



# STEP AHEAD NEWSLETTER

## SUMMER 2022

### From the Executive Director

Hello TNSTEP Community:

Wow, this has been one super hot summer! We sincerely hope you've found ways to stay cool. It's a necessity!

We love that for the most part Tennessee's students and teachers got a much-deserved break from the classroom after such a hard year, as we moved back and forth between in-school and remote learning due to the pandemic. We know that schools struggled with policies that sometimes had to change at a moment's notice, while families with sons and daughters with disabilities struggled with making sure their children continued to learn, didn't fall behind in skills, and had access to their IEP supports and services. None of this was easy, and we at TNSTEP stayed very busy helping students and families deal with many uncertainties. But we are forever optimistic that good stuff can and will continue to happen for our kids, as we look toward the new school year.

In this Summer 2022 edition of our Newsletter, we've included a couple of "NEED TO KNOW" information articles to help you understand what FAPE—Free Appropriate Public Education—means and why it's so important, and what a 504 Plan is and how it works. On the lighter side of summer, we're announcing our 2022 TNSTEP Award Winners and checking in with how our STEP Up to the Plate (SUTP) Youth Council Member, Eric, keeps healthy during his off-school time.

We hope you'll continue to stay hydrated, healthy, safe, and happy. Remember that TNSTEP has a website full of new and archived resources, and Team Members are ready to answer any of your special education questions. You'll find their contact information on the last page of this Newsletter. Please don't hesitate to reach out to us!



Gratefully,

Karen Harrison

Executive Director, TNSTEP

### **NEED TO KNOW #1: WHAT IS A 504 PLAN?** **by Shuntea Price, TNSTEP West TN Regional Director**

Let's begin with a couple of basic definitions:

An **Individualized Educational Program (IEP)** is developed to ensure that a child who has a disability, identified under the law, receives specialized instruction and related services. A **Section 504 Plan (504 Plan)** is developed to ensure that a child who has a disability, identified under the law, receives accommodations and/or modifications that will enable their access to the learning environment in order to achieve academic success.

Not all students who have disabilities require specialized instruction. For students with disabilities who do, the Individuals with Disabilities Education Act (IDEA) is the governing federal law, and an IEP is developed in accordance with it. Getting an IEP might seem straightforward, but the IEP process is typically more complex than the 504 Plan process, which requires evaluations and meeting very specific eligibility criteria. Don't worry, our team can guide you through the IEP process if needed.

A 504 Plan is for students with disabilities who do not require specialized instruction but do require reasonable accommodations to ensure they have equal access to learning and school activities. 504 plans exist to give students access to the same education their peers receive.

*Continued on page 4*

## TNSTEP 2022 ADVOCACY AWARD WINNERS

### 2022 Wesley Rice Youth Advocate of the Year Award: Chase Willis – Brentwood, TN

*The Wesley Rice Youth Advocate of the Year Award is given to a youth with a disability between the ages of 15 and 26 who is a strong self-advocate at school, at home, or in the community.*



In kindergarten, Chase Willis struggled with writing, reading, and speaking in proper sentences. He'd received speech and language therapy during his toddler and pre-K years, but his parents realized his challenges were likely deeper. So they began looking into the possibility of Chase having dyslexia. They read whatever articles they could find and watched informational videos created by TNSTEP. "We learned about our basic rights as parents in Tennessee and the process for requesting more support from the school," said Chase's mom, Stephanie. "We knew we had to get proactive, immediately."

Fortunately, the school helped Chase succeed, despite his diagnosis. "I could tell his teacher and reading specialist believed in him," Stephanie said. "His dad and I certainly believe in him. But the most amazing thing is that he believes in himself." Even at his young age, Chase is learning how to speak up and ask for help. After witnessing his mom advocating for him, he's learning how to do it for himself when she's not present. "We have a long way to go, but I know one thing: it can only go up from here," Stephanie said. "His motivation, confidence, and strength will take him exactly where he wants to go."

### 2022 Wayne Parker Advocate of the Year Award: LaShaunda Massey – Memphis, TN



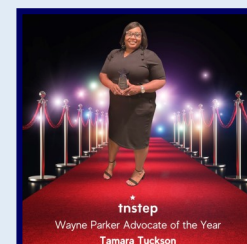
*This award is given to a person who has exemplified using information to assist their own child or someone else's child with a disability to receive a free appropriate public education. This year we have two recipients of this important award.*

In his early grades, Eric Massey experienced challenges in school. On the autism spectrum and with significant sensory issues, Eric found it difficult to learn in a noisy and too-brightly-lit environment. Unfortunately, the best solution the school could offer was to put Eric's desk out in the hallway, basically sequestering him from his classmates. Since that wasn't an appropriate solution, his mom, LaShaunda Massey, decided to homeschool her child. She continued to take on that responsibility through Eric's high school graduation, while working full time.

LaShaunda realized that educating Eric at home solved one problem, but it was still cutting him off from his peers and community. She constantly sought out opportunities for Eric to participate in educational activities and sports, including football and Eric's favorite, swimming. She encouraged him to join the Special Olympics, where he's thrived athletically and socially. "With her encouragement, Eric soon took on a leadership role, becoming an International Health Messenger for Special Olympics," said Brian Poindexter, who nominated LaShaunda for this accolade.

### 2022 Wayne Parker Advocate of the Year Award: Tamara Tuckson – Nashville, TN

Tammy Tuckson's 19-year-old daughter, McKenzie—TNSTEP's recipient of the 2019 Wesley Rice Youth Advocate Award—has a diagnosis of Rett's Syndrome. Children and adults with Rett's Syndrome typically experience significant challenges, including the ability to breathe, eat, walk, and speak. Doctors told Tammy that McKenzie would not be able to communicate, understand, or follow simple directions. Fortunately, that dire prognosis did not stop Tammy. "Tammy decided not to give up," said Karria James, who nominated Tammy for this award. "Instead, she developed a holistic community of support around her family. Wherever there was a gap, she found someone willing to learn how to close it."



Today, McKenzie uses communication devices, successfully follows simple directions, feeds herself, and is physically active. This success story took a great deal of time and perseverance. Becoming an expert on Rett's and recognizing the benefit of advocating for her child, Tammy began helping others advocate for their children, who were sometimes referred to her by the teachers, doctors, and therapists who had witnessed Tammy's passion and determination. TNSTEP congratulates all of our wonderful 2022 winners!



## KEEPING UP WITH HEALTHY ROUTINES IN THE SUMMER

by Eric Massey, STEP Up to the Plate Youth Council Member

Hello summer! Most of us are excited when summer comes because there's no school. But, then we get bored because we think there's nothing to do. That's just wrong! There are plenty of things to do to stay active once school is out.

We all know that it's important to exercise. During the summer, you can use free time for exercise in fun ways outdoors. You can go swimming or play water sports like water polo or Marco Polo! Bike riding with family or friends is really fun. Nature walks are about exploring outside looking at trees, flowers, birds, or even bugs. You can plant seeds in the garden and grow plants or your own vegetables!

When we spend time outside in the summer, we get plenty of sunshine. Sunshine gives us vitamin D which helps our bodies use calcium for strong bones. Vitamin D also helps improve our mood. However, too much sun can be dangerous. To stay safe in the sun you should put on sunscreen, sunglasses, a hat, and UV reflective clothing if possible.

We can also feel exhausted if we're in the sun for a long time. It's important to fuel the body by eating healthy and staying hydrated. We need to stay away from sugary sodas or sport drinks and drink lots of water. Pick a favorite water bottle and keep refilling it throughout the day. Try eating grilled food instead of fried foods. Pick colorful, fresh foods like red or green apples, bananas, green peppers, oranges, and carrots.

It's important to stay active in summer for the health of our bodies and minds. Outdoor activities like swimming are a great way to exercise and keep moving. Then fuel the body by drinking lots of water and eating fresh foods. Enjoy the rest of your happy, healthy summer!



## STEP UP TO THE PLATE SEEKING NEW YOUTH COUNCIL MEMBERS!

To all of our youth and families throughout the state, our STEP Up to the Plate (SUTP) Youth Council is seeking new members. This is a fabulous opportunity to practice and use your powerful youth voice to discuss issues that are important to you; to network with other youth leaders; and to develop skills and experience that will help you as you look for jobs and strive to be more independent. The Youth Council meets for an hour once a month, and Youth Council members are paid for their participation and contributions. If you or someone you know is interested, please reach out to Ned Andrew Solomon at [nedandrew.solomon@tnstep.org](mailto:nedandrew.solomon@tnstep.org).

## NEW AFFORDABLE CONNECTIVITY PROGRAM HELPS HOUSEHOLDS ACCESS INTERNET, GET DISCOUNTS ON EQUIPMENT



Congress recently created the Affordable Connectivity Program (ACP), a new, long-term, \$14 billion program, which will provide a discount to help families afford internet connectivity needed for work, school, health care, and more. Eligible households:

- \* Will receive a \$30 a month discount for internet connectivity.
- \* Can receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers.
- \* Can enroll through an approved provider or by visiting <https://www.fcc.gov/acp>

Households have various ways to qualify for the ACP, such as receiving WIC benefits or having an income at or below 200% of the Federal Poverty Guidelines. The \$30 per month discount will be paid directly to the participating internet provider.

For more information, visit [www.fcc.gov/affordable-connectivity-program-consumer-faq](http://www.fcc.gov/affordable-connectivity-program-consumer-faq).

## WHAT IS A 504 PLAN?

*Continued from page 1*

You may have heard of a 504 Plan but not really understood what it means, and how it can help a student. Section 504 of the Rehabilitation Act (Section 504) was passed in 1973 to prohibit discrimination based on disability. It is a federal civil rights law that provides access to education for children with disabilities and allows these students to receive the supports they need to succeed in school. It requires that the needs of students with disabilities be met as adequately as the needs of non-disabled students.

Section 504 covers the lifespan and safeguards the rights of persons with disabilities in many areas of their lives, including employment, public access to buildings, transportation, and education. For this article, we're addressing access to K-12 education. All public schools and school districts, including public charter schools and magnet schools that receive federal financial assistance from the U.S. Department of Education must comply with Section 504. Importantly, all requirements of Section 504 extend to everyone with whom the school has a contractual or other arrangement, such as School Resource Officers (SROs) or district police officers.

In order for a child to qualify for a 504 Plan, there must be documentation from a doctor proving that the student has a physical or cognitive limitation that impacts one or more major life activities. The list of major life activities under Section 504 includes but is not limited to: caring for oneself, performing manual tasks, speaking, seeing, breathing, hearing, learning and reading. Although children need to qualify for a 504 Plan, the definition is broader than with an IEP, and more children qualify for 504 Plans. Often, schools suggest a 504 Plan first to see if a student's needs can be met without an IEP. However, parents can request an evaluation at any time to determine if their child qualifies for supports and services through an IEP.

A single source of information—such as a doctor's report—cannot be the only information considered when requesting a 504 Plan. Schools must review a variety of sources including the student's grades, teacher reports, assessments from parents or other agencies, state assessment scores or other school-administered tests, observations, discipline reports, attendance records, health records, and behavioral information. Districts typically create written 504 Plans but are not required to. There are no set rules or specific formatting for what a 504 Plan must look like, or what it must include. The only requirement is that schools put in writing their policies in relation to 504 Plans.

Usually, a 504 Plan contains accommodations and/or modifications that a teacher must either provide or allow a student with a disability to use in the classroom. These accommodations and modifications are intended to remove obstacles that keep the student from learning and are protected by law. Here are a few examples:

**ACCOMMODATIONS:** These are changes in the classroom to how the child learns the curriculum, like extra time on tests, seating near the front of the class, and verbal or visual prompts.

**ASSISTIVE TECHNOLOGY:** These are tools to help the child work around barriers to learning, like calculators, keyboards, and graphic organizers.

**SCHOOL SERVICES:** These are services to help the child get access to the general curriculum, like speech therapy, behavior plans, and transportation.

There's no limit to the number of accommodations and/or modifications that can be listed on a 504 Plan. Like the IEP, a 504 Plan should be updated annually to make sure the student is receiving the most effective services for their specific circumstances. But unlike an IEP, Section 504 does not require that a child with a disability will receive individualized education. There are no educational goals associated with a 504 Plan, and individual teachers might support a 504 Plan in different ways. As always, parents should regularly communicate with their child's teacher to make sure their child's 504 Plan is followed and is meeting their unique needs.

If you notice your child is having learning difficulties and may need support in school, you may feel like you have to request either a 504 Plan or an IEP. We suggest reviewing each option and exploring the differences between a 504 Plan and an IEP and how they might impact your child's education, protection, and support they receive. Each child, school district, teacher, and set of issues is unique. Please reach out to us if you still have questions or concerns. If you understand your choices and how 504 Plans, IEPs, and even schools operate, it will be easier to choose the best and most beneficial option.

Please visit our website [tnstep.org](http://tnstep.org) for more information on 504 Plans and IEPs, or contact us at [info@tnstep.org](mailto:info@tnstep.org).

## NEED TO KNOW #2: A FREE APPROPRIATE PUBLIC EDUCATION IS A BASIC GUARANTEE FOR ALL

by Donna Jennings, TNSTEP Business & Personnel Manager,  
and Ned Andrew Solomon, TNSTEP Communications Support



FAPE is an acronym that stands for free appropriate public education. It requires schools to provide special education services and supports to meet the needs of a child between the ages of 3 and 21, inclusive. Each state must ensure that FAPE is available to any individual child with a disability who needs special education and related services, including children with disabilities who have been suspended or expelled from school. The obligation to make FAPE available to each eligible child begins no later than the child's third birthday, and an IEP (Individualized Education Program) or an IFSP (Individualized Family Support Plan) must be in effect for the child by that date.

This simple breakdown of the acronym may help you remember what FAPE is, courtesy of [understood.org](http://understood.org) :

**“F” stands for “free.”** Free means the government pays for the education of students with disabilities. There's no cost to families. However, families do have to pay the same extra school fees—for example, sports and club fees—that all students pay.

**“A” stands for “appropriate.”** Appropriate means that kids who qualify get an Individualized Education Program (IEP) with services to meet their unique needs. Other students with disabilities may get a 504 plan that gives equal access to learning. (See pages 1 and 4 of this Newsletter for the differences between IEPs and 504 Plans.)

**“P” stands for “public.”** Public means supervised by the public school. An IEP team—teachers, parents, the student, and others—decides what services and support the student gets. In a few cases, the government may pay for kids with disabilities to attend private school.

**“E” stands for “education.”** Education can include special education. It can also include related services, like speech therapy, counseling, or even transportation. The goal is for kids to make progress in school and be prepared for the future.

### An important court ruling

On March 22, 2017, the U.S. Supreme Court issued a unanimous opinion in *Endrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988. In this case, the Court interpreted the scope of the FAPE requirements in the Individuals with Disabilities Education Act (IDEA), overturning the Tenth Circuit's decision that Endrew, a child with autism, was only entitled to an educational program that provided just “more than the minimum.” In rejecting the Tenth Circuit's reasoning, the Supreme Court determined that to meet its obligation under the IDEA, a school must offer an IEP that reasonably enables a child to make *appropriate* progress based on a particular child's circumstances, the “A” part of FAPE. The Court emphasized the requirement that “every child should have the chance to meet challenging objectives.”

### Placement and LRE

Once the IEP team has decided what services a child needs, a decision must be made about where those services are provided. That “placement” of services must include the Least Restrictive Environment (LRE), defined in IDEA as close as possible to the child's home. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled, and, in many cases, where the student's siblings attended. Furthermore, a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Please visit our [tnstep.org](http://tnstep.org) website for more information on FAPE, IEPs, and LRE, or contact us at [info@tnstep.org](mailto:info@tnstep.org).



## CONNECT WITH TNSTEP!

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Follow us online at [tnstep.org](https://tnstep.org)

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