



## IDEA AND WHAT IT MEANS FOR STUDENTS WITH DISABILITIES

BY BEVERLEY H. JOHNS

Three administrators at a high school recently got together and decided that they were going to place all the special education students with behavioral problems back in the general education classroom. When I got an email from a very upset teacher who knew this was wrong, she asked what she could do. These types of situations and questions are too common today even after a law protecting students with disabilities was passed in 1975. There is still a lot of ignorance out there and it is important that all of us continue to advocate for students with disabilities and educate others about what the law really says.

What was wrong with what these administrators did? They clearly violated the principles of the Individuals with Disabilities Education Act (IDEA 2004), the federal law that protects the rights of all students with disabilities that impact their educational performance. IDEA provides that all students with disabilities be provided a free and appropriate public education (FAPE).

According to IDEA, the determination of what is appropriate for each student is made by the Individualized Education Program (IEP) Team which consists of the parent, the student when appropriate, a general education teacher, a special education teacher, an administrator who can commit services for the district, and someone who can interpret the instructional implications of the evaluation who can be one of the other individuals. IDEA ensures that all decisions are a team decision, made by a group of people who know the student and know the needs of the student. The team is multi-disciplinary. This is a protection to the student and the student's family.

At least once a year, the IEP team convenes to determine the appropriate placement of the student. At least once every three years, a new evaluation must be conducted.

The IEP team gathers all relevant data to make an informed decision. They discuss key medical findings and other background information that may be impacting the student's

learning. They review strengths of the student and any concerns the parent has. The team then discusses the present levels of academic achievement and functional performance. All statements should be objective and should be data driven and as specific as possible.

Based on all the relevant information, the team decides goals for the student. Goals should be measurable and should be individualized. After goals are written, there is a discussion of where the goals can be met (general or special education classroom) and how the goals will be met.

A cornerstone of special education is the determination of the specialized instruction that the student needs, based on his or her specific disability. Does the student need a specific method to learn how to read or to do math or to work collaboratively? Specialized instruction is the heart of special education.

Other factors such as accommodations, related services, behavior intervention plans, assistive technology, and supports for school personnel are discussed. The student's participation in, and accommodations for, the statewide assessment are also addressed.

In my example above, the three administrators who determined all students with behavioral challenges would be placed in general classrooms, did so without any individualized assessments, bypassing this entire process and clearly violated the rights of each student to have his/her individualized needs met. Administrators cannot take unilateral action and change programming for students. Those decisions must be made by a team of individuals.

The administrators may have been thinking that by placing the students back in the general education classroom, they were providing education for these students in the least restrictive environment. However that is not correct interpretation of "least restrictive environment." IDEA states that "least restrictive environment" means to the maximum extent appropriate, students with dis-

abilities are to be educated with their peers without disabilities.

Least restrictive environment does not mean that all students must receive services within the general education classroom. Rather, "least restrictive environment" means that students receive services that are appropriate to meet their individual needs. School districts are required to have a continuum of educational placements from regular classroom to resource to special education services more than 60 percent of the day, to special classes. There must be options for students; not one option. The IEP team is charged with determining the appropriate option for each student. For some students it may even be a specialized private placement.

What happens within this school district when these administrators have clearly violated the law?

1. Parents or other school district personnel can request a new IEP and show what the student needs.
2. Parents can file a complaint with their State Department of Education.
3. Parents can file a due process hearing so that an independent hearing officer determines what is needed.

It is up to families and to educators to monitor that school districts are following the IEPs of students. With tight budgets, schools may make efforts to cut costs at the expense of children. They may want to place students back in a general education class without the supports the students need.

Educators and parents must be informed consumers. They must educate themselves on what the laws say and monitor to make sure the school districts are following the law.

All of us need to be watchdogs to prevent inappropriate placements from happening and to ensure students with disabilities receive a Free, Appropriate, and Public Education. •

### ABOUT THE AUTHOR:

Beverley H. Johns is an Adjunct Instructor, Special Education, at MacMurray College in Jacksonville, IL.