

General Education Teachers AND Special Education

PFT Presentation

November 13, 2008

by Jan Van Horne



What does the Law Say?

- PL 94-142 (1975)

Education of All Handicapped Children

- IDEA (1997)

Individuals with Disabilities Education Act

- IDEIA (2004)

Individuals with Disabilities Education Improvement
Act

What Changed?

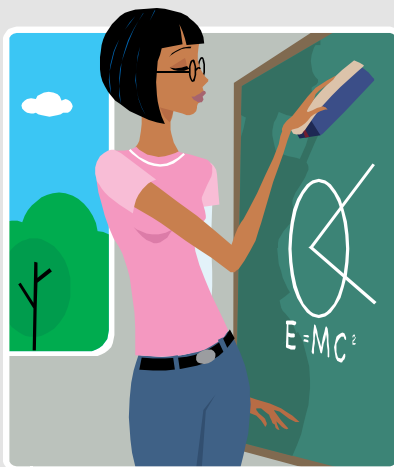
- IDEA ('97)

- GenEd Teacher on IEP Team Is Required by IDEA '97. §300.344(a)(2))

- IDEIA ('04)

- GenEd teachers do not need to remain present for the entire meeting.
- Part B 3-22

Part C birth – 2



What Does the Law Say about GenEd Teachers?

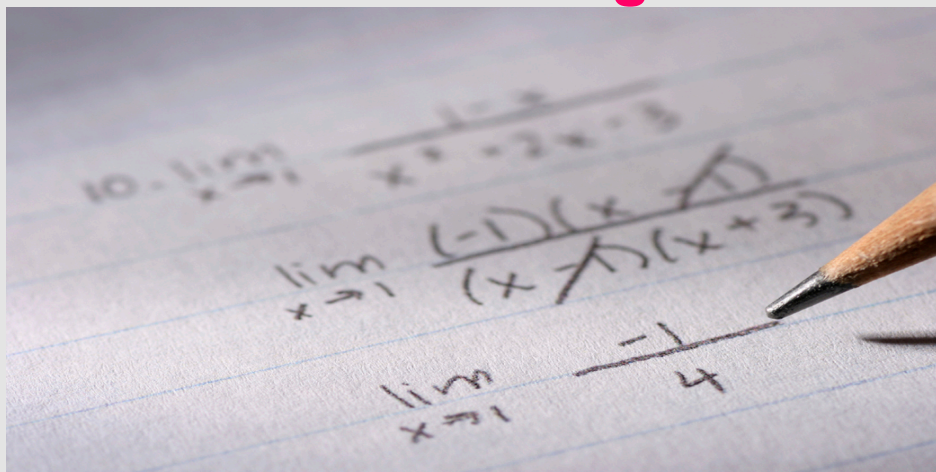


- The IEP team for each child with a disability **must include** at least one general education teacher of the child (if the child is, or may be, participating in the general education environment)

What Does the Law Say about GenEd Teachers?

- The teacher **must**, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including –
 - the **determination of appropriate positive behavioral interventions and strategies for the child, and**
 - the **determination of supplementary aids and services, program modifications, and supports** for school personnel that will be provided for the child consistent with the IEP content requirements
- Other School Staff May Not Be Substituted for the GenEd

Which GenEd Teacher Must Be Physically Present at IEP Meeting?



- **THE TEACHER WOULD PARTICIPATE IN DISCUSSIONS** about the **child's involvement and progress in the general curriculum and participation in the general education environment**
- **THE TEACHER NEED NOT PARTICIPATE IN DISCUSSIONS** about certain other matters in the IEP meeting (e.g., the physical therapy needs of the child -- **if the teacher is not responsible for implementing that portion of the child's IEP**).
- **TEACHER MUST BE PHYSICALLY PRESENT** at each meeting, and **the extent to which the teacher must participate** in all phases of the IEP process are matters that must -- (1) be **determined on a case by case basis** by the public agency, the parents, and the other members of the IEP team, and (2) be based on a **variety of factors**.

Children With Disabilities Who Have More Than One GenEd Teacher

- only one of the teachers is required to be on the IEP team.
- LEA may designate which teacher or teachers will be on the IEP team.
- strongly encouraged to seek input from the teachers who will not be attending.



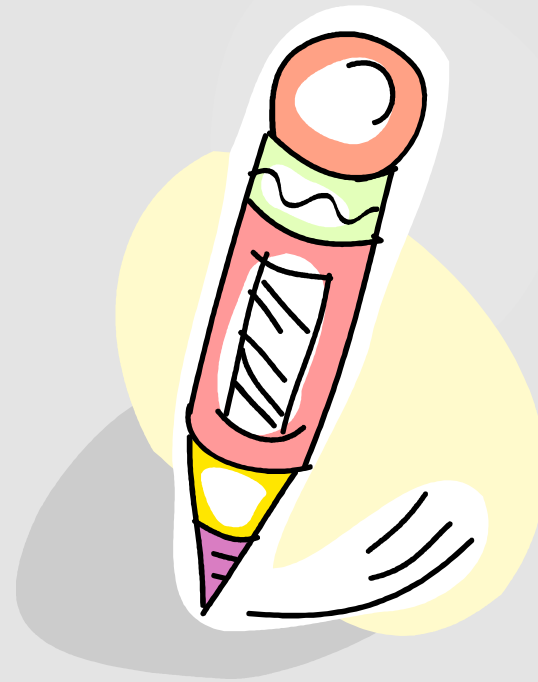
State Ed Code Says:

- 56341.(b) (2) The General education teacher of an individual with exceptional needs, to the extent appropriate, **shall participate in the development, review, and revision of the pupil's** individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the pupil, consistent with Section 1414(d)(1)(A)(i)(IV) of Title 20 of the United States Code.
- (a)(4)(B) Is **knowledgeable** about the **general education** curriculum.

LRE

Least Restrictive Environment

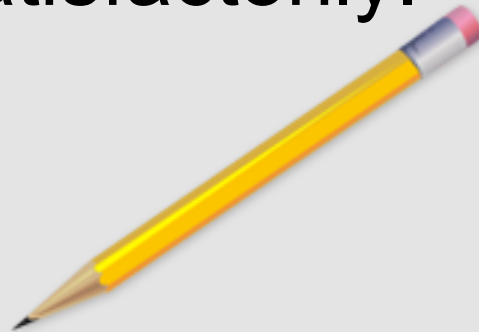
- IDEA mandate requires that students with disabilities receive their education in the general education classroom environment to the **maximum** extent appropriate.



LRE

Least Restrictive Environment

- Removal from the general education classroom environment only occurs when the nature or severity of the disability is such that education with the use of supplementary aids and services cannot be achieved satisfactorily.



Rowley Decision (1982)

- U.S. Supreme Court concluded that the IDEA does not require that states **maximize the potential** of students with disabilities.
- The IEP must be **reasonably calculated** to provide **educational benefit** to enable the child to “achieve passing marks and advance from grade to grade.”

Reasonable Calculations

Services are planned to support:

- Progress toward goals
- Progress in GenEd curriculum
- Participation in GenEd environment
- Education with other students with and without disabilities



Educational Benefit

Programs should be “reasonably calculated to result in educational benefit.” + (NCLB-2002)

- Achieving passing
- Advancing from grade to grade
- Making progress toward goals
- Improved scores on statewide or district-wide tests
- Passing CAHSEE
- Graduating with a diploma



Suggested Input of GenEd Teachers

- Rate of homework completion
- Participation in class
- Socialization with peers, group work
- Attention to task
- Work habits in class
- Test scores
- Level of prompting or redirection
- Areas of improvement

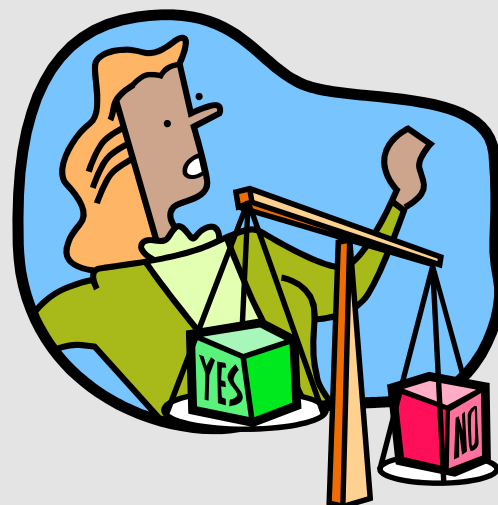


Progress in the general curriculum and participation in the general education environment

- Speak using measurable descriptions of student behavior (see handout)
- Speak in terms of performance in terms of PUSD standards
- Bring along work samples to show progress or mastery of skills (or lack of)
- Be prepared to speak to the “supplemental aids” being used effectively in your class

How to Effectively Answer an Uncomfortable Request in an IEP meeting!

- “How do you see that working in my classroom?”
- “How do you see that benefiting little Johnny?”
- “Explain your interest around that idea!”
- “Tell me more about that!”
- “Let me think about that idea.”
- “Let me get back to you after I do some research into that information.”
- “Let me get back to you after I think how that would work for little Johnny in my classroom.”

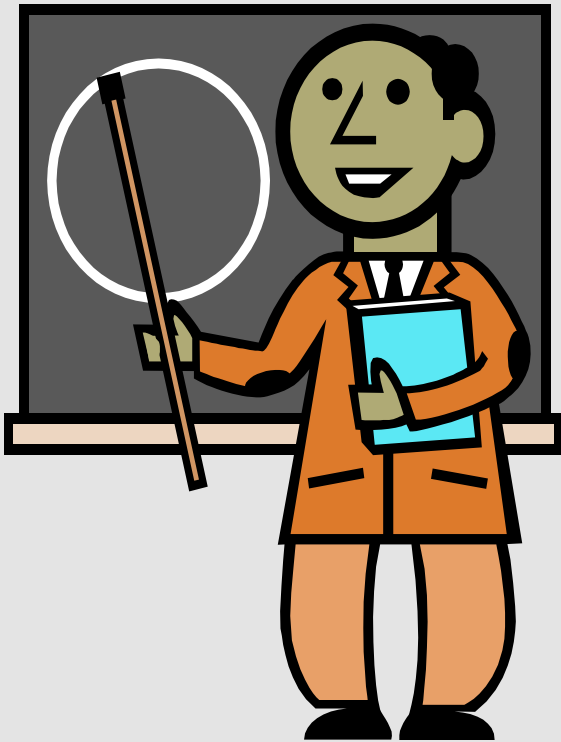


Things Not to Say



- “He needs medication.”
- “He needs to see a doctor.”
- “I cannot do that.”
- “He needs to be tested for special education.”
- “I think she/he has a learning disability.”
- “He/she is the lowest student in my class.”
- “I think she/he needs a (laptop, vision therapy, private school, a tutor, an aide, or other costly item).”

Tips for Success



- When in doubt, convene an IEP mtg
- Parent request-30 days
- IEP documents are confidential student records, not “top secret” government files. Relevant portions of the IEP must be shared with all service providers.
- An IEP is not a contract or guarantee for student success.
- IDEA does require Districts and staff to implement the IEP.
- IEP doesn't give unfair advantage to students with disabilities.

Best Practices

- Be sure to implement all the IEP which applies to your classroom and teaching.
- Don't get caught by Section 1983.
- If you are unclear about what the IEP says, then you need to ask the case manager.
- If the student is getting Ds or Fs, you need to tell the case manager.
- Participate in a pre-staffing IEP to prepare for those problematic IEPs...legal brainstorming!

Feel free to always ask PFT!

■



Thank You!

Wendy Smith-Rogers

Executive Director, Special Education
Poway Unified

Dave Thompson

California Federation of Teachers
Special Education Committee
ABES, RSP teacher