

Each of the original thirteen defendant school districts reported data with indices indicating a very high degree of racial separation among classes. Table 3 lists each local defendant and an index of racial impact for 1972, 1976, 1978, and 1980.

An index of 1.7 (Table 3) or more was considered statistically significant in 1972. An index of 1.37 or more indicated statistical significance in the other years listed on the tables. The plaintiffs contended that the data contained in these tables clearly demonstrated the existence of a statewide class and a class in each local defendant school district of Black students who have been affected by the defendants' alleged racial tracking process.

Table 3: Defendants Index of Racial Impact

<u>District</u>	<u>1972</u> <u>X<2>/df</u>	<u>1976</u> <u>X<2>/df</u>	<u>1978</u> <u>X<2>/df</u>	<u>1980</u> <u>X<2>/df</u>
Americus	11.134	8.625	3.327	3.438
(Bleckley)	6.788	3.736	5.920	6.157
Burke	5.058	3.343	3.642	3.935
Coweta	5.604	2.292	2.472	1.932
Crisp	5.785	4.126	4.488	5.248
Evans	6.270	5.322	4.383	3.995
Jefferson	No rept.	6.120	6.632	4.155
Lee	9.467	9.206	6.422	No rept.
Liberty	7.086	5.731	4.232	No rept.
Miller	5.369	8.884	8.915	8.523
Pelham	11.923	6.365	7.250	6.135
(Thomaston)	4.346	5.353	5.290	3.361
Vidalia	12.004	5.041	5.941	4.812
(Cochran) n2	17.667	8.541	Consolidated	

*Table Adapted from Data in *NAACP v. Georgia* (1983).

The plaintiffs also attacked the process used to place students in EMR classes. They examined the special education files of some students who had been placed in EMR classes. In Georgia, a student must have an IQ score that registers between two standard deviations below the mean of 70. The plaintiffs argued that students placed in EMR classes who had IQ scores above 70 were being improperly placed based upon race. The plaintiffs showed that there were at least 121 Black children in the local defendants'

school districts who were placed or retained in EMR programs even though their most recent psychological evaluation contained an IQ score of 70 or above. The plaintiffs claimed that these findings were a violation of the students rights protected under Section 504 and the Equal Educational Opportunities for All Act.

Section 504 of the Rehabilitation Act of 1973 protects both handicapped children and adults from discrimination in institutions receiving federal funds. The regulations state:

No otherwise qualified handicapped person shall, on the basis of handicap, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program that receives or benefits from Federal financial assistance. (34 C.F.R. § 104.4, 1997)

In *NAACP*, the plaintiffs used a variety of evidence to support their claims of discrimination. They pointed to the defendants' admitted regulatory violations, the undisputed overrepresentation of Black students in EMR programs, studies suggesting the existence of discrimination, and alleged individual examples of improper assignments. However, the courts found that although certain of the plaintiffs' statistics suggested the existence of misclassifications, there was no direct evidence that the arguable misclassifications were done intentionally or in bad faith. Based upon these findings, the court dismissed the plaintiff's substantive handicap discrimination claim.

The Court explored the requirement of proof of intentional discrimination. In *Washington v. Davis* (1976) the court emphasized that discriminatory purpose or intent, as a motivating factor in governmental action was an essential element in proof of an equal protection violation. The evidence presented must go beyond disparate impact. It is

very easy to prove that a state is liable for allowing a local system to maintain separate White and Black schools. However, a heavier burden of proof is required of plaintiffs to show that the allowance of achievement grouping, which results in racially identifiable classrooms, constitutes evidence of intentional discrimination supported by the state (NAACP v. Georgia, 1983).

At the time of this case, the issue of educating students with disabilities was fairly new. Only eight years before the *NAACP* case, Congress had passed the *Education for All Handicapped Children Act of 1975*. Before the passing of this law, students with disabilities faced many barriers to receiving an education.

Contrary to the belief held by many, education is not guaranteed by the federal Constitution. States are responsible for the education of students. The Tenth Amendment to the U.S. Constitution implies that states have the power to provide education. Many states began enacting compulsory attendance laws in the 1800s. However, children with disabilities were often excluded from schools. The courts upheld the continued exclusion of students with disabilities. In 1893, the Massachusetts Supreme Judicial Court ruled that a child who was “weak in mind” and could not benefit from instruction, was troublesome to other children, and was unable to take “ordinary, decent, physical care of himself” could be expelled from public school (*Watson v. City of Cambridge*, 1893, p. 562). In Wisconsin, the State Supreme Court ruled that a child who had been attending school since fifth grade could be excluded from school. The child had a condition that caused him to drool and have facial contortions, as well as a speech related problem. The court agreed with the school’s claim that this “nauseated” the teachers and other students,

required too much teacher time, and negatively affected school discipline and progress (Beattie v. Board of Education, 1919, p. 7).

The exclusion of disabled students continued up until the passage of PL 94-142 (1975). As recently as 1969, the courts upheld legislation that excluded students whom school officials judged would not benefit from public education or who might be disruptive to other students. In 1958, the Supreme Court of Illinois, in *Department of Public Welfare v. Haas*, held that schools were not required to provide a free education for the “feeble minded” or children who were “mentally deficient” and who, because of their limited intelligence, were unable to reap the benefits of a good education (Yell, Rogers, & Rogers, 1998).

By the late 1960s and early 1970s, states began enacting legislation that allowed disabled students to attend school. The efforts of states were uneven, and generally no extra funding was provided. Schools had difficulty complying with these laws because they were often not equipped or lacked funding to provide appropriate services. The passing of EAHCA in 1975 brought the various pieces of state and federal legislation together into a comprehensive law regarding the education of students with disabilities (Yell, Rogers, & Rogers, 1998).

The *Brown I* (1954) decision provided the underpinning for the EAHCA law that followed. Depriving someone of an equal opportunity to receive an education based upon race was determined to be a violation of the equal protection provided in the Fourteenth Amendment. Advocates applied this same argument to students with disabilities. Senator Harrison Williams, one of the authors of EAHCA described the government’s responsibility:

We must recognize our responsibility to provide education for all children with disabilities which meets their unique needs. The denial of the right to education and to equal opportunity within this nation for handicapped children--whether it be outright exclusion from school, the failure to provide an education which meets the needs of a single handicapped child, or the refusal to recognize the handicapped child's right to grow--is a travesty of justice and a denial of equal protection under the law. (Senator Harrison Williams, principle author of the Education for All Handicapped Children Act, Congressional Record, 1974, p. 15272)

The EAHCA required states to provide a “free and appropriate public education” to all handicapped students. The EAHCA created the following categories of eligibility: mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairment, other health impaired, and specific learning disabilities (LaMorte. 1999). To comply with this mandate, Georgia developed regulations establishing and governing its special education program.

The classification of mental retardation or educable mentally retarded was the focus of the plaintiffs. The defendants in *NAACP* showed that the school systems had a two-stage system for referring students. The first step involved the review of all proposed special education referrals by a screening committee. Referrals could be made by school personnel or any other person familiar with the child’s educational needs. The committee would obtain consent from the parents for evaluations. These evaluations included achievement, intelligence, vision and hearing, and any remedial efforts attempted in the

classroom. The committee would then decide if a formal evaluation for special education placement was the best alternative. After acquiring parental permission, a variety of tests would be conducted and the student would receive a formal evaluation from a certified psychologist or psychometrist. After this process was completed, the placement committee would determine whether the child should be placed in an EMR program.

The plaintiffs contended that the local defendant's achievement grouping and EMR assignments discriminated against Black children on the basis of race in violation of the equal protection clause of the Fourteenth Amendment. While the plaintiffs were able to show that there were more Blacks in the lower achievement groups and EMR classes than would be expected from a random distribution, the courts held that the plaintiffs failed to prove that the disparity was a result of the present effects of past discrimination. The court also held that the local defendant's ability classification schemes served to remedy the past results of prior segregation through better educational opportunities for Black children. The district court held that the plaintiffs failed to show that the racially disparate EMR classes were attributable to the prior segregation in Georgia schools, that Black children are misclassified as EMR more often than White students, or that the defendants had any intention of discriminating against Black students (*NAACP v. Georgia*, 1983).

All of these legal and historical developments were brought forth in the *NAACP* case. The case was tried from October 31, 1983 to December 20, 1983. The district court entered an order finding no infringement on the Constitution, Title VI, or the Equal Educational Opportunities Act. The court, however, determined that the school systems did violate certain regulations promulgated under Section 504 governing the

identification, evaluation, and placement of students into EMR programs and scheduled a hearing for appropriate relief.

The hearing for relief was held August 15, 1984. At this time the defendants submitted separate but coordinated proposals to remedy the admitted violations. The local defendants worked together to make sure that the monitoring by the state would be more closely tied to local practices. A part of the proposal was sample forms that would provide documentation of the procedures being used.

The state defendants made a proposal titled the “Commitment of the State Defendants Concerning Implementation of the *Education for All Handicapped Children Act*.” The State divided their recommendations into two categories: modification of monitoring activities and modification of regulations.

To address the first category, the philosophy of monitoring was changed from offering technical assistance to one of assuring compliance with the requirements of EAHCA. There were also changes made within the three stages of monitoring: (1) pre-monitoring, which now requires local review of the due process checklist prepared for each identified exceptional student currently placed in special education; (2) on-site monitoring, which allows the state monitor to select the sample files to be examined for compliance; and (3) post-monitoring, which now includes the withholding of federal funds in the event of a local system’s failure to comply with corrective actions proposed by the state within certain time periods.

The second category of the Commitment required each local agency to develop a Student Support Team. This group of education personnel would work to identify and plan alternative instructional strategies for children prior to or in lieu of special education

referral. The proposal also emphasized the importance of parental involvement in the process.

The other modifications of regulations were made in the definitions of the terms “intellectual functioning” and “adaptive behavior.” Significantly sub average general intellectual functioning was defined as approximately 70 I.Q. or below as measured by a qualified psychological examiner on individually administered, standardized measures of intelligence. Allowance was made for slight variations based upon the reliability of the intelligence test or tests used and the variability of performance in individuals with similar intellectual scores. Therefore, there may be students with I.Q. scores below 70 who are not handicapped nor in need of special education, while some students may have an I.Q. score over 70 may indeed be handicapped and in need of special education. The final determination of the level of intellectual functioning must be based upon multiple sources of information and must include more than one formal measure of intelligence.

The definition of adaptive behavior was defined as significant limitations in individuals’ effectiveness in meeting the standard of maturation, learning, personal independence, or social responsibility and especially school performance that are expected of the individual’s age level and culture group as determined by critical judgment. As with intellectual functioning, the determination of adaptive behavior must be based upon a variety of information sources.

The court later issued a supplementary order that rendered unnecessary any remedial measures contained in the defendants’ proposals. However, the defendants voluntarily proceeded with the implementation of these remedial measures. The State defendants filed reports, which detailed for the Court the efforts taken by those

defendants in their attempts to ensure that regulatory violations of the local systems would be minimized. The State also issued a revised Resource Manual for the “mildly handicapped” which incorporated the modifications contained in their Commitment.

The plaintiffs filed for further relief to remedy the Section 504 violations. At an evidentiary hearing the plaintiffs submitted the following additional actions they felt were necessary to conclude the case:

1. The appointment of an independent monitor.
2. A requirement that the state adopt, mandate, and help implement in all school districts throughout Georgia the package developed by and implemented in the school districts pursuant to their August 1984 proposal.
3. Require the state to promulgate regulations.
4. A requirement that the state assure immediate corrective action for any child impacted by procedural violations.
5. A requirement that the state monitor the activities of the local agencies’ internal monitor named pursuant to the local defendants’ proposal.
6. A requirement regarding the review by all parties of the state’s new resource manual for the mildly mentally handicapped prior to its distribution to the local agencies.
7. Clarification that the state has and must use the authority to withhold federal and state special education monies and to exercise its authority and responsibility to take over the special education activities in and offending local district.

8. A requirement that local agencies name an internal advocate to take the position at IEP meetings that the child is not handicapped or does not need special education placement.
9. A requirement for collection and reporting of demographic data by exceptionality, how long each child has been in special education, and the nature of the placement.
10. A requirement that the state continue to report to the Court for at least two years the information required by their reporting form, as well as additional information. (*NAACP v. Georgia*, 1983)

With the exception of the lack of required specificity regarding the interpretation of the I.Q. score for EMR assessment purposes, the court was satisfied with the proposals of the local and state defendants and stated that no further actions were required.

The case of *NAACP* spanned over three years as it moved through the courts. The case reshaped the process used for identifying students with disabilities. The settlement provided clear guidelines for identifying students as educable mentally retarded. The creation of the SST program as a part of the States Commitment has also had a major impact on the daily functioning of schools.

Section Three: Description of the Student Support Team Process with Related Rules and Regulations

This section uses the Georgia Codes, State School Board rules, and the Georgia State Department of Education's *Student Support Team Manual* (2001) to provide a thorough description of the rules and regulations affecting the SST process. Applicable

federal and state rules, regulations, and court cases are also reviewed in this section. This section concludes by providing examples of local board adopted SST policies.

The SST process was created as a response to the litigation in the aforementioned *NAACP* case. The purpose was to ensure that students were put through a standard screening process before being referred to special education testing. While the original process was created with this focus, the wording of the rules and regulations has allowed the SST process to expand in its scope and purpose.

The legal authority of the SST process is found in the Georgia Code §§ 20-2-152 and 20-2-240. The functioning of the SST is addressed by the State Board of Education Rules and by the local school system's board of education policies.

The following is the Georgia State Department of Education *Student Support Team Manual's* (2001) description of the six-step process:

1. Gathering of Information - Prior to and during the first meeting, team members gather as much relevant information as possible regarding the student's past and present educational and/or behavioral performance. Information should be gathered from a variety of sources including parents, official school records, and anecdotal records.
2. Assessment (if necessary) and Evaluation of Data - The team meets to discuss and interpret the information available to them. The team may decide that more information is needed and develop a plan for obtaining the information.
3. Development of Educational Plan - After evaluating the existing information, the team develops an individual educational plan specific to the student's strengths and weaknesses. Strategies and techniques are brainstormed and agreed

upon by all those involved in the implementation process. A timeline for follow-up and evaluation of progress is established.

4. Implementation of Educational Plan - The educational plan is implemented for a specified time period. Additional data is gathered if needed.

5. Evaluation of Progress - The SST reconvenes to discuss progress and additional data. The educational plan is changed as needed. Further course of action is discussed.

6. Ongoing Monitoring and Evaluation - The SST monitors student progress and alters the plan as is necessary. If the educational plan is effective and no disability is suspected, the team should meet periodically to discuss the student's progress.

(Student Support Team Manual, 2001)

These steps provide the framework for the SST. The steps should be clearly explained to members of the Student Support Team. A flow chart illustrating these six steps is included in Appendix A.

Teachers often view referral to special education as the primary purpose of the SST. The state of Georgia is very clear in its description of the SST process that it is intended to be a regular education entity. The rule states:

The purpose of the student support team (SST) is to improve the delivery of instructional services to students experiencing problems of an academic, social or behavioral nature in school and to serve as a resource for teachers and other educators in the delivery of these services. (BOE Rules, 160-4-2.32)

While the SST process may have been created to address academic concerns, the state's definition allows schools to also address behavioral and social concerns through the SST.

One of the main components of the SST is the range of perspectives that are provided. These multiple perspectives allow the team to effectively look at different approaches and strategies for addressing a student's needs. Often, a member of the committee that does not work directly with the student may be able to provide input that is free from bias. The problem-solving nature of this group is enhanced by the contributions of an interdisciplinary group. It is not stated anywhere in the codes that SSTs are established as the referral process for special education. The definition of SST is "an interdisciplinary group that addresses the needs of students having problems in schools" (BOE Rules, 160-4-2.32). This definition gives the purpose of the SST and describes the composition of the group.

The state requirements for SSTs are also very general. While there is a range of formats, most schools have many Student Support Teams. Some schools, depending upon the caseload, may choose to establish one team per grade level. Middle schools typically have an SST per team of teachers, which serves as an extension of the teaming concept used in middle schools. The law gives discretion to the school by stating, "each school shall have a minimum of one student support team and shall establish support team procedures (BOE Rules, 160-4-2.32)." This team is established to ensure compliance with the following regulations:

- (a) Before a referral is made for other supplemental or support services an evaluation and/or assessment must be conducted.
- (b) Prior evaluation(s) and/or assessment(s) of a student for a state or federal program shall be considered as having met this requirement.

Section b of these regulations addresses the process for referring a student to special education. Once the referral for special education evaluation has been made, the case is turned over to the special education department in the school. At that point the SST is no longer involved, unless the child is found ineligible for services, then the case may be referred back to the SST.

A wide range of school personnel and county personnel may participate in the SST process. This group is supposed to represent a range of perspectives for the students. Parents must be invited to participate in the SST meeting as a member of the team. The parents may give the school permission to conduct a meeting without their attendance. The SST regulations provide the following list of system personnel as suggested team members:

1. Principal;
2. General education teacher;
3. Counselor;
4. Lead teacher;
5. School psychologist;
6. Subject area specialist;
7. Media specialist;
8. Special education teacher;
9. Parent;
10. School social worker;
11. Central office personnel;
12. Other appropriate personnel. (BOE Rules, § 160-4-2.32)

The SST meetings should be conducted with at least three members of the team in attendance. The *Student Support Team Manual* (2001) suggests having at least three different categories represented. Accordingly, an SST meeting should not be conducted if only three regular education teachers are present. An SST team comprised of a teacher, parent, and counselor would be acceptable.

The State outlines six steps that must be followed when conducting an SST. Some schools categorize these steps and require a certain number of meetings before certain steps can occur. The steps provide for documentation of strategies attempted and assessment of their effectiveness. The process requires that interventions be given a significant amount of time to determine their effectiveness. A minimum of 20 school days is recommended to determine if interventions can be effective.

The state provides forms for the documentation of the following seven items. These requirements may be audited by the state to ensure proper implementation of the SST process:

Documentation of SST activities shall include the following:

1. Student's name;
2. Name of team members;
3. Meeting dates;
4. Identification of student needs;
5. Any records of assessment;
6. Educational plan and implementation results;
7. Follow-up and, as appropriate, continuous evaluation. (BOE Rules, 160-4-2.32).

The process provides the above steps to ensure that children are not inappropriately referred without regular education resources being exhausted. While the process is intended to prevent children from being immediately referred to special education evaluation, there are some exceptions to this requirement:

School personnel and parents/guardians may determine that there is reasonable cause to bypass the SST process for an individual student. Documentation in the student's record shall clearly justify such action, including whether the parent or guardian agreed with such a decision. In cases where immediate referral is sought, the SST shall still determine what interim strategies, interventions, and modifications shall be attempted for the student. It is not necessary for students who transfer into the local school system/state operated program with current Individualized Education Program or Section 504 plan to go through the SST process (BOE Rules, 160-4-2.32)(a).

The SST process is a regular education, problem-solving process. Each school in Georgia is required to have a minimum of one SST. The final intended outcome is improved student performance. The SST's purpose is to provide a variety of perspectives to address a student's academic or behavior problems. It can be beneficial to have school personnel who do not work directly with the student giving input. Many school policies also require the presence of a school counselor.

The State of Georgia's *Student Support Team Manual* (2001) suggests that the SST leader be a regular education teacher. From its inception, the SST process has been designed to be a regular education entity. It is necessary for the team leader to possess

strong organizational skills, accessibility, and good communication skills. Many schools use a designated administrator to lead SSTs.

Any child that is experiencing difficulty may be recommended for SST. Any unresolved problem that impedes learning may merit a request to SST. A teacher, administrator, counselor, parent, or even the student can make the request. Many schools encourage teachers to initially address student concerns through a parent conference before bringing a student to the SST process. This screening prevents an overload of students put into the SST program.

At the initial SST meeting the problems of the student are identified. A brainstorming process is used to generate ideas for solving the problem. The team gives recommendations for strategies and interventions that may address the problem. The recommendations are documented in SST records and given to the teacher(s) to implement with the student. The team then meets periodically to determine the effectiveness of the recommendations and to determine if there is a need for further intervention.

The strategies must be implemented for a sufficient amount of time to determine if they will succeed. The *Student Support Team Manual* recommends 20 to 30 school days. The team then decides whether to continue with the same interventions, formulate new strategies, or explore other options. For some students the SST process may be of short duration, while for others it may be a yearlong process.

A referral to evaluate a student for special education consideration can be made, but only after several important decision criteria are met:

- 1) that reasonable classroom interventions of sufficient duration have been carefully attempted, without success; and
- 2) that the cause of the problem is suspected to be a disability that cannot be resolved without special education services.

This provision is intended to address the concern raised in *NAACP*. Students must go through a rigorous screening process before they can even be referred to special education evaluation.

While the original purpose of creating the SST process may have been to prevent unnecessary or inappropriate referrals to special education the role of the SST has expanded over the years. The SST process can be used to satisfy requirements of both the Chronic Disciplinary Student Act (CDSA) and HB 605 (Teacher Removal Act).

The CDSA (1992) allows schools to identify students who exhibit a pattern of disruptive behavior. After being identified, the student is placed on a behavior plan/contract. The behavior plan can be created through the SST process. Parents must be invited to all SST meetings. If the student's behavior does not improve as a result of the SST recommendations, he or she may be suspended or taken to a panel/tribunal and placed in an alternative setting. Many school systems require a school to refer a student to the SST before bringing him/her to a tribunal.

The Teacher Removal Act (1998) allows teachers to identify and remove students who frequently and substantially disrupt the learning environment. Schools are required to have a placement review committee that holds a hearing for any student removed through this act. The school administrator still has the option of giving the student other

consequences. The SST process can be used to address student concerns once the child is allowed to return to the classroom.

While the procedures and guidelines for SSTs are provided under Georgia law, there are several federal regulations that have an impact on the functioning of SSTs. These federal regulations include: the IDEA, Section 504, and the Family Education Rights and Privacy Education Act (FERPA).

The 1997 reauthorization of the Individuals with Disabilities Education Act reinforced the need to have an effective prereferral process. The IDEA creates an affirmative duty for states to identify children with disabilities through the “child find” provisions. These provisions mandate that the State identify all students with disabilities residing in the State. The IDEA requires a two-part test. First, the child’s disability must fit within one of the categories of eligibility. Second, the child must need special education and related services because of the disability (Dayton, 1999). The SST process can function to carry out both of these tasks. Some students may pass the first part of the test; yet they do not demonstrate the need for special education services. The SST process provides the documentation needed to make these determinations.

The SST process can provide the necessary documentation to satisfy the requirements of a Section 504 plan. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (1990) mandates that schools receiving federal financial funding not discriminate against children with handicaps or disabilities. Any person who currently has an impairment that substantially limits one or more major life activities is eligible for protection and services under Section 504.

The Family Educational Rights and Privacy Act (FERPA), was established to promote communication between institutions and parents of students. FERPA was introduced by Senator James Buckley from New York. He offered this legislation as an amendment to other educational legislation. Senator Buckley presented the legislation with two purposes: To assure parents of students, and student themselves if they are over the age of eighteen or attending an institution of post-secondary education, access to their education records and to protect such and individual's right to privacy by limiting the transferability of their records without consent (Congressional Record, 1974).

Senator Buckley had many concerns with regard to the misuse and abuse of student records by elementary and secondary schools. He identified several practices that violated the privacy of the students and parents, including the placement of information in a student's record that was not relevant or that reflected personal opinions of individuals not qualified to make statements concerning the psychological characteristics of the students. In addition, he noted other abuses in which confidential information from student files was revealed to parties or persons who had no legitimate interest in that material (Weeks, 2001).

Senator Buckley also had strong feelings about the need for parents to be involved in their child's education. Senator Buckley believed that access to student education records and knowledge of their content was essential to parental involvement. Senator Buckley stated that following:

The most fundamental reason for having introduced the Family Educational Rights and Privacy Act ... is, my firm belief in the basic rights and responsibilities--and the importance--of parents for the welfare and the

development of their children. Parents are the first and most important teachers of their children. I introduced the Family Educational Rights and Privacy Act not only to correct certain abuses in the schools but also to reassert and re-establish the basic rights, responsibilities, and involvement of parents in their children's upbringing and education. (Congressional Record, 1975, p. 13991)

The aforementioned federal regulations have a major impact on how SSTs are operated. The implications of these regulations and their impact on the SST process will be discussed in Chapter Three.

Student Support Team Board Policies

The state regulations are very general and require local boards to create more specific policies regarding the implementation of the SSTs at the local school. Gwinnett County's SST policies incorporate the state's definitions and guidelines:

The Board believes that the Student Support Team (SST) is an effective method of addressing the instructional needs of students who are experiencing problems in school. The SST Committee is a regular education team comprised of school personnel whose primary task is to develop instructional strategies and other interventions for meeting the needs of students referred for learning and/or behavioral problems. The team is an interdisciplinary problem-solving team which provides consultation and recommendations for educational programming to teachers and school staff in assisting referred students. Parents shall be invited to participate in all meetings of their student's SST and in the development of interventions for their student. Implementation of SST procedures should occur for any student experiencing problems in school before a referral is made to other

support services or to special education. School personnel and parents/guardians may determine that there is a reasonable cause to bypass the SST process for an individual student. Documentation in the student's record shall clearly justify such action and include whether the parent and/or guardian agreed with the decision. The Student Support Team (the referring teacher and at least two other faculty and/or support staff members) is an interdisciplinary group that shall engage in a six-step process to include: 1) identification of needs; 2) assessment, if necessary; 3) development of an education plan; 4) implementation of the plan; 5) follow-up and support; and 6) continuous monitoring and evaluation. (Gwinnett County Board of Education Policies, IEIA, 1996).

Atlanta Public Schools provides excellent SST resources for schools. The school system's website contains detailed information for teachers. The county also provides its own resource manual that is available electronically. The schools receive extensive training on implementing the process. The following is the policy for SSTs in Atlanta Public Schools:

Student Support Teams (SSTs) are collaborative, building based, problem solving teams which have been organized, in the state of Georgia, following a mandate from the Georgia Department of Education. Student Support Teams are comprised of general education teachers, administrators and other support staff personnel. The Team's primary focus is to address academic, medical, behavioral and/or other problems which may interfere with a student's ability to obtain an appropriate education. Students who are at-risk are often assisted by the Student Support Team as well. Although the resolution of student problems is the primary

focus of Student Support Teams, Student Support Team Chairpersons often conduct school-wide training sessions to provide information regarding the development and implementation of intervention strategies needed to assist students (Atlanta Public Schools Board Policies, IE/IA).

The Policy of the Atlanta Public Schools provides a clear description of the SST. In addition, school personnel are provided with many helpful resources for implementing the SSTs in the schools including the *Manual of Procedures and Guidelines for the Student Support Team* (Appendix C). The manual provides many useful strategies for implementing a successful SST program, including several model formats for teams. Different sample models are presented for the different grade levels.

The manual also provides different scenarios for using the SST. The manual provides historical information about the SST to increase the team members' understanding of the context and purpose of the SST. The manual would work as a great tool for staff development because it presents many of the situations that would require the help of the SST. The manual ends by presenting the county's guidance through the following Seven Habits of Highly Effective Student Support Teams:

1. Practice proactive teaming.
2. Determine the expected student outcomes at the beginning of the Student Support Team Process.
3. Develop appropriate strategies that will meet the student's individual needs.
4. Practice brainstorming, collaboration, and teamwork.
5. Expect a winning outcome for all students involved in the SST process.

6. Unite Effort / Work to one End.
7. Don't be afraid of change. (Manual of Procedures and Guidelines for the Student Support Team, Atlanta Public Schools)

Student Support Team Case Law

Many teachers have the misconception that the SST process can easily result in litigation. A review of Georgia cases found only one lawsuit that resulted from the SST process. This case provides some guidance for school personnel implementing an SST program.

The Georgia case was *Clay T. v. Walton County School District* (1997). Clay began first grade at Walker Park Elementary School in the fall of 1989. He made average or above average grades his first two years at Walker Park. In third grade Clay began having academic difficulties. He received a failing grade in reading. His third grade teacher reported that the poor grade was primarily due to his inconsistency with doing his work and not turning in his assignments.

Clay's mother (Mrs. T.) met with his teacher to address her son's performance and to develop some strategies to help Clay. School officials worked with Mrs. T. offering suggestions, such as providing after school assistance, moving Clay to a different seat, and requiring him to turn his assignments in to the school principal. Mrs. T. visited the classroom several times a week and met with his teacher periodically to monitor Clay's progress.

Clay continued to struggle in class. Informal testing began in the spring of 1992. This fact became a point of contention during the case. The school counselor claims that she informed Mrs. T. about the formal SST process, but suggested that informal testing

might be more appropriate. Mrs. T. testified that she was never informed about the SST process and that the school would only conduct the informal tests. Further dispute resulted from the school's claim that mother had asked that the testing be halted following the death of a neighbor.

Later in the summer of 1993, Clay's parents had him privately evaluated by a neuropsychologist, Dr. Michael Shapiro. Dr. Shapiro found that Clay did not have ADD or a specific learning disability (SLD) that would make him eligible for special education. Dr. Shapiro believed that Clay's school problems resulted from emotional disturbances and a sibling rivalry conflict. Mrs. T. reported these findings to the school but did not provide a written copy to the school. Mrs. T. assumed that making a report of the findings would help the school narrow their search to find the root of Clay's problems.

Clay continued to struggle in the fourth grade. He made failing grades in every subject but physical education. At a meeting with school officials, it was determined that some of Clay's defiant behavior resulted from a desire to act out against his parents. The school suggested that parents reduce the pressure put on Clay at home. The parents agreed to try the suggestion. Clay's grade improved substantially for the second grading period. Despite the improvement, Clay's parents began seeking to enroll him at a private school in Walton County. He failed the entrance exam to the George Walton Academy twice, but was eventually admitted for next school year. He ended the year with all failing grades due to zeros and a lack of effort.

Clay's parents had him retested that summer by Dr. Shapiro. This time he was found to have a developmental reading disorder that qualified him for special education

as specific learning disabled. At Walton Academy Clay made satisfactory grades. He was still inconsistent at times with his completion of assignments.

The parents requested a hearing before the state hearing officer to determine if the school had violated the requirements of the IDEA. At the hearing it was determined that the school had committed no procedural violations. The hearing officer did determine that Clay should have been referred to the SST after he continued to struggle in fourth grade. The hearing officer ordered the school to meet with the parents to develop an individualized education plan (IEP) for Clay. Because the parents did not plan to return Clay to the public school system, they did not attend the meeting.

The parents did not agree with the hearing officer's decision and exercised their right to appeal the decision to the district court. The parents were seeking to recover the costs of private school tuition, private tutoring for the past three years, and the cost of private education until the twelfth grade.

The parents claimed that the school should have referred Clay to the SST after he struggled in third grade. The court found that the school was not negligent regarding their duty and that there were no clear signs of a learning disability. The testimony of both sides showed that Clay's failing grades were a result of his not turning in assignments and not from an inability to comprehend or understand classroom materials.

One issue discussed at the case was whether or not the school acted properly after completing its informal testing. This part of the case was significant because the results of the completed test showed a 21 point discrepancy between Clay's IQ score and his reading achievement test, a sign of a possible learning disability. The school claimed that testing was interrupted at the request of Clay's mother due to the murder of a neighbor.

Mother denied that she asked the assistant principal to cease testing Clay, but admitted that the murder did occur.

The court determined that the school was justified in its actions and the information provided by the private evaluation verified their findings. Dr. Shapiro initially determined that Clay's failing grades were not due to a learning disability. The court found that the school did not violate its statutory duty with regard to the education of Clay T. and that the school did fulfilled its responsibility of providing a free and appropriate education. Therefore, the school system was not obligated to reimburse parents for their expenses at George Walton Academy or any other expenses connected with Clay's education (Clay T. v. Walton County School District 1997).

The lack of case law related to the SST process affirms that schools have done a good job of complying with the SST regulations. Parents do have the option of requesting an administrative hearing if they disagree with a SSTs decision. The State does not provide the results of these decisions to preserve the confidentiality of students involved.

Chapter Summary

A review of the literature concerning SSTs, revealed that the use of prereferral intervention teams is widespread. The SSTs were established to both prevent inappropriate referrals to special education and assist the regular education teacher in the classroom. The research also showed that training and administrative support are key components to implementing a successful program. Teacher attitudes and the quality of the interventions are also vital to successful SSTs.

Those responsible for implementing the SST need an understanding of the federal and state regulations that govern the process. Much of the anxiety related to Student

Support Teams is connected to the misperception that teams can easily get themselves into legal troubles and that many lawsuits have resulted from the process. The fact that only one lawsuit has stemmed from the SST process should be reassuring to educators. School personnel should understand that if they follow procedures they have little reason for concern. The next chapter will discuss the application of the regulations discussed in this chapter.

CHAPTER 3

AN ANALYSIS OF THE CURRENT STATUS OF THE LAW RELATED TO STUDENT SUPPORT TEAMS

Chapter three provides a review and analysis of the current federal, state, and local regulations that impact the Student Support Team process to aid educators and others in better understanding and administering the SST process. The federal laws and regulations that are applicable include:

1. Section 504,
2. The Individuals with Disabilities Education Act,
3. The Family Educational Rights and Privacy Act

The state of Georgia's rules and regulations include:

1. Official Codes of Georgia
2. Georgia Board of Education Rules
3. Directions from the Student Support Team Manual
4. Applicable case law.

The chapter concludes with an examination of current legal trends that may impact the functioning of SSTs.

Section 504

The plaintiffs in *NAACP*(1983) claimed violations of Section 504 as the grounds for their case. The court ruled that there were violations with the identification, evaluation, and placement of students in EMR classes. Section 504 states the following:

No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. 29 U.S.C. § 794 (1973)

This section of the Rehabilitation Act was designed to prohibit discrimination against persons with disabilities. The law protects individuals whose physical or mental impairment substantially limits one or more major life activities. These impairments include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. Physical or mental impairment was defined to mean:

“(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculo-skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” (34CFR104, pp.336-337)

A school must consider whether a child has a record of such impairment and if the child is regarded as having an impairment. These two facets of Section 504 do not guarantee accommodations to the individual; they simply afford the individual with protections from discrimination.

An evaluation for a student to determine eligibility for Section 504 is different than the evaluation process used for the IDEA. Section 504 eligibility may be determined by simply reviewing a child's educational, medical, and/or psychological records. The team should consider the following questions when determining whether a person's impairment substantially limits one or more major life activities:

1. What is the nature and severity of the impairment?
2. How long will it last or is it expected to last?
3. What is its permanent or long-term impact or expected impact?

The 1990 *Americans with Disabilities Act* (ADA) provides some guidance for interpreting the phrase "substantially limits." Under the ADA the impairment must be substantial and somewhat unique, rather than commonplace, when compared to the average person in the general population. For a student this would mean that "he/she is unable to perform a major life activity that the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age." (§1630.2)

Educators involved with the SST process often confuse the rights afforded by Section 504 and the rights provided by the IDEA. While there are some similarities, such as evaluation and an individualized plan, both the goals and extent of the two laws are very different (DeBettencourt, 2002). Section 504 is a civil rights law that ensures non-discrimination, reasonable accommodations, and equal access to services that non-disabled students receive in the regular education classroom.

The State of Georgia recommends using the SST to address the needs of students who may receive accommodations from Section 504. A student receiving services under IDEA may be eligible for protection under Section 504. The Individualized Educational Plan (IEP) should cover all aspects of the student's educational plan; therefore, a child who qualifies under the IDEA should not need a 504 plan. The State of Georgia recommends the use of the SST because many of the procedures of the SST process are required elements of Section 504 implementation. These procedures include documentation and notification to parents (Smith, 2002).

Many systems in Georgia use the SST to address students who may qualify as having a temporary disability. These temporary disabilities might result from accidents or temporary illnesses. The accommodation afforded these students could range from schedule changes to homebound instruction.

The Office of Civil Rights (OCR) oversees the implementation and compliance of Section 504. The OCR does not provide a specific form of Section 504 rights. Schools are allowed to develop their own list of rights. However, schools are required to have the following in their list of rights:

1. Notice of any action taken with regard to the educational program of the student.
2. An opportunity to examine relevant records.
3. An impartial hearing with the opportunity for participation by the student's parents or guardians and representation by counsel.
4. A review procedure. (Student Support Team Manual, 2001)

The Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) provides several regulations that impact the operation of SSTs. The school is required to provide the least restrictive environment (LRE) for students. One purpose of the SST is to ensure that students are receiving an education that adheres to LRE. Georgia regulations clearly state that interventions must be tried, implemented, and found to be unsuccessful before special education services can be considered (BOE Rules, 160-4-2.32). The IDEA gives the following definition for LRE:

the public agency's obligation to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (34 C.F.R. § 300.550).

The reauthorization of the IDEA requires schools to implement classroom interventions before students are referred to special education. However, it does not specify the process. Through the "child find" provision of the IDEA, states are mandated to identify all children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities. (20 U.S.C. § 1412)

The 1997 IDEA also contained a provision that addressed the protections of students not yet eligible for special education and related services A general education

student whose behavior elicits disciplinary action of the school or school system must be afforded all of the rights and procedural safeguards under the IDEA if the school or school system knew or should have known that the student was a student with a disability (42 U.S.C. § 1415, 1997).

All school personnel and SST members should consider whether SST students who have persistent problematic behaviors should be referred to special education. Chronic or escalating behaviors that persist in spite of appropriate SST intervention efforts could signal the need for a referral to special education. At the very least, the SST should consider inviting the school psychologist and/or the special education teacher to attend an SST meeting for the student in order to assist the team in making a decision about a special education referral. Students with persistent or escalating behaviors should not remain on the same SST plan when progress is not detectable.

All school personnel and SST members should consider whether they as individuals, or the team as a group, had knowledge that a student might have a disability. If such knowledge was present, the student should be referred to special education in a timely manner. The SST should follow its local procedures regarding referrals to special education. If such a referral did not take place but the conditions outlined below existed, then individuals and/or the team would be “deemed to have knowledge,” according to the provisions of the federal IDEA regulation which states:

The student’s parent previously expressed concerns that his/her child might have a disability and might be in need of special education and related services. The parent might have expressed such concerns to an individual who serves on the school’s SST (such as a classroom teacher, a school principal or assistant

principal, a school counselor). The parent might have voiced this concern to the student support team as a group during an SST meeting. In either case, it is important that school personnel communicate with each other when such parental expressions of concern are made so that appropriate school or school system actions/responses can occur. Although the regulations specify that the parent expressed the concerns *in writing*, an SST would be prudent if it explored the need for a referral to special education even when the parent expresses such concern verbally to school personnel or verbally within the context of an SST meeting. (34 C.F.R. § 300.503)

This section emphasizes the importance of documenting parental concerns. The case of *Clay T. v. Watson County* (1998) demonstrated the importance of complying with this particular regulation.

According to IDEA regulations, school personnel are also deemed to have knowledge if the behavior or performance of the student demonstrates the need for special education. Student Support Teams are in a unique position to be aware of a student's strengths and weaknesses in academic, behavioral, and social skills and to develop SST interventions to assist the student. If the student's behavior or performance suggests the distinct possibility that she might have a disability, then this constitutes "knowledge," as applicable to this IDEA regulation. In such a case, a referral to special education should be made in a timely manner. The SST should follow its local procedures regarding referrals to special education but, again, this should be done in a timely manner (Student Support Team Manual, 2001).

Another situation that occurs frequently is that a parent requests a referral to special education. If the parent has made such a request to personnel in the school, including the SST, it is important that the SST address the request in a timely manner. If the school believes that a special education evaluation is not warranted, this can be communicated in an SST meeting. If the parents are persistent, then the school should comply with the parent's request.

The exception to the above rule would be if the SST has a preponderance of evidence that suggests a special education evaluation is not necessary, then the SST can elect not to make a special education referral. In such a case, however, "notice" requirements of the IDEA mandate that the parents receive a written notice containing:

- A description of the action that the school is refusing (in this case, referral to special education is being refused);
- An explanation of why the school refuses to refer the student to special education;
- A description of any other options that the school considered and the reasons why those options were rejected; A description of each evaluation procedure, test, record, or report the school used as a basis for the refusal;
- A description of any other factors that are relevant to the school's refusal;
- A statement that the parents have protection under the procedural safeguards of the IDEA and the means by which a copy of the IDEA parental rights may be obtained; and
- Sources for the parent to contact to obtain assistance in understanding this information. This written notice must be in language that is understandable to the

general public. The notice must be provided in the parent's native language or other mode of communication, if necessary. The school must take steps to assure that the parent understands the content of this notice and that there is written evidence that the above requirements have been met. (CFR § 300.503)

Schools would also be deemed as having knowledge if personnel in the local school system had expressed concern about the student's behavior or performance to the special education director or to appropriate personnel as part of a referral to special education. If this is the case, the SST should initiate a referral to special education.

In summary, it is usually preferable for SSTs and school system personnel to refer students to special education if a disability is suspected. However, if this is not done and a general education student's behavior violates a school or school system's code of conduct and one or more of the conditions discussed in the previous section existed, then that student must be afforded the rights and procedural safeguards of the IDEA while an expedited evaluation is conducted.

These guidelines should be reviewed with school personnel to ensure an understanding of these procedures. Parents have the opportunity to request a due process hearing if they believe that any of these procedures have been violated.

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords many different rights to parents and students. All of these rights relate to the operation of SSTs. The first right relates to the parents' right to access records: Parents have the right to inspect and review the educational records of their children. If any material or document in the educational record of a student includes information on more than one student, the

parents have access to only the information that relates to their child. Educational records must be made available within a reasonable period of time, but in no case more than forty-five days after the request has been made (Student Support Team Manual, 2001, p. 64).

The SST should provide copies of team minutes to parents at the time of the meeting. If a parent requests other information in the supplemental SST folder, copies should be made in a timely manner and given to the parents. Because of this rule, SST members should not put anything in the SST folder that they would not want parents viewing. Documentation that has unflattering opinions or comments about parents should not be included in the SST folder.

The FERPA also gives parents the right to a hearing process in order to challenge the content of their child's educational records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students. Parents may have an opportunity to correct or delete any such inaccurate, misleading or otherwise inappropriate data contained in the record. They also have the right to insert into the educational record a written explanation regarding the content of the records. The school person leading the SST should work with the parent to fulfill this part of the requirements (Student Support Team Manual, 2001).

The Student Support Team should evaluate the contents of a student's file to ensure that the contents are relevant and appropriate for the student's records. The following definition is given for educational records:

Educational record is defined as those records, files, documents, and other materials which contain information directly related to a student and are

maintained by an educational agency. It does not include (a) records of instructional, supervisory, and administrative personnel which are not accessible or revealed to any other person except a substitute; (b) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement. (20 U.S.C. § 1232)

If a student has a criminal record, those records should not be placed in the SST file. It is important for the files to be maintained in a secure place. The files should not be left in a place where non-school personnel would be able to access them.

In most cases schools are required to receive parental consent before releasing student records. There are some situations that allow the school to release records without parental consent. The SST may release records without parent consent to the following:

- other school officials, including teachers within the educational institution or LEA who have legitimate educational interests;
- officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- in connection with a student's application for, or receipt of, financial aid;
- organizations conducting studies for, or on behalf of, education agencies (with restrictions);
- accrediting organizations in order to carry out their accrediting functions;

- in connection with an emergency, other appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and
- in connection with a subpoena. (20 U.S.C. § 1232)

While consent is not required the district must notify the parents that the student's records are being released. This notification can be made in a letter to the parents or as part of the standard board policy. All records may be released, including academic and discipline records, special education records, and SST records.

Educational agencies must maintain a record to be kept with the educational records of each student, which will indicate all individuals (other than those specified above) agencies, or organizations that have requested or obtained access to a student's educational records and that will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information.

Directory information may be released without parental consent, provided parents have been given public notice of what information is released. Directory information may include the following:

- students' names
- addresses
- telephone listing
- electronic mail address
- photograph
- date and place of birth
- major field of study

- dates of attendance
- grade level
- enrollment status (e.g. undergraduate or graduate, full-time or part-time)
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- degrees, honors and awards received
- most recent previous educational agency or institution attended. (20 U.S.C. § 1232)

FERPA also provides that both parents have equal access to their child's educational records unless a court document can be produced which denies access or terminates parental rights to review the records. Either parent can grant permission in writing to a third party, such as a stepparent. It is important for schools to be made aware of this provision. Schools that have denied stepparents access to student records or have denied them from attending meetings are violating FERPA, if consent from the parent had been given. If the parent gives permission, the school must comply (Weeks, 2001).

The Georgia SST Manual gives guidance when addressing FERPA issues. The SST is a general education function in Georgia, and the SST records are a part of the student's general education records, regardless of where the SST records are kept. The SST records should be stored in a manner that ensures confidentiality and allows access only by authorized personnel as defined in FERPA (Student Support Team Manual, 2001).

FERPA restriction would apply to the educational records created through the SST process. These records include the following: SST minutes, SST documents, SST

test results, video or audio tapes made of the student under the SST process, observational data, and other student information gathered through the school's SST process. SST procedures should clearly address how to maintain the documentation of the requests for access to a student's records and the disposition of such requests, following FERPA requirements (Student Support Team Manual, 2001).

According to FERPA, the transfer of SST records within a school system is acceptable. Also, a Youth Development Center (YDC) may receive SST records if deemed necessary. YDCs are a part of the Juvenile Justice System which is considered a school system under Georgia law.

Georgia Regulations

Georgia regulations pertaining to SSTs can be found in the Official Code of Georgia and the State Board of Education Rules. This section focuses on the documents required for a school to be in compliance with the Georgia statutes. State compliance officers reviewing an SST would look at these required documents. Therefore, consistent with Georgia regulations it is important for schools to maintain the following records:

1. Parent Notification/Invitation to all Meetings: This form should clearly inform parents of the purpose of the request and invite their participation in the process.
2. Meeting Minutes /Summary: Schools must document the actions of the SST in each meeting. These should be written in a professional manner. Parents should be given a copy of the summary form from each meeting. SST members should refrain from making diagnosis or judgment statements in SST summaries. The student's problems should be clearly

defined. The discussion of the team should be summarized, and the recommendations should be documented.

3. Education Plan: The school should clearly define the strategies being implemented and the outcomes after implementation. The plan should be implemented for an appropriate amount of time to determine if the interventions can be successful. Outcomes should be clearly documented.
4. Consent for Hearing and Vision Screening: This is required before administering any screening instruments.
5. SST Log: This is the record of SST meeting dates.

Much of the anxiety of the SST process is associated with the required paperwork. It is important to have an individual with good organizational skills be responsible for the collection and filing of the above documents. School personnel should be trained on how to properly complete and file the documentation. Also, schools must provide the personnel with the necessary forms and resources to carry out these tasks. The student support team checklist (Appendix B) provides educators with the necessary steps to ensure compliance.

Georgia Case Law

Findings from Chapter Two showed that there has been very little case law resulting from the SST process. Only one Georgia case could be found that even discussed the SST process. Many Georgia educators would find this fact surprising. One of the fears that teachers have about the SST process is the fear of litigation. The myth amongst teachers is that the SST process can easily result in a lawsuit if mistakes are made. Research on the issue found that parents may choose to file a complaint and

request an administrative hearing through the Office of State Administrative Hearings (OSAH) in Atlanta. At these hearings the OSAH does not give specific educational advice. Instead, they determine if there were any procedural violations on the part of the school system. If a parent disagrees with the decision of the hearing officer they have the right to appeal the decision to the district court.

The case of *Clay T. v. Walton County* (1997) provides some guidance for educators regarding the SST process. In this particular case, if a referral to SST had been made the school would have had the necessary documentation to avoid such a complaint. While the school was not found guilty of any wrongdoing, litigation could have been avoided if the referral to the SST had been made. The resource manual provided by the Georgia Department of Education recommends that an SST meet regarding any student who is having an ongoing problem. Many systems, such as Gwinnett County, recommend that a parent conference be held before a child is recommended for the SST. If the parent conference is not able to remedy the situation the referral to the SST should be made. However, if a case is severe enough, a child may be referred directly to the SST. Also, as previously mentioned, the SST process may be bypassed if the student's situation warrants immediate evaluation for special education.

Summary of the Educational Policy Trends Impacting the Functioning of Student Support Teams

There are many policy trends in education that will have an impact on the use of SSTs in Georgia. Many of these trends will lead to an increased need and use for SSTs. One of these trends is high stakes testing. With the *No Child Left Behind Act* (NCLB) and the *A Plus Education Reform Act* in Georgia, schools are required to have students pass

standardized tests at certain grade levels as part of the criteria for promotion. This year in Georgia, third graders were required to have a passing score on the reading section of the CRCT in order to be promoted. As these laws continue being implemented the requirements will increase. The SST is already being used to address the needs of those students who are having difficulty reaching the minimum standards. If parents express concerns that the school did not prepare their child for the test, the school will want to have SST documentation of the efforts put forth to help the child succeed. Schools should use the SST to document strategies that have been tried with students who are considered at-risk of not meeting the required standard.

With the NCLB act, schools face the possibility of being placed on a “needs improvement” list. Being on this list can result in a school receiving various sanctions, including state interventions. The NCLB also allows parents of student in these persistently low performing schools to transfer to other schools and receive outside tutoring. These additional costs could be a major burden for school systems. All of these added pressures may provide the impetus for schools to use the SST process more effectively. Schools will be required to evaluate their programs to ensure that they are using the best available instructional strategies to raise student achievement. While some may argue against the methods and tools used to measure student achievement, the increased emphasis on student achievement could have a positive impact on classroom instruction. Teachers will be forced to look at their methods of teaching. The SSTs can play an important role in the process. Teachers who believe that students are not performing at grade level will have the chance to refer students to the SST. It will be

imperative for the members of the SST to be trained and informed on effective strategies and interventions.

Another educational trend that will increase the need for SSTs is the elimination of social promotion. Students can no longer be passed on simply because of their age or size. This presents schools with the possibility of many students being retained. The SST can provide strategies for working with these students. The SST process can be used to assist student who are in danger of failing. It can also be used to work with students who have already been retained. Many school SST policies require a referral to the SST before a student can be considered for retention.

Behavioral concerns will also impact the functioning of SSTs. Georgia law empowers teachers to remove students who are chronically disruptive (O.C.G.A. § 20-2-738). Georgia also has statutes that address bullying and harassment (O.C.G.A. § 20-2-751.4). Administrators are faced with the challenges of addressing these serious matters. In addition, the NCLB act requires states to identify schools that are “persistently dangerous.” A school that meets the criteria as an unsafe school for three consecutive years must give the parents the option of having their child transfer to another school within the local educational agency. As schools deal with these issues related to behavior, the SST process provides a structured format for addressing student behavior. Referring a child to the SST is a requirement for many Georgia systems before a student can be taken to a tribunal for chronic misbehavior. Also, the SST is often used as a requirement for students returning from alternative schools or other settings for behavior that resulted from disciplinary consequences. Georgia’s Official Codes mandates having a student support process for addressing student behavior:

Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be available through the school, the school system, other public entities, or community organizations. (O.C.G.A. § 20-2-735)

This section requires that a school provide student support services that would help the student address behavioral problems.

Finally, the shifting demographics found in Georgia will have an impact on the utilization of SSTs. Georgia school systems have seen their schools grow increasingly diverse. The Hispanic population in Georgia doubled during the 1990s (USA Today, 2004). Many of Georgia's larger counties, such as Gwinnett, have become "majority minority" school systems. This diversity brings with it many challenges related to cultural, linguistic, and social differences. These demographic changes often bring students who are more transient. Schools facing these challenges can use the SST to address the needs of the changing student population.

CHAPTER 4

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Teachers are faced with many challenges in today's classrooms. These challenges are a result of having students with more diverse backgrounds and many different levels of ability. Federal mandates, including *No Child Left Behind* (NCLB), require teachers to provide adequate services to all students. The NCLB has set the lofty goal that all children are to be performing at or above grade level by the school year 2013-14. The expectation is that all students can learn, and this learning can be demonstrated through measurable assessments. But to help students with special needs, teachers are in need of additional resources to help them address the needs of these students. If schools are to comply with NCLB, the regular education teacher can no longer focus solely on the average and above average students.

The immense costs of special education testing have required schools systems to create programs and processes that carefully screen students who may be referred to special education testing. It has been proven that prereferral teams, such as the Student Support Team found in Georgia, can significantly reduce the number of inappropriate referrals (Safran et al., 1996; Buck et al., 2003).

The case of *NAACP v. Georgia* (1983) prompted the State of Georgia to become proactive to ward off future litigation. The SST program that was created has had a lasting and significant impact on education in Georgia. While some Georgia educators may criticize some aspects of the SST process, there can be no doubt that the collaboration of educators with parents and students has provided benefit to many

students. As with many educational initiatives, poor implementation, training, and communication has led to misconceptions about the SST process.

Findings

Research of prereferral intervention teams lead to many findings related to Georgia's Student Support Teams.

The findings related to the federal statutes and regulations governing the SST process are as follows:

1. Under the IDEA and its regulations, a student with a disability must be placed in the Least Restrictive Environment (LRE). Public schools have the responsibility of ensuring that all regular education resources are exhausted before placing a child in the special education setting (34 C.F.R. § 300.550).
2. The IDEA also provides safeguards for students who have received disciplinary action if school officials knew of or should have known that the student had a disability. A student being addressed through the SST would qualify for these safeguards (34 C.F.R § 300.527).
3. School officials are required to allow parents the opportunity to participate in the SST meetings when interventions are being developed. In addition, FERPA mandates that records of these meetings remain accessible to parents and qualified students (20 U.S.C. § 1232).
4. Section 504 prohibits any organization receiving federal funding from discriminating against individuals with a disability. This regulation provided the basis for the case of *NAACP v. Georgia* (1983).

The review of Georgia's rules and regulations found the following:

1. Schools are legally required to have at least one SST. The school is responsible for creating the procedures used to carry out the program (O.C.G.A. § 160-4-2.32).
2. The Student Support Team was created as a general education process. Although the SST process may result in a referral to special education evaluation, parents and teachers should understand that the function of the team is to provide interventions to help the child succeed in the regular education setting (Student Support Team Manual, 2001).
3. Schools may bypass the SST process if the parents or school personnel determine that there is reasonable cause. Documentation should be made in the SST minutes justifying the action (O.C.G.A. § 20-2-152).
4. The SST can fulfill the required procedures for a school to apply the Teacher Removal Act. The SST provides the documentation of behavioral interventions necessary to take a student to a tribunal for chronic misbehavior (O.C.G.A. § 20-3-764; O.C.G.A. § 20-2-738).
5. The SST can be used to create a 504 plan. The Georgia Department of Education recommends using the SST to deal with most 504 cases (Student Support Team Manual, 2001).
6. Schools may group students according to ability, even if it results in racially disproportionate classes, if the grouping is based upon sound practices and is not racially motivated. The school must be able to show that the grouping is not based upon racially biased criteria (Castenada v. Pickard, 1981).

7. Very little case law has resulted from the SST process. Nonetheless, the fear of litigation is one of the reasons that teachers are apprehensive about the SST process.

The review of scholarly commentaries and other documents found:

1. Since the passage of the Education for All Handicapped Children Act (PL 94-142) of 1975, the percentage of students being served through special education has increased from 8.3% of the population to 12.8% of the total student population (National Center for Educational Statistics, 2001).
2. A survey of state practices showed that 22 states require a prereferral process for students; 15 states recommend that local schools have a prereferral process; eight did not require or recommend the process, and six left it up to the discretion of the local school system (Buck, Polloway, Smith-Thomas, & Cook, 2003).
3. Prereferral intervention teams can reduce the number of inappropriate referrals to special education (Ponti, Zins, & Graden, 1988). According to Safran (1996), referrals in some systems were reduced by as much as 50%.
4. The use of prereferral intervention teams is much more prevalent in elementary and middle schools (Hunt, Doreing, Hirose-Hatae, Maier, & Goetz, 2001).
5. Effective Student Support Teams require the support of school administrators. The success of the SSTs is directly linked to the staff development, guidance, and training provided by the administration (Male, 1991).
6. One of the primary breakdowns of SSTs is the lack of effective interventions. Often teachers are provided with perfunctory interventions that do not benefit the

student. Schools must provide the training and resources for teachers and administrators about innovative strategies for addressing student difficulties.

Conclusions

While the case of the *NAACP v. Georgia* (1983) would not be viewed as a victory for the plaintiffs, it was beneficial for future students in similar situations. The case has had a major impact on the process for addressing student concerns and the way in which a student can be referred for special education evaluation. The SST process has come to play a major role in Georgia's public schools. The use of SSTs is especially prevalent in the elementary and middle schools. The decreased use of SSTs in high schools can be attributed to several factors: 1) Students who are in need of special education services have already gone through the process in earlier grades, 2) Students often develop coping skills to address academic or behavioral issues confronted in elementary or middle school, and 3) Teachers and parents may choose less formal methods of intervention at the high school level.

The State of Georgia is very clear in its expectation for school systems to create and implement SST programs. Federal mandates and current educational trends will increase the importance and value of SSTs.

Recommendations

Based on the findings of this study, the following recommendations are made for school personnel who are responsible for implementing SSTs.

1. Training: Training should be provided for all personnel who may become a part of the SST. This training should include the following:
 - a. Information on how to conduct a meeting

- b. Explanation of team members' roles
 - c. Directions on how to fill out and file the proper documentation
 - d. Information on how the SST fits into the continuum of educational services offered. Teachers should understand the process for special education referrals.
 - e. Law related staff development - a better understanding of the laws that impact the SST process would alleviate some of the anxiety that teachers have related to the SST process.
2. Evaluation: There are many ways a school can evaluate the effectiveness of the SST. Since one of the purposes of the SST is to reduce the number of inappropriate referrals to special education, a school should look at the placement rate for referrals to special education. An 80% placement rate is considered good and indicates a successful process (SST Resource Manual, 2001). One important form of evaluation is accurate feedback from the SST members. This feedback can be gathered through surveys, including questions such as:
- a. What reasons did you have for referring the student to the SST?
 - b. What help were you expecting from the SST?
 - c. What help did you receive from the SST?
 - d. Was the process successful in helping this particular student?
 - e. Why/Why not?
 - f. How did you determine whether or not the interventions were successful?
 - g. How could the process have been more effective in this particular case?

- These questions can provide meaningful feedback for the administration. The data collected can provide useful improvements for the next school year's plan for SST implementation. Student performance should be the primary form of evaluation. It is important for the SST to document the progress of students during its meetings.
3. Accountability: Schools should create clear roles and responsibilities. A checklist similar to Appendix B should be used to ensure that all tasks are completed. A school should tailor their checklist to include the specific school personnel responsible for each task.
 4. Leadership: School administrators must effectively support the program. The role of the administrator can be flexible, but the administrator should always be a participant. There are many questions and situations that can arise during the SST process that may require an administrator's input. It is also sends an important message to the faculty when the school's leaders are involved and vested in student success. The strength of the team should be assessed to determine what role the administrator should assume. The SST could provide opportunities for teachers to develop important leadership skills.
 5. Teacher Ownership: School leaders should work to involve teachers as leaders of the SST process. Some of the negative teacher perceptions of SSTs may result from the feeling that the administration is unilaterally placing this task upon them. Teachers should be involved in designing the program. By giving teachers ownership, they are more likely to buy into the process. As mentioned earlier, administrators should be involved in the process, but they do not have to lead the program.

6. Data Collection: Data should be gathered throughout the SST process. Objective data is needed to assist the team in making appropriate decisions. Student support teams often rely on narrative feedback from teachers. Quantitative data that shows student progress is needed to determine the effectiveness of interventions.
7. Purpose and Goals: The SST should have a purpose that is clear and concise. The goals of the SST should also be created at the beginning of the school year.
8. Communication: There must be constant communication amongst all members of the SST. The primary purpose of the SST is collaboration. Collaboration requires communication within the school. The communication between parents and the SST is especially important.

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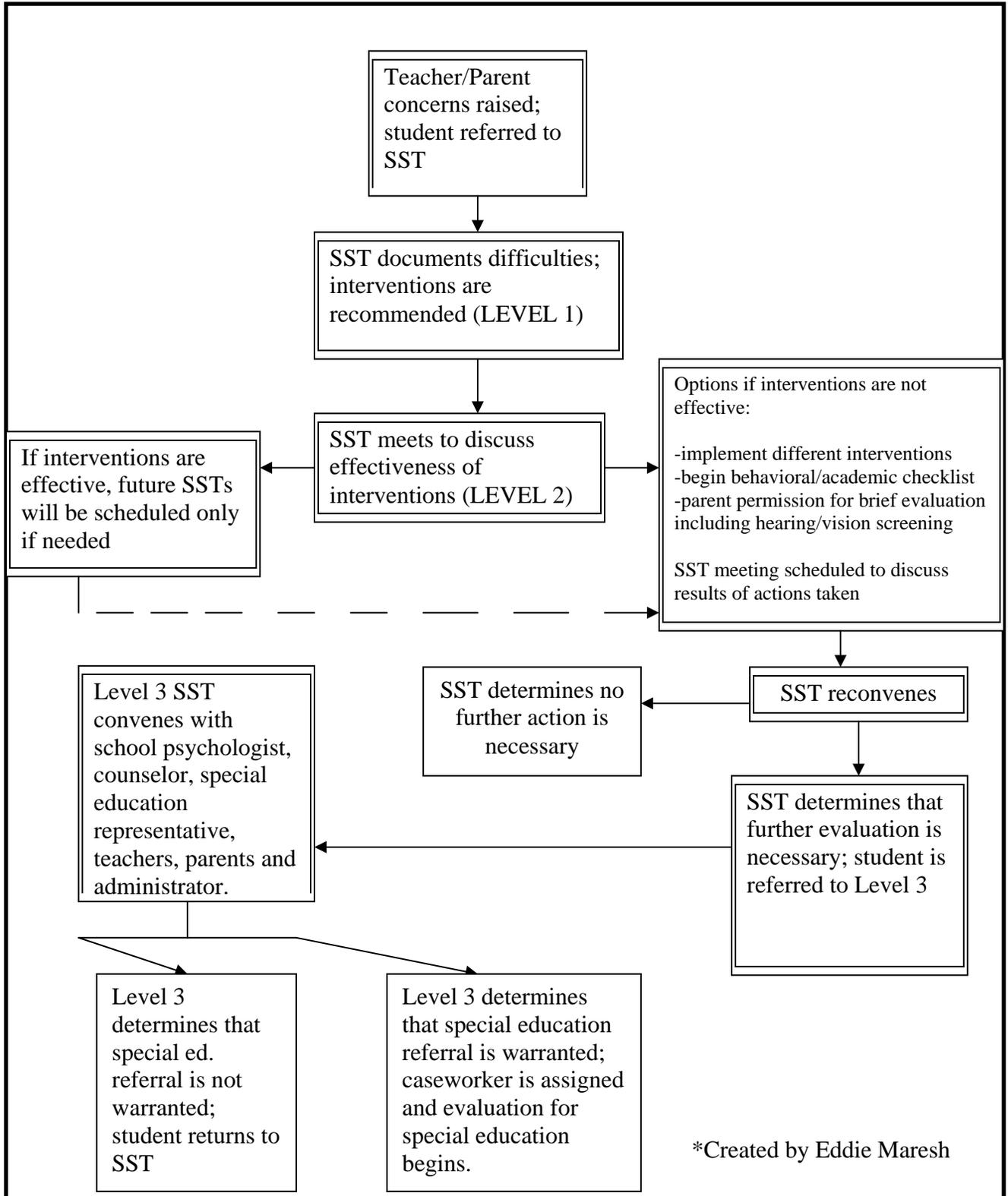
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APPENDIX A

Student Support Team Flow Chart



APPENDIX B

Student Support Team Process Checklist

The purpose of this checklist is to serve as a guideline for effectively implementing the SST process. Check all that apply.

- Teacher notifies parent, student, principal and school SST coordinator that student is experiencing unresolved problems in school.
- SST Coordinator provides teacher with the following:
 - SST request form, including background information.
 - Letter of invitation/notification to parent.
 - Classroom teacher completes SST request form.
 - Parent invitation/notification letter is mailed.
- SST Coordinator schedules first SST meeting and invites parent/guardian and any of the following based on the needs of the student (minimum 3 team members total):
 - Classroom teacher(s) who work with the student.
 - Other classroom teachers.
 - Special education teacher.
 - Speech/language pathologist.
 - School psychologist.
 - School administrator.
 - School counselor.
 - School social worker.
 - Section 504 coordinator. ESOL teacher.
 - Student, if appropriate.
 - Central office personnel.
 - Other appropriate personnel.
- SST meeting #1 is held.
- Background information reviewed.
- Information provided by classroom teacher discussed.
- Work samples reviewed.
- Strategies previously tried by teacher discussed.
- Develop new strategies specifically related to student's problem
- Copy of suggested strategies provided to teachers.
- SST meeting summary form completed.
- Consent to test vision/hearing sent to parent/guardian or requested if parent/guardian is present.
- Strategies implemented in classroom (suggested period of 20 school days).
- Document dates implemented and specific outcomes of modifications.
- Additional information requested at meeting #1 is gathered.
- SST meeting #2 scheduled, with
 - Parents notified and invited to attend.
- SST meeting #__ held: Parents notified and invited to attend.
- Outcome of modifications discussed.
- SST decides on plan of action.

- ___ Develop new modifications.
- ___ Continue current modifications, if successful.
- ___ Consult with school psychologist or SST Coordinator for further plan of action.
- ___ Section 504 plan developed, if appropriate.
- ___ Refer for evaluation for possible special education eligibility.
- ___ SST meeting minutes completed.
- ___ Additional SST meetings held as needed to review student progress.

If interventions are not successful, the SST proceeds with the following steps.

- ___ Student referred for evaluation for possible eligibility for special education services.
- ___ Parental Consent to Evaluate sent to parent/guardian if parents are not present at meeting.
- ___ Signature obtained.
- ___ Referral packet sent to school psychologist or SLP immediately containing:
 - ___ SST request form, including background information.
 - ___ SST summaries from all meetings.
 - ___ Modification plans with outcomes and dates.
 - ___ Hearing and vision report (must be current within one year of testing date).
 - ___ Referral for psychoeducational evaluation form.
 - ___ Signed Consent for Evaluation forms.
 - ___ Appropriate documentation for area of suspected disability.
 - ___ Work samples (5 for each area of weakness).
 - ___ Behavior observation form.
 - ___ Speech/language information checklist.

(Student Support Team Manual, 2001)

APPENDIX C

Atlanta City Schools Student Support Team Manual

SST Manual Table of Contents:

Executive Summary

Definition of Student Support Team

Historical Perspective of the Student Support Team

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Basic Facts about the Student Support Team

Steps in Implementing the Student Support Team

Specific Operating Procedures

Procedural Guidelines for Student Support Team Meetings

The Seven Practices of Highly Effective Student Support Teams

Executive Summary

Student Support Teams (SSTs) are collaborative, building based, problem solving teams which have been organized, in the state of Georgia, following a mandate from the Georgia Department of Education. Student Support Teams are comprised of general education teachers, administrators and other support staff personnel. The Team's primary focus is to address academic, medical, behavioral and/or other problems which may interfere with a student's ability to obtain an appropriate education. Students who are at-risk are often assisted by the Student Support Team as well. Although the resolution of student problems is the primary focus of Student Support Teams, Student Support Team Chairpersons often conduct school-wide training sessions to provide information regarding the development and implementation of intervention strategies needed to assist students.

The Georgia Board of Education mandated: a) the use of interdisciplinary student support teams for any student experiencing difficulties in school prior to referral to "other supplemental or support services." And b) " a six step process to include: 1) identification of needs; 2) assessment, if necessary; 3) education plan; 4) implementation; 5) follow-up and support; and, 6) continuous monitoring and evaluations." In order to adhere to the mandate, all personnel, who are involved with the Student Support Team, must be aware of the procedures and guidelines necessary to conduct appropriate and effective teams. Student Support Teams are trained to follow a set of guidelines and procedures that will allow the schools to provide the necessary assistance for students experiencing difficulty.

Functions of Student Support

Teams may vary depending upon the needs of the school and the population of students attending, as well as the services needed. The Student Support Team Manual was developed and revised in order to assist the Student Support Team chairpersons and the schools in appropriately and effectively following the Student Support Team process. Information located in this Manual should allow the reader and user to follow the SST process with understanding and ease.

There are many instances when a student will require the assistance of the Student Support Team. Examples include, but should not be limited to the following: 1) students who are performing academically below grade/age expectancy levels without demonstrating progress; 2) students who are in need of homebound services; 3) students who display severe behavior problems; 4) students who qualify for support services under Section 504; or, 5) students who are experiencing an emotional, medical or other crisis situation.

Due to the diversity of the Atlanta Public Schools, there are many students who fall into the above categories during the course of a school year. Many students experience progress, as a result of involvement in the SST process, and remain in the general education environment. However, some students are referred to alternative or other support services. Therefore, it is imperative that services are available to meet the needs of all students served by the Atlanta Public Schools.

The Student Support Team provides the avenue for these services to be received. This Manual has been divided into sections designed to allow team members to:

- Understand the purpose of Student Support Teams.
- Establish and maintain effective Student Support Teams.
- Utilize the school and community resources.
- Follow expected procedures.

The SST should provide appropriate documentation of student problems, plan implementations, and outcomes. The Student Support Team Manual describes the Student Support Team process that is to be followed in order to provide appropriate and effective support to students. The SST process provides an avenue for documentation of (a) the presenting problems, (b) steps of intervention, and (c) outcomes of the intervention(s). It is not expected to be the totality of procedures necessary to implement a team process and provide services. However, it is important that the steps in the Student Support Team process, outlined in the SST Manual, are followed. The information contained in the Manual must be combined with professional input of team members, implementation and evaluation of the Instructional Plan, and suitable recommendations of service options. Expertise and diversity of personnel are essential in providing an array of intervention services to students. This Manual strongly recommends the utilization of necessary staff in order to assist all students, in the Student Support Team process, in meeting their full potential.

Information furnished in the Student Support Team Manual includes:

1. An easy to follow flow-chart outlining the SST process.
2. Definition and historical information regarding the SST.
3. Specific steps needed to implement the SST process.
4. Procedural guidelines.
5. Information regarding Section 504 and Homebound procedures.
6. Questions generally asked regarding the SST process.
7. A list of resources.
8. A sample of strategies and modifications.

9. An index to easily locate information.

Although the Student Support Team process has not changed, this Manual provides more detail regarding the procedures of the Student Support Team process. Other information has been re-written or added to assist in providing effective SST services. The following is a list of information new to the 1998 Revised SST Manual:

- Information regarding Alternative and Private schools' involvement in the SST process.
- A wide variety of most often asked questions regarding the Student Support Team.
- The SST Manual and Section 504 Manual have been divided into two sections.
- Information regarding Homebound procedures has been included.
- The Student Support Team forms have been revised.

As stated in the Manual, the Student Support Team process is most effective when the following applies:

- The principal demonstrates commitment and support.
- The school staff understands the purpose of the SST process.
- Instructional Specialists / SST chairpersons manage the day-to-day operation of the Student Support Team.
- Instructional Specialists / SST chairpersons monitor the implementation and outcomes of the Instructional Plan.
- Time is routinely allocated for Student Support Team functions.
- Student Support Team membership includes all the necessary individuals.
- Student Support Team members are expert in developing alternative strategies for delivery of instruction.

Utilization of the information will assist Student Support Teams in providing effective and appropriate outcomes for all students who go through the SST process.

Definition of Student Support Team

Student Support Teams are school-based teams composed of teachers, parents and support personnel.

The focal point, for Student Support Teams, is the implementation of Instructional Plans, which assist in the resolution of student-centered problems. Student Support Teams analyze student problems, develop and implement appropriate intervention services to provide desired change. Student Support Teams also provide guidance when services, outside the realm of the general education program, are necessary.

The Atlanta Public Schools System has developed the Student Support Team to address the needs of the individual student, who is not experiencing success in the general education classroom setting. It is a dynamic, multidisciplinary process that requires the collaborative and integrated efforts of departments within the school system and also from outside agencies to accomplish the goal of academic success for the individual student. The Student Support Team process is most effective when the following applies:

- The principal demonstrates commitment and support.
- The school staff understands the purpose of the Student Support Team and the process.

- Instructional Specialists (Student Support Team chairpersons, at the high school level) manage day-to-day operation of the SST.
- Instructional Specialists (Student Support Team chairpersons, at the high school level) monitor the implementation of the Instructional Plan in the student's classroom.
- Time is routinely allocated for Student Support Team meetings.
- Student Support Team membership includes all the necessary individuals.
- Student Support Team members are expert in developing alternative strategies for delivery of instruction.
- In-service training is on going and meets the needs of the Student Support Teams at the local level.
- Teams effectively use school system and community resources.

Historical Perspective of the Student Support Team

Students enter the Atlanta Public Schools with a wide range of abilities and potential for academic success. Many students achieve at or above national norms in academics and/or demonstrate great talent in other areas such as the arts or athletics. Unfortunately, some students do not experience success in the classroom setting. They require significant informal and/or formal interventions from within the school system and also from external agencies in order to experience progress at a given grade level. Based on a 1984 Georgia Board of Education mandate, the Atlanta Public Schools developed the Student Support Team (SST) process to identify strategies to be used in the classroom setting to support students who function below grade level or present some other significant need.

The Student Support Team was designed to "improve the delivery of instructional services to students experiencing problems of an academic, social or behavioral nature in school and serve as a resource for teachers and other educators" (Georgia Department of Education Regulations and Procedures, 160-4-2.32, 1994). However, it was often viewed as merely another step to be followed in the referral process to special education. In 1995, the Atlanta Public Schools' Office of Youth Services revamped the Student Support Team process to assure the school's ability to provide a full and comprehensive range of services to students, functioning below grade level or experiencing emotional/behavioral difficulties. Local school Student Support Teams were given access to a myriad of instructional and non-instructional resources from within the school system and also from external agencies, thus empowering them to meet the individual needs of students who were not experiencing success in the general classroom.

Overview of the Student Support Team

The Student Support Team (SST) Manual is a guide for School Principals, Instructional Specialists, Teachers and other school related personnel responsible for implementing the local Student Support Team. This Manual outlines procedures, steps and recommended practices regarding the Student Support Team.

The Georgia Board of Education and the Atlanta Board of Education have adopted policies mandating Student Support Teams in all schools under their jurisdiction. The process described herein will facilitate uniformity in practice and documentation. School systems in Georgia are under a legal mandate to provide and document the Student Support Team process due to past litigation and the potential for future lawsuits. The Georgia Department of Education (GDOE) monitors the Student Support Team process through State Standard I 16. In the Atlanta Public Schools, the principal is responsible for monitoring the Student Support Team process. In the elementary and middle schools, Instructional Specialists provide support as well as serve as the Student Support Team (SST) chairperson. In high schools, principals designate persons to provide support as well as chair the SST meetings.

As a means of verifying legal adherence to GBOE Policy IG/JEA, the Georgia Department of Education Standard I 16 requires that "each school [have] an active Student Support Team." The Student Support Team must recommend alternative teaching strategies and curriculum options prior to referral to alternative programs or services. The Georgia Department of Education uses as "indicators of legal adherence" (a) Minutes of Student Support Team meetings and (b) a cross-check of Student Support Team Minutes with special education reports gathered by the GDOE monitors. (See GDOE Standard I 16 in the Appendix.) The purpose of the Student Support Team is to make every effort to serve the student in the least restrictive environment of the general education classroom. The SST is a six-step process to include:

1. identification of needs;
2. assessment, if necessary;
3. education plan;
4. implementation;
5. follow-up and support;
6. continuous monitoring and evaluations."

To facilitate compliance and implementation of Georgia Board of Education (GBOE) policy and Georgia Department of Education (GDOE) standards in the Atlanta Public Schools, the Atlanta Board of Education (ABOE) adopted a Student Support Team policy reiterating the GBOE's requirement of a six-step implementation process.

Basic Facts about the Student Support Team

- The Georgia Department of Education mandates the organization and functioning of a Student Support Team (SST) within each local school.
- The composition of the Student Support Team must include the Classroom Teacher, the Student Support Team Chairperson and the Recorder. The parent(s) must be invited to all Student Support Team meetings. However, their attendance is not mandatory in order for the meeting to take place.

Support staff should be utilized on an as needed basis. These positions include, but are not limited to:

1. Assistant Principal
2. Coordinator of Staff Services
3. ESOL Teachers

4. In-School Team Chairperson
5. Media Specialists
6. Principal
7. Program for Exceptional Children Coordinators
8. School Counselors
9. School Nurses
10. School Psychologists
11. School Social Workers
12. Speech / Language Pathologists

The referral of a student to the Student Support Team is not for the purpose of referring the student to special education. Referring a student to the Student Support Team is for the purpose of making a concerted effort to meet his/her needs within the general education program.

The primary functions of the Student Support Team are:

1. to discuss academic, emotional, behavioral, medical or adjustment problems the student may be experiencing;
2. to determine whether intervention services are necessary;
3. to develop a written plan of intervention, outlining modifications and strategies to be utilized within the general education classroom;
4. to observe and document the success of the strategies and modifications; and,
5. to determine whether further changes, in the student's education program or Instructional Plan, are necessary.

The Instructional Plan developed by the Student Support Team must be documented, implemented, observed and evaluated.

Steps in Implementing the Student Support Team

Decide on the Organizational Model

The Principal must make an initial and major decision, concerning the most suitable organization of the Student Support Team for the individual school. Factors to be considered which affect the organizational model:

1. The assessed needs of students and teachers based on the past rate of referrals, failures, dropouts, etc.
2. The size and age range of the student body
3. The instructional levels represented in the school
4. The number of grades and classrooms per instructional level in the school
5. The availability of human, fiscal, physical and temporal resources in the school and in the system. The student support team process requires a significant amount of time and person power. Think of time as a resource and use it wisely!

SST Models for Elementary Schools: Three SST organizational models are outlined below as workable options that meet the requirements and intent of Student Support Teams in the elementary setting.

SINGLE TEAM MODEL: Small elementary schools may operate with one team. The Instructional Liaison Specialist serves as the school's SST chairperson.

Meeting Schedule: Because all problem-solving activities are handled by one team, a minimum of two (2) meetings per month is recommended. The frequency of meetings, however, is a local decision and depends on the number and nature of referrals.

TWO-TEAM MODEL: Using this model, the elementary school will organize two (2) teams one for each instructional level, primary and intermediate. Each team may have a designated contact. The instructional Liaison Specialist is designated as the school's SST chairperson for both teams.

Meeting Schedule: At least two (2) meetings per month are recommended. The number of meetings is a local decision and depends on the nature and number of referrals.

GRADE-LEVEL TEAM MODEL: Using this model, elementary schools will organize a Student Support Team at each grade level. Each grade level should have an appointed SST contact. The Instructional Liaison Specialist is designated as the school's SST chairperson for each level.

Meeting Schedule: Although the frequency of meetings is a local decision, it is recommended that grade-level Student Support Teams meet at least once a month. This meeting could be scheduled school wide in lieu of one staff meeting or a grade-level meeting.

NOTE: The Student Support Team must be chaired by the Instructional Liaison Specialist at the elementary and middle school levels. The SST Chairperson does not serve as the Recorder. The contact person serves only as a data collector for the chair when a multi-team model is utilized. The chair must conduct the classroom observations and facilitate the SST meetings.

SST Models for Middle and Secondary Schools

Two SST organizational models described below are suitable and acceptable models for middle and high schools.

GRADE-LEVEL TEAM MODEL: Schools using this model will organize a Student Support Team to coincide with the grade level assignment of guidance counselors or a Student Support Team for each grade level. Each team should have a designated contact. The grade level counselor will be the designated grade level SST contact person. The Instructional Liaison Specialist is the designated SST chair for the middle school. The principal shall designate the SST chairperson at the high school level.

SUBJECT-AREA TEAM MODEL: Using this model, schools will organize a Student Support Team for each subject area or instructional discipline. Each team should have a designated contact person. The Instructional Specialist is the Student Support Team

Chairperson for the middle school level, and at the high school level, the Student Support Team Chairperson is designated by the Principal.

Middle schools that are organized by "Interdisciplinary Teams" will have a designated SST contact person. This person will be designated by the principal and will follow the protocol outlined by the Instructional Specialist, who serves as the SST chairperson. Locally Developed Model: Schools may develop a model unique to their own setting. Prior to implementation, the locally developed model must be approved by the Office of Youth Services.

Meeting Schedule: Although the frequency of meetings is a local decision, it is recommended that the secondary Student Support Teams meet every two weeks on the afternoon of after-school conferences.

NOTE: The ILS must serve as SST chair at the middle school level. The principal designates the chair at the high school level. The SST chair does not serve as the Recorder.

Decide Core Membership

The actual SST membership will vary depending on the presenting problem. However, core membership positions can be predetermined. *Each team must have a designated SST chair. Each school must have a designated SST contact person.* Decisions on membership will vary depending on the organizational level. The SST must have instructional support as follows:

1. The Instructional Liaison Specialist will provide instructional support in the elementary and middle schools
2. Department chairpersons will provide instructional support in high schools.

Membership on the Elementary SST

The SST is an interdisciplinary team that should include the following:

1. The Instructional Specialist, who serves as the SST chairperson.
2. The classroom teacher(s) and / or referring teacher(s).
3. A person knowledgeable about options and/or strategies appropriate at a particular grade level.
4. Other persons as appropriate, for example;
 - a. The coordinator of Staff Services when a student's disabling condition appears to be within the meaning of 504.
 - b. Speech and language pathologist when speech and/or language difficulties are suspected.

Other support personnel may participate, as consultants, as needed, for example: the psychologist, Chapter I teacher, counselor, social worker, school nurse, ESOL teacher, media specialist, PEC personnel, the principal or other personnel who either work with the student or can provide information pertinent to the student's case. Parents must be invited to all Student Support Team meetings. *Although the psychologist may not attend every meeting, he/she should be invited to all of the SST meetings, with the exception of Speech only cases.* Students are involved when advisable. When the Student Support Team is considering recommending a specific resource service, i.e. speech/language screening, psychological etc., the person(s) providing the service(s) should be in attendance during the meeting when the recommendation is discussed.

Membership on the Secondary SST

The SST is an interdisciplinary team that should include the following:

1. The SST Chairperson (At the middle school level, the Instructional Specialist serves as the SST Chairperson. The Principal designates a person to serve as the SST Chairperson at the high school level.)
2. The referring Teacher(s)
3. Subject area Teachers, both those experiencing and not experiencing problems with the student
4. The homeroom Teacher (if not one of the above)
5. The grade level Guidance Counselor
6. The Coordinator of Staff Services, or a designee, when a student's condition appears to be within the meaning of Section 504.

Specific Operating Procedures

Each school must establish specific written operating procedures for the Student Support Team. A copy of these procedures is given to the Principal and another kept in the Student Support Team Manual. Though some flexibility is necessary, the following guidelines are mandated.

Guidelines

(Note: At any point in the SST process that there appears to be a need for Section 504 services, the coordinator of Staff Services must be invited. Please review and follow the procedures written in the Section 504 segment of this Manual.)

- A. Each SST is composed of three or more identified committee members. See "Membership on the SST."
- B. Identified SST procedures must be written and must include the following steps:
 1. Parental notification and invitation to attend all SST meetings. Parents should have been informed of problems prior to being invited to the initial SST meeting.
 2. Identification of student's needs.
 3. Classroom teachers may conduct academic assessments and keep anecdotal notes without parental permission. Students may be observed unobtrusively by specialists such as a speech pathologist without parental permission. However, parental permission and procedural safeguards must be observed for specialized assessments (e.g., Section 504, psychological, speech / language and audiological evaluations).
 4. Development of an Instructional Plan (IP) which addresses student's needs identified in step 2 above requires the use of the appropriate APS forms which contain alternative strategies/procedures, and specify the implementer(s) or service provider(s) as well as the evaluation techniques. For students whose disabilities are identified as being within the provision of Section 504, the plan becomes a part of the student's SST file.
 5. Implementation of the Instructional Plan Non-instructional services such as catheterization, physical therapy, and psychological counseling require parental consent. Certain modified instructional services, within the general classroom, do not require prior parental permission. Best practice requires that parents always be kept informed; this practice should be routine for all students.

6. Provision of support to the teacher and follow-up. Follow-up support for the teacher is designated on the SST Minutes page. For example, the Instructional Specialist, Coordinator of Staff Services, and/or principal may be designated to support and follow up.

7. Evaluation and observation of the student's progress (IP Review), with recommendations. Follow through on recommendations. Evaluation techniques may include classroom assignments, informal assessments, progress charts or formal assessments. The observation is completed on the SST Observation form. As decisions/plans for the next school year are being made, the Instructional Plan, for students in the Student Support Team process, must be reviewed. This generally occurs during April/May.

8. Documentation of SST activities on forms provided for this purpose. See Appendix for sample forms:

- Parental Notice and Invitation
- Support Staff Invitation
- SST Referral Form
- SST Minutes Form
- Instructional Plan
- 504 Provision of Services Plan
- Student Support Team Management Report
- SST Verification of Documentation Checklist
- Informed Parental Consent
- Student Support Team Waiver

Procedural Guidelines of the SST Meeting

1. Prior to the initial SST meeting, the referring teacher discusses the case with the SST chair and completes an SST Referral Form (See Appendix) attaching documentation of strategies tried and their outcome.

2. The SST Chair reviews the SST Referral Form. If the Form is complete and in order, the Chair establishes the SST file on the student. If it is not in order, the Referral Form is returned to the teacher for completion and / or correction.

3. The Chairperson convenes the team based on the presenting problem(s) including appropriate consultants. The initial meeting is scheduled, and as required, an invitation is sent to the parent(s). Generally, parents should receive a minimum of seven days notice prior to an SST meeting. Other participants are also notified in writing. A minimum of ten days notice is required for school support personnel. A copy of the invitation should be placed in the student's file.

4. On the specific date, noted on the notification, the meeting is convened. 1) The purpose for the meeting is stated and, 2) a Recorder is designated, if one has not been secured prior to the meeting. The SST chairperson cannot serve as the recorder.

5. The referring teacher presents the case, sharing with the team strategies already tried and their outcome. The team members discuss the case and clarify the problem(s).

a. The Team determines if additional information and/or if a specialist (e.g., coordinator of Staff Services, psychologist, nurse, social worker, counselor, or speech/language pathologist) should be consulted. If additional data or input from a specialist/ consultant is needed and neither is readily available, the recorder reflects this in the minutes. The

chair is given the responsibility for making contact with the specialist and/or collecting additional data. This meeting is adjourned and a second meeting is scheduled.

b. If additional information is not required, proceed to the next step.

c. The team may modify strategies already tried by the teacher and/or generate new strategies. It is critical to make sure that the strategies match the presenting problems. Strategies should be different from those being implemented with the remainder of the class.

d. Problems are seldom singular; the team should prioritize problems if possible.

When academic, behavioral, and physical problems are manifested simultaneously, the team may want to address all three. Though each case is unique, attention initially is given to physical symptoms, then to academic problems, and finally to behavioral symptoms if they are still present. As a rule, no more than three instructional or two behavioral strategies should be implemented at a time.

6. If no specialists are needed, the team develops the Instructional Plan (IP). The team assigns responsibilities for implementation, teacher support, monitoring, follow-up, etc. Evaluation techniques and review date(s) are indicated in the plan.

7. During the implementation of strategies, the student's progress is observed and documented by the Instructional Liaison Specialist or principal's designee using the Student Support Team Observation Form (See Appendix). A minimum of two observations is required. It is vital that all team members, especially the implementers, acknowledge the fact that remediation usually takes time to be effective. If possible, involve the student in monitoring his/her progress.

8. The team reconvenes for follow-up meetings at the designated time listed on the Student Support Team Minutes. Invitations should be sent to all participants prior to the meeting. At this meeting, the team evaluates strategies and determines if they were successful or if modifications are indicated. Collection and analysis of data also takes place at this time.

a. If the strategies were successful, the Team may recommend closing the case and monitoring the student's progress for one calendar year.

b. If the strategies were unsuccessful, the Team may make modifications to the Instructional Plan, a new Instructional Plan can be developed or the original IP modified.

c. If the strategies were unsuccessful, the Team may determine that an evaluation is indicated and a referral is made to the appropriate service provider by the SST chairperson. Please note that the person(s) providing the evaluation service(s) must be involved in the SST meeting when the referral is recommended.

d. The Team may recommend a referral to the In-School Team, if all recommended strategies and/or modifications have been unsuccessful. It should be noted that this generally does not take place prior to the implementation, review and revision of the Instructional Plan. A recommendation to the In-School Team is a result of the Student Support Team's suspicion that the student has a possible disability.

e. A referral for an Alternative School Placement may be recommended, if the behavioral strategies and modifications, utilized by the Student Support Team, have not been successful. (Review the section for Alternative School Referral for more information.)

9. If students are referred to Psychological Services, for an evaluation at the SST level, the following should take place:

a. The psychologist must be involved in the Student Support Team process.

Involvement in at least one of the SST meetings, as evidenced by the signature on the Minutes page.

- b. The psychologist participates in the SST meeting when the recommendation for psychological services is made.
- c. Parental consent for evaluation should be obtained. The psychologist will determine what services to provide. The parent and principal must sign the Informed Parental Consent form.
- d. The Principal, Psychologist and Student Support Team Chairperson must sign the SST Verification form.
- e. The vision and hearing information should be current within one year. The student should have passed both screenings with or without correction. If the student's hearing or vision cannot be corrected more than noted, information from the doctor should be provided.
- f. The following information is organized and sent to the Psychological Services:
 1. SST Verification of Procedures Form
 2. SST Referral Form
 3. Instructional Plan
 4. SST Minutes from each meeting
 5. Informed Parental Consent Form
 6. Additional Information (Adaptive Behavior Checklist, Seven Areas of Learning Checklist, Social History, Anecdotal Records, etc.)
 7. If a student is referred to the In-School Team for Program for Exceptional Children eligibility determination, the Student Support Team folder, containing supporting documents, should be submitted to the In-School Team Chairperson, (Central Staffing Team Member, or the Program Assistant) by the Student Support Team Chairperson. (See appendix for contents of a referral folder).

The referral to the In-School Team from Student Support Team must not take place without consultation by the assigned psychologist. The psychologist must sign the SST Verification of Documentation form prior to submitting the information to the In-School Team. The psychologist's signature only acknowledges that the referral should be forwarded, not completeness of the contents of the packet.

When the In-School Team Chairperson (ISTC) accepts the SST folder, the ISTC must also sign and date the SST Verification Form. If the folder is incorrect or incomplete, the ISTC will return the entire folder to the SST Chairperson for correction and or completion. All required information should be in the SST file prior to the referral. SST strategies and modifications continue until a final placement recommendation has been made by the In-School Team.

11. If students are referred for alternative placement, the SST folder, containing supporting documents, should be submitted to the Office of Student Placement according to procedures outlined in the Atlanta Public Schools' Student Handbook.

Procedural Safeguards and Due Process

The Student Support Team process, as outlined throughout this Manual, provides for procedural safeguards and due process. This assures that the proper Student Support Team documentation is developed and maintained.

Procedural Safeguards

Implementation of each Student Support Team must comply with Atlanta Public Schools operating procedures that include the following guidelines:

A. Written parental notice and an invitation for parents to participate in all SST meetings. Staff should capitalize on every opportunity to establish a partnership with parents in the education process.

B. Standard procedural safeguards when specialized evaluations and services become necessary:

1. "Protection in Evaluation Procedures" already in place for each specialized service, must be observed by specialists engaged by the Student Support Team.

2. "Informed and Written Parental Consent" must be obtained prior to specialized evaluations and services or change in a student's placement. Parental consent is not required for diagnostic assessments such as checklists, teacher rating scales, anecdotal records and other data-gathering activities appropriate for teachers. Teachers, however, must choose tests and techniques congruent with their job responsibilities and with "User Qualifications" which appear in publishers' catalogs.

3. Confidentiality must be observed with personal, specialized data such as psychological reports, health and social histories. Such records must be secured in a central locked file. The school principal or highest building level administrator is responsible for ensuring confidentiality of all personal, specialized student records.

C. Teacher support and monitoring during implementation and evaluation of the student's progress.

D. Documentation of SST process on required system forms:

- Student Support Team Referral Form
- Instructional Plan
- In-School Team Referral Conference Minutes
- Specialized Provision of Service Plan
- Parental Consent for Services
- Student Support Team Management Log

E. Involvement of the Coordinator of Staff Services when a student's condition appears to fall within 504 regulations.

F. Annual review of all students identified as 504 eligible.

G. Annual submission of an SST Management Report Log to the Office of Youth Services.

Due Process

Civil rights are not the sole domain of special education students. All students have rights which are protected by due process:

General Education Intervention

Attempts by the teacher to resolve the problem prior to referral to special education must be documented.

Note: Chapter I, REP, and other compensatory services are recognized as student support activities. Documented reports of compensatory interventions are considered SST documentation. Goals and outcome measures submitted by the compensatory teacher to the SST should be used to make recommendations for continuation, modification, or referral elsewhere.

Involvement in compensatory programs does not preclude referral of a student to the SST. If the problem is different from the problem being addressed in the compensatory program, or appears to need additional intervention, a student may be referred to the SST. If the student is receiving assistance from the Program for Exceptional Children (PEC), in an academic, physical, behavioral or speech/language area, and is experiencing a problem not currently being addressed by PEC, the student should be referred to the Student Support Team.

Parental Notice

Parental notice of SST meetings *must be in writing*. Parents should receive notice prior to the meeting. If parents request a different time or date, than what has been scheduled, the Team should take the request into consideration.

Section 504 Rights

(Review the Section 504 information located in the back of this Manual.)

When a student appears to have a disability or has a record of a disability that substantially interferes with his/her educational process and is not covered under the Individuals with Disabilities in Education Act, the Student Support Team must:

- A. Involve the Coordinator of Staff Services.
- B. Provide parents with a copy of Section 504 Rights.
- C. Inform parents of the process for examination of records, mediation, hearings, and review procedures.

Informed Parental Consent

Written informed parental consent is *required prior to* any specialized evaluation or service that is not administered routinely to all students.

Parents have a right to (a) revoke consent at any time, (b) know that when the student appears to have a disability which interferes with his/her educational development, the Atlanta Public Schools has a right to proceed to a hearing in the absence of consent, (c) have their child evaluated privately-at their own expense - and (d) have the results, of the evaluation, considered by the SST.

General Classroom Environment

Attempts must be made to educate all students in the general education classroom unless it clearly is not in the best interest of the student to do so.

Retention

Before a recommendation for retention is made, a student must receive the benefit of the Student Support Team process. The Student Support Team should provide information to assist in the retention decision. A referral, to the SST, must be made not later than the mid-date of the first semester of the school year for all students recommended for retention. Students, who are retained, will receive assistance from the Student Support Team the following school year.

STUDENTS WHO HAVE NOT RECEIVED STUDENT SUPPORT TEAM ASSISTANCE MAY NOT BE RETAINED.

Administrative Placement

Modifications in a student's general education program must be attempted and documented by the SST prior to a recommendation for an administrative placement. Referrals to SST must be made not later than the mid-date of the first semester of the school year. When requesting an Administrative Placement for a student, documentation of the student's involvement in the Student Support Team process, as well as the effectiveness of the strategies utilized, will be required.

Referral to In-School Team/Tribunal/Alternative Placement

Modifications in a student's general education program must be attempted and documented by the SST prior to a referral to the In-School Team or referral to the tribunal or alternative placement in cases where disruptive behavior is involved. (The Student Support Team is waived for cases involving weapons and other serious matters. Contact the Student Placement Office for more information and/or directions.) (Please refer to the addendum "Student Support Team and the Tribunal")

SST Waiver

In extreme or obvious cases (e.g., severe disability, and/or sensory impairment) the SST process may be waived before referral to the In-School Team. Reasons for the request to waive the SST process must be clearly documented in the student's records. The Student Support Team Waiver Request Form is initiated when the SST determines a need to waive the SST process. Information regarding the SST Waiver must be reflected in the SST Minutes. The SST Waiver must be signed by the SST Chairperson, In-School Team Chairperson, and School Psychologist.

Opportunity to Review Records

Upon request, parents or a representative of their choice, must be provided an opportunity to review their child's records and consult with the SST and/or specialized service providers. Requests by parents, to receive evaluation results obtained by specialists, should be in writing. They must be handled in accordance with due process guidelines established by the discipline for such requests (e.g., Psychological Services and Section 504 Services).

The Seven Practices of Highly Effective Student Support Teams

1. Practice Proactive Teaming

Choosing to be proactive, as a member of the Student Support Team, can mean many things, depending upon the needs of each student. However, in general it means the following:

a. Being Prepared

- Having all necessary information and personnel available in each SST meeting. This includes appropriate forms and other documentation.
- Insuring that all necessary documentation is available during each meeting.
- Providing parents with necessary and important information prior to each meeting.
- Discussing the student's situation with the teacher, and conducting preliminary fact

finding operations prior to each meeting.

- Reviewing information prior to each meeting.
 - Re-reading the Minutes of every meeting for accuracy.
 - Providing feedback to pertinent personnel and parents.
 - Sending necessary documentation to other resources in a timely manner.
- b. Determining the validity of a referral prior to initiating a Student Support Team meeting.
 - c. Reviewing the information contained in the Student Support Team Manual.
 - d. Reading all information distributed regarding the Student Support Team.
 - e. Asking questions and seeking assistance when needed.

2. Determine the Expected Student Outcomes At the Beginning of the Student Support Team Process

This can be referred to as “beginning with the end in mind.” As this relates to the Student Support Team process, it simply means that students should receive services, from the Student Support Team, to enable them to reach predetermined goals and objectives. During the initial meeting of the Student Support Team, after the problems have been addressed and the plan for success is being developed, the Team should list the expected outcomes that will either show success and/or improvement or that will imply that other resources may be necessary.

3. Develop Appropriate Strategies that will Meet the Student’s Individual Needs

There are many printed resources available that assist in the development of modifications and strategies for students who are in the Student Support Team process. However, when choosing a strategy or modification, we should ask the following questions:

- a. Does the Team have a clear understanding of the problem(s) affecting the student?
- b. Does this strategy or modification address the problems the student is currently experiencing?
- c. Is this strategy or modification feasible for the student, teacher, environment and/or other factors that may impact its effectiveness.
- d. What is the time span for implementing and completing this strategy or modification?
- e. Are the necessary equipment and materials available to implement these strategies or modifications?
- f. Are there alternative or more appropriate strategies or modifications that should be implemented initially? The Team should never select a strategy or modification because it fits the “area” of the student’s problem. Changes in the student’s school program should be for the purpose of providing assistance in helping the student reach his/her full potential. Therefore, development of strategies and modifications should be individual and specific to the problems each student may be experiencing.

4. Practice Brainstorming, Collaboration and Teamwork

Student Support Teams should be exactly what the name states, a Team. The expectation, when a teacher request support for the student, is that attempts have been made to modify the student’s program and desired results have not been obtained. Therefore, assistance from other experts is required.

Collectively, the Student Support Team:

- a. Discusses the problem(s) the student is experiencing.
- b. Brainstorms possible strategies and modifications to assist in alleviating the problem(s) and allowing the student to experience success.
- c. Develops the strategies and/or modifications, as well as determines who will implement them.
- d. Establishes the evaluation techniques to be utilized to determine whether the strategies and/or modifications have been effective.
- e. Develops the expected outcomes for the student as a result of the Student Support Team experience.
- f. Determines whether the experience has or has not been effective and the possible follow-up activities.

The Student Support Team should never be thought of or treated as a committee of one person. It is a Team of professionals, who have expertise in the areas in which the student is experiencing difficulty, who come together to discuss the problems and plan for the student's success.

5. Expect A Winning Outcome for All Students Involved in the Student Support Team Process

As it relates to the Student Support Team, expecting a winning outcome for all students refers to planning and implementing strategies and modifications that will be effective and provide successful results. It also includes the involvement of staff and support personnel who can assist in providing the necessary and appropriate support, instruction and counsel that will enable the student to experience success. Of course, it is not assumed that all students will be able to perform at their ability level simply by virtue of their involvement in the Student Support Team. Although most students should receive great benefit from the Student Support Team, others may need the assistance of resources from another area. Therefore, it is important to realize when the involvement of other programs and/or personnel is needed in order for the student to meet expectations and perform at his/her ability level.

6. Unite Effort / Work to One End

As it relates to the Student Support Team, uniting effort and working to one end means that it takes many people and resources, working together, in order to produce the planned and expected outcome(s) for the student. The outcome is the most important part. Students performing at their ability level, as well as demonstrating the necessary behaviors, in order to be successful, should be the goal of the Student Support Team. This means that all of the needed personnel and resources should be gathered and utilized. There may be many paths to reaching this goal. However, the ability to pull it all together, plan and program appropriately and effectively, utilize the available resources and determine when to change course are tantamount in assuring success. If all of the parts operate effectively, the end (or the outcome) will be successful.

7. Don't Be Afraid of Change

When planning for the success of students, there are no guarantees that the initial plan is the most appropriate or effective. Therefore, you should not be afraid to evaluate what

has been implemented and determine the appropriateness of the strategy and/or modification. If strategies, modifications and/or resources are not accomplishing the stated goal(s) and objective(s), don't be afraid to make changes. You may not have to discard the entire plan, but you may need to make some adjustments. This is a golden opportunity to become creative when developing the Instructional Plan.