

Identifying Autism Across the Spectrum: Strategies for School Teams: OSPA Fall 2021

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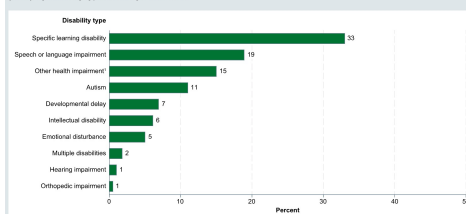
Prevalence: 1 in 54

CDC

1

2

Figure 1. Percentage distribution of students ages 3–21 served under the Individuals with Disabilities Education Act (IDEA), by disability type: School year 2019–20



¹ Other health impairments include limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, asthma, chronic lead poisoning, hemophilia, sickle cell anemia, diabetes, epilepsy, or kidney dialysis.

NOTE: Data are for the 50 states and the District of Columbia only. Visual impairment, traumatic brain injury, and deaf/blindness are not shown because they each account for less than 0.5 percent of students served under IDEA. Due to categories not shown, total does not sum to 100 percent. Although rounded numbers are displayed, the figures are based on unrounded data.

SOURCE: U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved February 2, 2021, from <https://nces.ed.gov/ipeds/data/individuals-with-disabilities-education-act/>. See Department of Education Statistics, 2020, table 102.30.

3

U.S. Department of Education Statistics

SOURCE: U.S. Department of Education, National Center for Education Statistics, (2021). *Digest of Education Statistics, 2019* (NCES 2021-009), Chapter 2.

Type of disability	1976–77	1980–81	1990–91	1995–96	2000–01	2005–06	2010–11	2012–13	2013–14	2015–16	2016–17	2017–18	2018–19
All disabilities	3,694	4,144	4,710	6,296	6,483	6,481	6,436	6,401	6,429	6,464	6,555	6,577	6,802
Autism	—	—	—	251	336	378	417	455	498	538	576	617	681

93 thousand in 2000 → 762 thousand in 2018-2019

4

Legal Foundations

SPECIAL EDUCATION & THE LAW



Initial Evaluation §300.301

(a) General. Each public agency must conduct a full and individual initial **evaluation**, in accordance with §§300.305 and 300.306, **before** the initial provision of special education and related services to a child with a disability under this part.

5

6

Free Appropriate Public Education



7

The Purpose of Special Education



To ensure that all children with disabilities have available to them a **free appropriate public education** that emphasizes special education and related services designed to meet their **unique** need and **prepare** them for **further education, employment, and independent living**.

(IDEA) §300.1 (emphasis added)

8



Child Find 3301-51-03

Each school district shall adopt and implement written policies and procedures...that ensure **all children with disabilities** residing within the district...**and who are in need of special education** and related services are **identified, located, and evaluated** as required by the Individuals with Disabilities Education Act...

Operating Standards for Ohio Educational Agencies Serving Children With Disabilities (2008)

9

Child Find

“... all children with disabilities . . .”
Applies from birth to age 21



10



Child with a Disability Means...

A child evaluated in accordance with rule 3301-51-06 of the Administrative Code as having a cognitive disability (mental retardation), a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this rule as “emotional disturbance”), an orthopedic impairment, **autism**, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

Operating Standards for Ohio Educational Agencies Serving Children With Disabilities (2008)

11



Child with a Disability Means...

- cognitive disability
- a hearing impairment
- a speech or language impairment
- a visual impairment
- a serious emotional disturbance
- an orthopedic impairment
- **autism**
- traumatic brain injury
- an other health impairment
- a specific learning disability
- deaf-blindness, or
- multiple disabilities

and who, by reason thereof, needs special education and related services.

Operating Standards for Ohio Educational Agencies Serving Children With Disabilities (2008)

12



All Areas of Suspected Disability

A child **must** be tested in **all** areas of **suspected** disability.

20 U.S.C. § 1414(b)

13

IDEA (2004) on Evaluation Procedures

The public agency must use a **variety of tools and strategies** to gather relevant **functional, developmental, and academic** information about the child ...

300.304 (b)(1)



14

Case Law You be the Judge



Timothy O. v. Paso Robles Unified School District

15

Timothy O. v. Paso Robles Unified School District

Luke displayed symptoms of a developmental disorder early in life. When he was twenty-seven months old, he began to receive speech, language, and occupational therapy at the Tri-Counties Regional Center ("Tri-Counties").

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3d 1105 (9th Cir. 2016)

16

Timothy O. v. Paso Robles Unified School District

Parents met with staff from Tri-Counties and Paso Robles to discuss what would happen when Luke turned three years old. During that meeting, Paso Robles scheduled a date on which it would conduct an initial assessment to determine whether Luke was a child with a disability and therefore qualified for special education and related services under the IDEA.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3d 1105 (9th Cir. 2016)

17

Timothy O. v. Paso Robles Unified School District

There were concerns about his speech. It was determined that that Tri-Counties would perform a psychological assessment—presumably to test for Autistic Disorder—in order to determine whether he qualified for further regional center services.

A few weeks before Luke's third birthday, Paso Robles conducted Luke's initial evaluation. The notice did not mention assessment for autism.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3d 1105 (9th Cir. 2016)

18

Timothy O. v. Paso Robles Unified School District

Staff observed Luke and tried to engage him in play, but their attempts to utilize standard assessment tools were unsuccessful because of his “compliance” issues. During the assessment, Peck, a Paso Robles psychologist, stopped by and observed Luke for approximately thirty to forty minutes.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

19

Timothy O. v. Paso Robles Unified School District

Although the notice to Luke’s parents mentioned nothing about Peck’s involvement, Peck later testified that he came to observe in order to “consult with the staff in terms of possible handicapping conditions which may be – may have or may not have been present.”

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

20

Timothy O. v. Paso Robles Unified School District

From his cursory observation, during which he did not utilize any standard assessment tools, Peck concluded that there was no need for Paso Robles to formally assess Luke *for any disorder on the autism spectrum because he saw Luke use a “variety of facial expressions,” display emotions, and demonstrate his “skill at turn-taking.” In Peck’s opinion, this was uncharacteristic of a child with a disorder on the autism spectrum.*

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

21

Timothy O. v. Paso Robles Unified School District

On **November 18, 2009**, Tri-Counties performed a psychological assessment of Luke to determine whether he had Autistic Disorder. Dr. Griffin provisionally diagnosed Pervasive Developmental Disorder, Not Otherwise Specified (“PDDNOS”). Tri-Counties sent a copy of Dr. Griffin’s report to the school district. **Despite its diagnosis and recommendation, the report was not discussed at the IEP meeting; nor did the district reevaluate its decision not to assess Luke for autism.**

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

22

Timothy O. v. Paso Robles Unified School District

The district concluded that Dr. Griffin’s diagnosis was insufficient to even create suspicion that Luke had a disorder on the autism spectrum because Peck’s earlier observation of Luke had dispelled any suspicion **that Luke had such a disorder and because Dr. Griffin’s “provisional” diagnosis was not conclusive.**

The IEP that was created as a result of the meeting identified Luke’s disability as a “speech or language impairment.”

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

23

Timothy O. v. Paso Robles Unified School District

At an IEP meeting on **December 2010**, staff expressed concern that Luke was not talking to either adults or peers and suggested that he might have “selective mutism.” Luke’s parents reported that he was having tantrums at home, including crying and aggressive behavior.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

24

Timothy O. v. Paso Robles Unified School District

On **January 2011**, parent's attorney sent a letter informing the District that Luke had obtained legal representation and that his **parents requested that the school fund an independent educational evaluation of Luke for autism**. His parents also retained the services of a behavior specialist and had him privately assessed for autism by Dr. B.J. Freeman who diagnosed Luke with Autistic Disorder.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

25

Timothy O. v. Paso Robles Unified School District

The next month, Paso Robles announced that it would finally do a formal and comprehensive evaluation of Luke. Paso Robles did not **complete the assessment** for almost an entire year, until **January 2012**.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

26

Timothy O. v. Paso Robles Unified School District

On July 6, 2011, Luke's parents filed a request for a due process hearing alleging that Paso Robles violated the procedural and substantive requirements of the IDEA by (1) failing to assess Luke in all areas of suspected disability, specifically autism; and (2) failing to appropriately address his behavioral issues, such as refusing to speak, tantrums, and non-compliance, during the 2010–2011 school year. They further alleged that the school denied Luke FAPE during the 2009–2010 and 2010–2011 school years.

Adapted from Timothy O. V. Paso Robles Unified School, 822 F.3rd 1105 (9th Cir. 2016)

27

You be the judge



Did the district violate procedural and substantive requirements of the IDEA by:

1. Failing to assess Luke in all areas of suspected disability?
2. Failing to appropriately address his behavioral issues during the 2010–2011 school year?
3. Did the district deny Luke a free appropriate public education?

28

Decision

At the time of Luke's initial evaluation, Paso Robles was aware that Luke displayed signs of autistic behavior, and therefore, autism was a **suspected disability** for which it was required to assess him. It chose, however, not to formally assess him for autism because a member of its staff opined, after an **informal, unscientific observation of the child**, that Luke merely had an expressive language delay, not a disorder on the autism spectrum.

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

29

Decision

We hold that, in so doing, Paso Robles violated the procedural requirements of the IDEA and, as a result, was **unable to design an educational plan that addressed Luke's unique needs**. Accordingly, we hold that Paso Robles **denied Luke a free appropriate public education**, and remand for the determination of an appropriate remedy.

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

30

Decision

The IDEA requires that, if a school district has notice that a child has displayed symptoms of a covered disability, it must assess that child in all areas of that disability using the thorough and reliable procedures specified in the Act. School districts cannot circumvent that responsibility by way of informal observations, nor can the subjective opinion of a staff member dispel such reported suspicion (p.25).

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

31

Decision

We reject the ALJ's equivocal and unsupported statement that Paso Robles may not have needed to assess Luke for autism because it "knew" that Tri-Counties was going to assess him. There is no support for this finding in the record and, even if there were, Paso Robles took no steps to ensure that any assessment by Tri-Counties complied with the requirements of the IDEA imposed on the District (p.25).

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

32

Decision

Finally, we hold that Paso Robles' fundamental procedural violations denied Luke a free appropriate public education during the 2009–2010 and 2010–2011 school years because the District's failure to assess Luke for all areas of suspected disability deprived his IEP Team of critical evaluative information about his developmental abilities as an autistic child.

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

33

Decision

That deprivation made it impossible for the IEP Team to consider and recommend appropriate services necessary to address Luke's unique needs, thus depriving him of critical educational opportunities and substantially impairing his parents' ability to fully participate in the collaborative IEP process (p.26).

Timothy O. v. Paso Robles Unified School, 822 F. 3d 1105 - Court of Appeals, 9th Circuit 2016

34

You be the judge

Did the district violate procedural and substantive requirements of the IDEA by:

1. Failing to assess Luke in all areas of suspected disability? **YES**
2. Failing to appropriately address his behavioral issues during the 2010–2011 school year? **YES**
3. Did the district deny Luke a free appropriate public education? **YES**



35

OSEP Letter to State Directors of Special Education (2011)

SUBJECT: A Response to Intervention (RTI) Process Cannot be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Act (IDEA)



36



United States Department of Education Office of Special Education Programs and Rehabilitation Services

January 21, 2011

The provisions related to **child find** in section 612(a)(3) of the Individuals with Disabilities Education Act (IDEA) require that a State have in effect policies and procedures to ensure that the State identifies, locates and evaluates all children with disabilities residing in the State.

37



United States Department of Education Office of Special Education Programs and Rehabilitation Services

January 21, 2011

States and LEAs have an **obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an RTI strategy.**

38



United States Department of Education Office of Special Education Programs and Rehabilitation Services

January 21, 2011

It is critical that this identification occur in a timely manner and that no procedures or practices result in delaying or denying this identification. It has come to the attention of the Office of Special Education Programs (OSEP) that, in some instances, local educational agencies (LEAs) may be using Response to Intervention (RTI) strategies to delay or deny a timely initial evaluation for children suspected of having a disability.

39

Autism Spectrum Disorder Defined

OHIO'S OPERATING STANDARDS,
IDEA, AND DSM

40



Ohio Definition of Autism

Means a developmental **disability** significantly affecting **verbal and non-verbal communication and social interaction**, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with "autism" are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Operating Standards for Ohio Educational Agencies Serving Children With Disabilities (2008)

41

State versus Federal Definition of Autism



42



DSM-5 Autism Spectrum Disorder

43

DSM IV

3 symptom areas:

1. qualitative impairment in social interaction
2. a qualitative impairment in communication
3. restricted and repetitive behavior.

DSM - 5

2 symptom areas:

1. deficits in social communication
2. restricted, repetitive patterns of behavior

44

Deficits in social communication and social interaction (3/3)



1. Deficits in social-emotional reciprocity
2. Deficits in nonverbal communicative behaviors used for social interaction
3. Deficits in developing, maintaining, and understanding relationships

45

Restricted, repetitive patterns of behavior, interests, or activities (2/4)

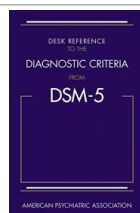


1. Stereotyped or repetitive motor movements, use of objects, or speech
2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior
3. Highly restricted, fixated interests that are abnormal in intensity or focus
4. Hyper- or hyporeactivity to sensory input or unusual interests in sensory aspects of the environment

46

Specifiers in DSM - 5

- With or without accompanying intellectual and/or language impairment
- Association with a known medical, genetic condition, or environmental factor
- Association with another neurodevelopmental, mental, or behavior disorder or catatonia
- Severity of expression from Level 1 to Level 3 based on the level of support needed for social communication and restricted, repetitive behaviors



47

Autism Characteristics Activity	
State Definition	DSM - 5 Characteristics
Required Features	
Disability affecting verbal communication	A. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure to normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
Disability affecting nonverbal communication	B. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
Disability affecting social interactions	C. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties sharing imaginative play or in making friends; to absence of interest in peers.
Associated Features	
Repetitive activities	D. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypies, words or lists of phrases, echolalia, or idiosyncratic phrases).
Stereotyped movements	E. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to have same route or eat food every day).
Resistance to environmental change	F. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., abiding attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).
Resistance to changes in daily routine	G. Hyper- or hyporeactivity to sensory input or unusual interests in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).
Unusual responses to sensory experiences	

48

Adverse Effect

49

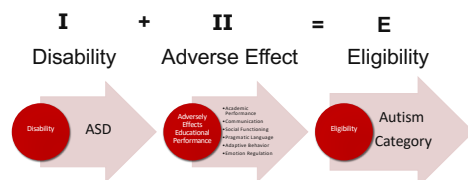
Ohio Definition of Autism

Means a developmental **disability** significantly affecting verbal and non-verbal communication and social interaction, generally evident before age 3, **that ADVERSELY AFFECTS a child's educational performance**. Other characteristics often associated with "autism" are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Operating Standards for Ohio Educational Agencies Serving Children With Disabilities (2008)

50

Two Tiers to Eligibility



51

Special Education Means Specially Designed Instruction

- 3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
- To address the **unique needs of the child that result from the child's disability**; and
 - To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

CFR § 300.39

52

Adverse Effect on Educational Performance

- ▶ Academic performance
- ▶ Communication functioning
- ▶ Social functioning
- ▶ Pragmatic language
- ▶ Organizational skills
- ▶ Group work skills
- ▶ Problem solving skills
- ▶ Emotion regulation
- ▶ Hygiene
- ▶ Behavior
- ▶ Attention challenges
- ▶ Daily living skills/adaptive behavior

List of some areas of educational performance impacted by disabilities

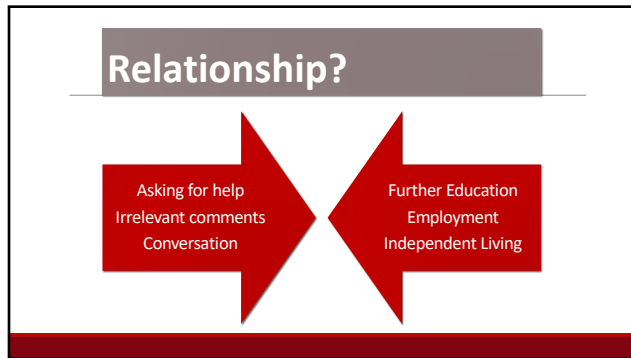
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Adverse Effect: Communication

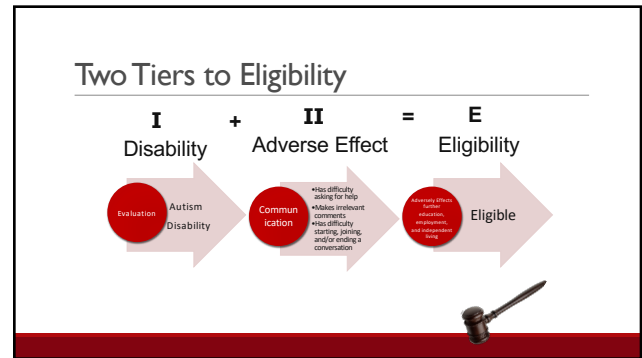
Examples:

- Has difficulty asking for help
- Makes irrelevant comments
- Has difficulty starting, joining, and/or ending a conversation

54



55



56

Adverse Effect: Group Work Skills

Examples:

- Tends to be less involved in group activities than most of his or her peers
- Has difficulty maintaining personal space, physically intrudes on others

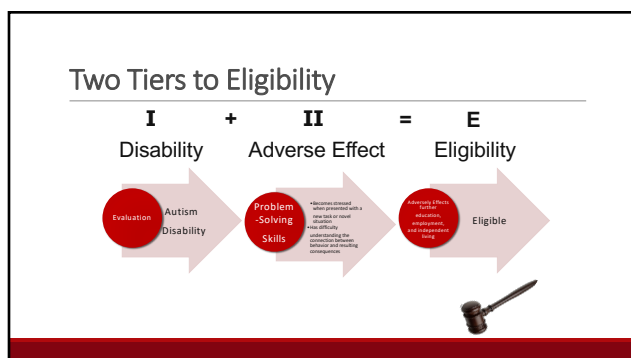
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Adverse Effect: Problem-solving skills

Examples:

- Becomes stressed when presented with a new task or novel situation
- Has difficulty understanding the connection between behavior and resulting consequences

58



59

DSM-5 diagnostic criteria for autism

D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.

60

Tier Two – Adverse Impact

Adverse Effect on Educational Performance

Place a check next to any area of educational need experienced by the student that may be related to the student's ASD.

✓	AFD	Areas of Educational Performance
		Academic performance
		Communication functioning
		Social functioning
		Pragmatic (social) language
		Organizational skills
		Group work skills
		Problem solving skills
		Emotion regulation
		Hygiene
		Behavior regulation
		Attention skills
		Daily living skills/adaptive behavior

61

Underlying Characteristics Checklists

- Helps you to “see” the autism
- Provides a “snapshot” of how autism is expressed for an individual
- A descriptive instrument
- May be completed by a team
- Provides a tool for assessing progress/change

62

The UCC Areas

- Social
- Restricted Patterns of Behavior, Interests, and Activities
- Communication
- Sensory Differences
- Cognitive Differences
- Motor Differences
- Emotional Vulnerability
- Known Medical or other Biological Factors

63

Individual Strengths and Skills Inventory

(Full App, P10, and P10.1, and P10.2, and P10.3)

Student: _____ Date: _____

How are you doing? (If you are having a hard time, please describe the following area.)

Name: _____

Interests, Hobbies, and Activities: _____

Communication: _____

Social: _____

Behavior, Interests, & Activities: _____

Communication: _____

Sensory: _____

Cognitive: _____

Motor: _____

Emotional: _____

Medication: _____

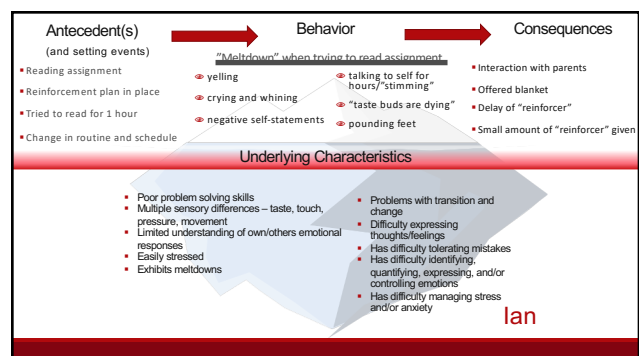
Other: _____

64

Five versions of the UCC:

- UCC-HF** The **UCC-HF** - individuals who are high functioning
- UCC-CL** The **UCC-CL** (classic) - more “classic” in presentation
- UCC-EI** The **UCC-EI** (Early Intervention) - 3 to 72 months across all levels of functioning
- UCC-SR Adol** The **UCC-Self-Report-Adolescent (UCC-SR-ADOL)** - 12-18 years of age
- UCC-SR Adult** The **UCC-Self-Report-Adult (UCC-SR-Adult)** - 18 years and older

65



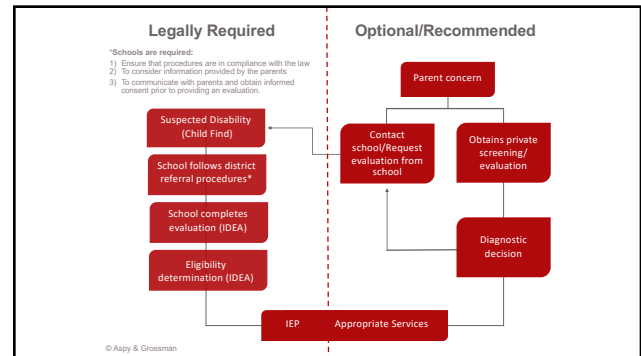
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Child Find – 20 USC §1412

All children with disabilities residing in the State, including children with disabilities ... regardless of the severity of their disabilities, and who are in need of special education and related services, are **identified, located, and evaluated** and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

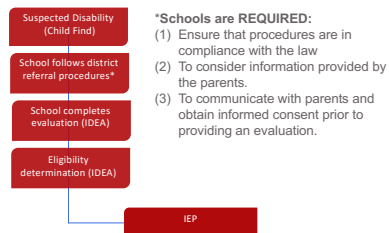


67



68

Autism Identification Process



69

Diagnosis	Eligibility
Based on a set of criteria (e.g., DSM 5, ICD-10)	Based on federal law (IDEA)
A single condition with different levels of symptom severity in two core domains	Refers to a broad disability category
Used in private settings	Used only in public school system
May be determined by an individual or team	Must be determined by a team
Clinically significant impairment in functioning	Adverse effect

70

Scoring and Interpretation

REMINDER

Administration vs. Interpretation

- There is a different set of knowledge required to administer and interpret measures.
- Staff who administer instruments but lack the skills to properly interpret them may cause harm.
- Without the prerequisite knowledge, these individuals lack clinical judgment and therefore rely heavily on cut-off scores to "tell them" if their client has ASD.

71

72

Interpretation

Experienced teams know that they cannot rely on a test score alone to indicate the presence or absence of ASD.

73

Need for Quality Clinical Training

"...**cut-off scores** should not be viewed as similar to a standard score, such as an IQ score. Rather, these scores should be used as a clinical guide and taken in the context of other information about the child.... **This issue alone emphasizes the critical importance of the need for school districts to invest in providing quality clinical training...**" (p.270)

Reinsel & Seltman (2004). Screening and identifying children with autism spectrum disorders in the public school system: The development of a model process. *Journal of Autism and Developmental Disorders*, 34, 262-277

74

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75