Down Syndrome Connection of the Bay Area
Empower - Inspire - Support

Common Education Myths and How You Can Respond

Myth 1: Placement in a Special Education Classroom is permanent

Placement is never permanent. At each annual IEP meeting, the placement conversation should always begin with a discussion about whether a general education classroom might be appropriate for this student, including what supports and services are portable and could be provided to the child in a general education setting. The conversation about placing the student in a more restrictive setting (such as a special education classroom) can only begin after the IEP team (including the parent) has determined the student cannot make meaningful educational progress in general education with all possible supports, accommodations, modifications and services. (IDEA 2004 Regulations, 34 CFR Part 300.114 and 300.116)

Myth 2: A student has to be working at grade level to be included in a general education classroom.

The measure of progress for a student with an IEP is the progress they have made on their individual IEP goals and not on grade level standards. If they can make progress on their goals in the general education setting, then general ed is appropriate. IDEA law actually says that a student with a disability cannot be removed from the general education setting solely because they require modifications to the general ed curriculum. (IDEA 2004 Part B U.S.C. 1412(a)(5) and Regulations, 34 CFR Part 300.116(e))

Myth 3: A special education classroom is always appropriate if the district believes a student would make better progress in that segregated setting.

If the student can make meaningful progress in a general ed setting then that is the least restrictive environment and legally the appropriate setting regardless of whether the school staff feels the student would learn something more meaningful for them (ex: life skills) or be more independent in a segregated setting.

Myth 4: If a student has disruptive behavior then they cannot be included in a general education classroom.

A conversation of removal from the general ed setting should only happen if the behavior is significantly disruptive to the other students AND the school has conducted a Functional Behavior Assessment (FBA), developed a Behavior Intervention Plan (BIP), and implemented the BIP with fidelity over a reasonable period of time, without success. (IDEA 1414(d)(3)(B)(i) and 1415(k))

Myth 5: A 1:1 aid/paraprofessional is the most restrictive environment.

An aid/paraprofessional is a support and not an environment. "Least Restrictive Environment" in the law refers to the extent to which a child is taught alongside their typically developing peers. In some instances a paraprofessional might be necessary to allow a student to access the least restrictive environment. A well trained aid knows how to assist in a way that promotes the student's independence and access to their peers and the general education curriculum. (IDEA 1412(a)(5))

Myth 6: The school's evaluation is final.

Parents have the right to an Independent Education Evaluation (IEE) at the school's expense if they disagree with the school's evaluation or feel it is lacking in some way. If the school is reducing services or changing a child's placement based on an evaluation that their staff conducted, a parent can request an IEE (make your request in writing). The district will provide a list of independent evaluators for the parent to choose from, but the parent can also choose an evaluator of their choosing that meets the standards and criteria the school district uses for choosing evaluators (you can request this criteria). (IDEA 2004 Regulations, 34 CFR Part 300.502)

Myth 7: There can be a waiting list for school services.

The IEP is a legally binding document that needs to be followed by the school district regardless of whether they can make it happen practically. Any delay in services will need to be made up with compensatory services. If your child is not receiving the services that are listed in their IEP, send a letter to your child's special education program coordinator explaining what service is not being provided and for how long it hasn't been provided and request that they rectify the situation immediately and make up any missed services to date. If this does not elicit results, then send the same letter to the Director of Special Education. Keep dated copies. (www.wrightslaw.com/info/iep.replace.services.crabtree.htm)

Myth 8: My child is entitled to everything they need to maximize their potential.

Special Education law (IDEA) does not require school districts to maximize a student with a disability's potential. They are only required to provide a Free Appropriate and Public Education (FAPE) which is reasonably calculated to enable a child to make progress appropriate in light of their unique circumstances and meet goals that are appropriately ambitious. (Endrew vs. Douglas County)

<u>IDEA Timeline Requirements for Parents to be Aware of:</u>
-The district has 60 days to assess and hold an IEP for a child who is just entering special ed or when a new evaluation is requested by parent (such as parents want to add OT services and asks for OT eval)
-A parent can request an IEP meeting at any time during the school year and the district has 30 days to hold it

*Adapted from The Inclusion Podcast by Julie Causton, episodes 10-12
**For IDEA law references we recommended the reference book *Special Education Law* by Peter Wright