



Ten Common Special Education Myths

Myth 1: Parents are not decision making members in the development of the IEP. Parents are members of the ARC team and are entitled by law to meaningful participation in the development of the IEP. Parents are to be participants in constructing the document. Parents should feel empowered to come to the meeting with their suggestions, hopes, and dreams for their child. Schools can do some pre-planning but are not allowed to engage in predetermination of placement. They need to come to the meeting with an open mind and willingness to listen to the input of the parents. IDEA 2004. Part B U.S.C. 1414 (e)

Myth 2: Inclusion is not required by law. Under the law, the appropriate setting conversation should always begin with the general education classroom with supports, modifications, adaptations, and services. Advocate for a thorough conversation about what supports and services are portable and could be provided to the student in the general education classroom. Placement is never permanent so at each annual meeting, this needs to be revisited, again starting with inclusion. The conversation about placing the student in a more restrictive setting such as a self-contained 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 3: 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 the movement toward grade-level standards. If they can advance toward their IEP goals in the general education setting, then general ed is appropriate. Modifications can offer points of access for the student to learn and make

progress toward their IEP goals in that setting. 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 4: 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 legally that is the appropriate setting even if the school staff believes that the student would learn something more meaningful for them (ex: life skills) in a self-contained setting with their peers.

Myth 5: A student with disruptive behavior cannot be included in a general education classroom. Perfect behavior is not a prerequisite for inclusion. The law says that the student's behavior has to be significantly disruptive to the other students in order to justify removal. Many steps have to be in place before a new placement can be considered. The school must conduct a Functional Behavior Assessment (FBA), and develop a Behavior Intervention Plan (BIP), and implement the BIP with fidelity over a reasonable period of time, without success. (IDEA 1414(d)(3)(B)(i) and 1415(k))

Myth 6: A one on one aid is the most restrictive environment.

An aid 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 properly 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 7: 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 not reflective of their child's abilities. 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 to the ARC chairperson). The district will provide a list of approved independent providers for the parent to choose from, but the parent can also choose an evaluator of their choosing if they meet the standards and

criteria the school district uses for choosing evaluators. (IDEA 2004 Regulations, 34 CFR Part 300.502)

Myth 8: 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 easily. 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. 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 9: 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'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)

Myth 10: I am in this alone. Advocating the education system for a child with special needs is challenging work, but you are not alone. There are many support groups, agencies, lay advocates, attorneys, and resources available. DSL is here to help you find these resources.

*Adapted from *The Inclusion Podcast (episodes 10-11)* by Julie Causton with attorney Pat Radel's Ten Myths of Special Education and also from Down Syndrome Connection of the Bay Area