ED 492 Final Exam

1. IDEA is rooted in the social and philosophical fabric of the ideals of equity in the United States. Describe how special education legislation has impacted your understanding of the principles of the inclusion of people with special needs in educational settings. How has the evolution of education for student with special needs been shaped by legislation? What are the broader implications for society as a whole?

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IDEA is grounded on the idea that all individuals with disabilities should have access to a quality education. From what I’ve learned, each component of the law seeks to provide individuals with specials needs and their families with the tools and supports that they need to succeed based on their unique needs. From ensuring that families understand and are provided the opportunity to participate in the process to affording them the opportunity to advocate for their families if they feel that their child’s needs are not being met via a due process hearing, the law is very intentional on leveling the playing field for individuals with special needs and their families.

Before 1975, most students with disabilities were excluded from public schools and instead were often educated in special facilities, at home or not all. If they did attend school, they were often segregated from the normal students often receiving a low standard educational program. Then in 1975, congress passed the Education for all Handicapped Children Act (EAHCA) of 1975 that was intended to allow students with disabilities the right to an education and held states accountable for ensuring services for them. Plus, the law introduced procedural safeguards designed to inform families of their rights on behalf of their child.

The law was amended in 1997 and renamed IDEA. The focus at this time was to ensure the effectiveness of their education by requiring schools to show that students with disabilities were making noticeable improvements as a result of their education. Reauthorized again in 2004, the emphasis was on providing students with services that meet their individualized needs and making sure that their education prepared them for employment, independent living or post-secondary education. It also established alignment with No Child Left Behind (NCLB). Court cases, such as Hendrick Hudson Central School District v. Rowley, argued over the years helped to further define the rights of students with disabilities and their families.

The implications for society as a whole are that all children, regardless of their particular challenges, have access to an education that provides meaningful benefits to their lives. This is important because families with children with special needs now have the right to expect that their child’s needs will be met through educational opportunities. They can be assured that their child will receive the same education afforded to “normal” students in hopes that their child will be able to reach their full potential, and live an independent, productive life as a result.

Likewise, diversity is the foundation our country was built on. Diversity allows us the opportunity to interact and learn from others who are different than us. Ensuring that students with special needs are included in general education classrooms give children the chance, early on, to accept and include individuals with exceptionalities. Plus the law creates opportunities for the student, parents, service providers, school personnel and community organizations to work together to ensure that all students have the resources needed to reach their potential.

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1. Explain the school or student-based application from the court cases listed below. How does the understanding of case court cases impact your understanding of your responsibilities as an educator?

Honig v. Doe

Hendrick Hudson Central School District v. Rowley

Special needs court case of **your choice**

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The case of Hendrick Hudson Central District v. Rowley centered on a deaf student named Amy Rowley whose parents disagreed with the lack of supports outlined in her IEP. Although she performed well in school, her parents wanted her to have a sign language interpreter in class. As a result of this case, the Supreme Court determined that the intent of FAPE was to give students with disabilities access to an education not to maximize their potential.

Consequently, schools are required to provide students with disabilities with:

* An IEP that serves the individual needs of the student.
* A free education and related services at no charge to families.
* Sufficient services that allow them to gain some educational benefit; not to maximize their potential.

The case of Honig v. Doe brought to light the expectation of discipline for students with disabilities. The case centers on John Doe a student classified as emotionally disturbed. He was suspended for 5 days for acting aggressively, choking another student and kicking out a window. On the fifth day, his parent was informed that the school was seeking an expulsion.

Doe failed suit claiming that the school violated the “stay put” provision. As a result of this case, students with special needs can only be removed from their placement through an agreement between the school and the student’s parents or an injunction from a court that finds that the student is likely to pose a risk to themselves or others.

The implication of this case is that schools must take the appropriate steps before a student with special needs can be excluded from access to education due to behavior stemming from their disability. However, there are processes available that seek to determine and correct the inappropriate behavior in order to keep students in their current placement to continue learning.

Cerra v. Pawling Central School District focuses on whether or not the school complied with the procedural requirements of IDEA and whether the IEP allowed their daughter, Kathryn Cerra, to gain any educational benefit. Kathryn’s parents felt like the school didn’t provide open communication nor did they believe that the IEP goals provided a substantial education for their child. As a result, they transferred their daughter to a private institution across town and sought reimbursement from the school.

The effect of this case highlights the importance of including families as partners in the process from the very beginning. It’s also important to provide clear, open communication and provide information in a timely manner in an effort to prevent misunderstandings.

As an educator, these cases helped me understand my responsibilities to my students and families and how to make the best decisions to ensure that they are treated fairly and within the intentions of the law. It also helps me understand the importance of engaging families in the process and ensuring that I adhere to the IEP goals outlined.

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1. After reading the advocacy brief on Moodle titled *Understanding the Americans with Disabilities Act Amendments Act and Section 504 of the Rehabilitation Act*, what do you see as the most significant differences between Section 504, ADAAA, and IDEA?

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Americans with Disabilities Amendments Act and Section 504 is a law that protects the civil rights of individuals with disabilities to prevent them from discrimination. Its purpose is to eliminate barriers for people with disabilities to be able to access programs and services based on their disability. It is much broader in defining a disability. As such, it defines a disability as anything that limits a major life activity including learning, sleeping or even concentrating. It’s not limited to just children but covers people of all ages with a disability who want access to an agency, school or institution that receives federal funding.

All students who are eligible for IDEA are covered under Section 504. On the other hand, it is possible to qualify for Section 504 but not IDEA. For instance, a student may need support services yet their disability may not significantly prevent them from being successful in school, the parent may refuse to consent to IDEA services or the child may no longer qualify.

On the contrary, IDEA is s federal statue created to ensure that children who fit into one of the 13 disability categories have access to a FAPE. As a result, schools are charged with ensuring that all children between the ages of 3-21, with a qualified disability, receive an IEP focused on providing an individualized plan to guarantee educational benefit to the child. Students qualify under IDEA if their disability significantly limits their ability to academically perform well or their ability to benefit from a general education.

Different from ADDAA and Section 504, IDEA funds schools to ensure that students with disabilities are educated appropriately. Another difference is that IDEA requires the school to ensure that the student receives educational benefit not just access. Also, IDEA provides guidelines on how a student can be disciplined. For instance, if the behavior is a direct result of his disability, the school must create a plan to identify and correct the behavior and not just suspend or expel the student from school. Students covered under Section 504 are not protected by this provision. Lastly, students who qualify under IDEA must have an IEP but those covered under Section 504 are not required to have an IEP.

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1. Explain LRE to someone who is not at all familiar with special education.

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As part of IDEA, schools must provide students with disabilities with a FAPE. This includes creating an IEP which focuses on ensuring that students with disabilities receive individualized services that allow them to gain educational benefit. This also includes the idea that students with disability are educated with students who don’t have disabilities to the maximum extent possible.

LRE which stands for least restrictive environment is based on the idea that all students should be included and valued for their unique abilities and accepted as an integral part of the school community. LRE is not a place but a philosophy that seeks to include all students in reaching their potential and allowing students access to general education classrooms.

One of the most important aspects of LRE is the attitude of inclusion where all students have access to and are able to participate in general education classes. Oftentimes, students with special needs are afforded accommodations and supports to make this possible.

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1. Explain a Due Process Hearing to someone who is not at all familiar with special education.

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A Due Process Hearing results when parents of students with disabilities disagree with or feel that the school is not complying with the IEP. However, it should be used as a last resort because it can be costly and take a lot of time. Other ways of resolving the issue should be considered first.

For instance, parents should first schedule an IEP team meeting to express their concerns and work with the team to develop solutions. Maybe just allowing the parent to discuss their worries and being willing to openly communicate to the parent the fact that the IEP is in place to benefit their child will resolve the issue.

If not, the parties can request meditation but only if both parties agree. Again the goal is to help the parties find an amenable solution. If either party refuses to mediation, a decision isn’t reached or the parent doesn’t agree with the decision, the parent should file a formal complaint.

The compliant must include the required information such as the parent and child’s contact information, include a statement of the violation of the law, provide supporting information and dates and provide a solution. The parent must send a written copy to the State Department of Education and the school district to initiate the process.

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1. Explain your interpretation of “legitimate educational interest” as defined by FERPA. Under this definition, does a classroom room aide have the right to view confidential files if he or she is working one-on-one with a child? If you are student teaching in a school, does that give you automatic permission to read confidential files?

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FERPA stands for Family Educational Rights and Privacy Act which was enacted in 1974 to protect the privacy of student education records. The law covers most education records including grades, attendance reports and disciplinary records. It gives the student the right to view records and release them to individuals as they see appropriate.

Legitimate educational interest is defined as a “need to know” in order to fulfill job responsibilities. I don’t think that a classroom aide should have access to the student’s confidential file. Classroom aides generally provide assistance to individual students and small or large groups of students under the supervision of a classroom teacher who is ultimately responsible for the education of their students. While I do think it’s necessary for the teacher to share pertinent information with the classroom aide, I don’t think that it’s necessary for them to have access to confidential information because they are there to support the classroom by doing what the teacher knows is best for each student.

I definitely don’t think that a student teacher should have access to student’s confidential file because again that individual is there to learn from the teacher and support them in helping the student.

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1. Explain ‘educational benefit’ and how it relates to the IEP and assurance of FAPE.

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The whole purpose of IDEA is to provide funding to schools to ensure that students with disabilities have access to and receive some educational benefit as a result of their education. Plus education and related services must be provided at no charge to families. This is what FAPE is. It is an assurance that schools will provide students with disabilities a free, appropriate education that results in some educational benefit to the student. It would make little sense for the government to fund school programs that provide no educational benefit to students with disabilities.

IDEA safeguards this by requiring that all students with special needs receive an IEP that guarantees they are educated in the LRE. The IEP incorporates the unique needs of the student and provides related services to ensure that the student is successful. Another important intent of an IEP is that students with disabilities are expected to achieve the same high expectations as their peers and have access to the general education curriculum. The goal is to make sure that as a result of the student’s education they are able to lead productive, independent lives.

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