

Special Education

Questions and Answers for General Education Teachers

All children with disabilities who need special education must be provided a *free, appropriate public education, or FAPE*. Each child’s special education must be designed on an individual basis to meet his or her unique needs and must be provided in the *least restrictive environment, or LRE*. The rights of every child and youth with a disability and his or her family must be ensured and protected through procedural safeguards. (34 C.F.R. §300.1, 34 C.F.R. §300.114(a)(2))

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A. The IEP Team/Meeting

- Every IEP (Individualized Education Program) team must include “at least one regular education teacher of the child.”
- IEP teams must convene “not less than annually” to review and revise each eligible student’s IEP.
- The IDEA specifically defines the legal responsibilities of the regular education teacher as a member of the IEP team.

34 CFR §300.321(2)

34 C.F.R. §300.324(b)(i).

34 C.F.R. §300.324(a)(3)

Question A-1: Can someone else substitute for the general education teacher?

Answer: NO. C.F.R. §300.321 clearly states that the IEP team includes “not less than one regular education teacher of the child”.

Question A-2: Do I have to participate in every decision made by the IEP team?

Answer: Not necessarily. Depending on the child’s needs and the purpose of the IEP meeting, the regular education teacher does not have to participate in every decision made by the IEP team.

34 C.F.R. §300.324(a)(3)

Question A-3: Which one of the child’s regular education teachers has to attend the IEP meeting?

Answer: The regular education teacher who is participating in the IEP meeting should be a teacher who is, or may be responsible for implementing a portion of the IEP so that the teacher may participate in discussions about how to teach the child. If the child has more than one regular education teacher responsible for carrying out a portion of the IEP, the school system may designate which teacher or teachers will serve as IEP team member(s), taking into account the best interests of the child.

Federal Register, Vol. 64, No. 48, p12583 (March 12, 1999)

Question A-4: Does the IEP team have to get input from the regular education teachers who do not physically attend the IEP meeting?

Answer: The school system is “strongly encouraged” to seek input from the teachers who are not designated to attend. In addition, the school system must ensure that each regular education teacher:

- i Has access to the child’s IEP and
- ii Is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP.

34 C.F.R. §300.323(d) (2)

Question A-5: Is it ever possible that an IEP team would not include a regular education teacher?

Answer: Yes, but rarely. The regulations require a regular education teacher to be present if the child “is, or may be, participating in regular education.” However, in some rare cases, a child may be placed in a separate school and no change in placement is anticipated for the next calendar year. In these cases, it would not be necessary for a regular education teacher to be a member of the child’s IEP team.

Question A-6: Who serves as the “regular education teacher” of a preschool child?

Answer: If the child is kindergarten-aged, then the kindergarten teacher may serve on the IEP team. If the child is a preschooler, the school system may designate an individual who, under State standards, is qualified to serve nondisabled children of the same age.

B. Special Education Eligibility

Before students can be eligible for special education and related services indicated with an Individualized Education Program (IEP), they must first go through an evaluation to determine if they are a child with a disability. The following are disabilities which MAY qualify for special education services:

Autism	Cognitive Disability
Deaf/Blindness	Deafness
Developmental Delay (ages 3- 9)	Emotional Disability
Hearing Impairment	Multiple Disabilities
Orthopedic Impairment	Other Health Impairment
Specific Learning Disability	Speech/Language Impairment
Traumatic Brain Injury	Visual Impairment

Question B-1: What is the role of the general education teacher in determining eligibility for special education?

Answer: The general education teacher provides knowledge related to how the child performs in the general education setting, how peers perform in the general education setting, how the student interacts with peers, information regarding the expectations of the general education classroom and classroom dynamics.

Question B-2: How can I prepare for an IEP meeting?

Answer: Gather work samples, progress monitor data, observational notes or other evidence of student progress. Consider recommendations for student goals and suggestions of ways to make the student more successful. Be prepared to discuss student strengths based on the evidence collected.

C. Beyond the IEP

Part of the responsibilities associated with serving students with disabilities is to ensure that they are educated in the *Least Restrictive Environment* (LRE). Many times students can be successful within the general education classroom with supplementary aides and services.

Question C-1 What are my responsibilities as the classroom teacher?

Answer:

- Know which students in your class have an IEP or a 504 Plan.
 - Personally review each IEP or 504 Plan.
 - Know which students have accommodations, modifications or behavior plans.
 - Make “a good faith effort” to implement each IEP and 504 Plan.
 - Collect data to demonstrate implementation of the IEPs and 504 Plans.
 - Alert the special education teacher if the IEP needs to be revised due to lack of progress, or great progress.
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Question C-2: What is an accommodation?

Answer: An accommodation is a change that helps a student overcome or work around a disability. For example, if a student has difficulty writing, the teacher could allow him to spell the words orally. The student is still expected to know the same material and answer the same questions, but the answers don't have to be written by the student to demonstrate understanding.

Question C-3: What is a modification?

Answer: A modification is a change in what's being taught to or expected from a student. For example, if a student only has to complete half of the math problems that are expected from the other students in the classroom.

Question C-4: How is it fair to the other students if I provide accommodations or modifications for some students?

Answer: Fairness isn't about everyone getting the same thing, it's about everyone getting what they need.

Question C-5: What is the risk to me if I fail to implement the law?

Answer: Regular education teachers who willfully fail to implement a child's IEP or 504 Plan may be at risk of personal liability, including monetary damages.

Doe v. Withers, 20 IDELR 422 (W. Va. Cir. Ct. 1993). A regular education history teacher was ordered to pay \$15,000 to the parents of a student with learning disabilities due to the teacher's refusal to provide oral testing as required by the IEP.
