

**IDEA BASICS RELATING TO PLACEMENT**  
**Wisdom from the P2P Listserv**  
**2008**



*Trusting that you will find a nugget or two of wisdom that addresses your situation and gives you another resource, a piece of information, or hope to hang onto.*

An opinion by posters or references in this document to any specific product, service, therapy or company does not constitute a recommendation by Parent to Parent of Colorado. Information/advice in this document should not be substituted for professional consultation.

**For some perspective, please read the last paragraph in this document.**

**WHAT DOES IDEA REQUIRE RELATED TO THE CHILD'S PLACEMENT?**

**HOW DOES THE SCHOOL DISTRICT DECIDE WHAT SERVICES MY CHILD GETS?**

**WHO DECIDES ON MY CHILD'S PLACEMENT?**

The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities be educated with students who do not have disabilities to the greatest extent possible. This is referred to as the "least restrictive environment (LRE)." This refers to the setting of the child's education. That setting should not restrict the child's potential for growth.

IDEA requires public agencies (in Colorado, that would be the Colorado Department of Education (CDE)) to establish procedures to ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Source: Federal Register, Vol. 57, No. 211).

This is a critical piece of IDEA. We have stated the same thing below in three different ways:

- The placement you have in mind as you start the IEP process is the classroom the child would attend if the child did not have a disability, adding supplementary supports and services to that setting first. After the supports are discussed, then the team will decide on the appropriate placement. Sometimes placement is made first, based on disability label, which is not following IDEA.
- In other words, IDEA requires that removal of the child from the regular classroom occur only when education in regular classes with the use of supplementary aids and services cannot be adequately accomplished. A continuum of alternative placements must be available to meet the needs of children for special education and related services.
- The placement decision is made by a group of persons, including the parents, who are knowledgeable about the child, the meaning of the evaluation data, and the placement options. The child's placement is
  - is determined at least annually
  - is based on the child's Individualized Education Plan (IEP) and

- is as close as possible to the child's home  
Unless the IEP requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.

Remember: everything derives from the IEP. If, in order to meet the goals and objectives of the IEP, your child needs to be in a class which uses, for example, a specific sort of reading instruction or particular form of behavioral intervention, the district must supply that program. In some cases, a school district does not have that sort of classroom or intervention available. In that case, the district is required to either create the environment your child needs or provide for your child to attend another school, possibly a private special education school or a public school in a neighboring school district.

## **RESOURCES**

- IDEA 2004  
<http://www.wrightslaw.com/idea/>
- Colorado Rules for the Exceptional Children's Education Act (ECEA)  
<http://www.cde.state.co.us/spedlaw/download/ECEARules2006.pdf>
- Peak Parent Center  
<http://peakparent.org>
- Least Restrictive Environment – Step by Step  
<http://www.millburnspedparents.org/Special%20Ed%20Website/POG%20Website/LRE.htm>
- Randy Chapman's Ability Law Blog – LRE (go down to the second heading)  
<http://randychapman.wordpress.com/category/least-restrictive-environment/>

## **WHAT CAN PARENTS DO IF THEY DISAGREE WITH THEIR CHILD'S IEP OR PLACEMENT DECISION?**

If there are decisions that either the parent and student or the school district feel are inappropriate, or if the family is dissatisfied with any aspect of the educational program, IDEA guarantees certain rights to be fully informed about their child's education program and access to due process. Due process of law is a way of making sure that the law is fairly applied.

If you feel that your child's IEP goals cannot be met in your child's current situation, you have the right to ask for additional services or a different environment that enables your child to meet his or her goals. As with all disputes related to special education, you have the right to due process if you and the other members of the IEP team cannot come to an acceptable agreement on placement or services. This means that if you have exhausted all means of reaching an acceptable solution, you have the right to mediation – having an impartial, qualified person try to resolve the impasse – and the right to a due process hearing by an administrative law judge.

## **RESOURCES**

- State Complaint Process <http://www.cde.state.co.us/spedlaw/download/StateComplaints2007.pdf>
- Dispute Resolution Rights  
<http://www.cde.state.co.us/spedlaw/download/DisputeResolution2007.pdf>
- Mediation Services  
<http://www.cde.state.co.us/spedlaw/download/Mediation2007.pdf>

- Due Process/Mediation Request Form  
<http://www.cde.state.co.us/spedlaw/download/DueProcessRequestForm.pdf>

## **NEGOTIATION SKILLS FOR PARENTS: KNOW WHAT MAKES YOUR TEAM WORK**

The following article is on the Internet. <http://olrs.ohio.gov/asp/NegotiationWork.asp>

Like your child, team members have unique personalities, skills, and levels of experience which will impact your ability to work together on behalf of your child. Understanding the abilities and skills individuals bring to the team process will enable you to work more effectively with each team member as well as the team as a whole. The strengths and needs of the team will influence the strategies you choose to use in the process.

If you are working with a team with members who are working well together toward an appropriate outcome for your child, negotiation will usually be an effective tool to reach agreement. When your team is not working well together, more formal negotiation techniques may be required to reach consensus.

### ***Thinking Out of the Box and Taking Risks***

You may be asking the team to consider new ideas and approaches to teaching or learning. Many of us have difficulty with change or the unknown and educational teams are no exception. If you encounter a team that is having difficulty thinking out of the box or trying a new idea, try to support the team members with models of success and support resources. You can access information and support resources from PEAK, [peakparent.org](http://peakparent.org), 1-800-284-0251. The Internet can also be a good source of information.

It is helpful if you can provide an example of a successful program in another school setting, especially if that program is close enough for your team members to visit.

### ***Knowledge and Understanding***

The IEP team is multi-disciplinary by its very nature, and members have varying levels of understanding and knowledge of a particular child, disability, or issue. In addition, some team members may know a lot about the IEP process and some may not. Some members may have specific information about your child, while others may have information about the process or the service requested. Sometimes the team needs to reach out for additional expertise because necessary information is not available from the existing team members.

There may be situations where a need is identified for your child which extends beyond the knowledge and understanding of the core team members (parent(s), teacher(s), school representative). When this happens, do not hesitate to request the participation of others who possess the knowledge necessary to move forward. The need for additional expertise can arise in cases where children have exceptional behaviors or a disability that has not been encountered before by the staff working with the child, and in cases where the child requires assistive technology or devices that staff have not worked with before.

If you request the participation of another individual with a special expertise, it will be more successful if all team members agree with that person's participation in the process. Remember that a school will

be much more likely to listen to that person's recommendations if the school respects that person's credentials. If the person has an understanding of the educational process and legal standards in addition to the expertise of her field, it will significantly enhance his or her credibility with all team members.

Remember that children often act differently in school than they do at home. Children often exhibit different behaviors or skills in the two environments. This can create problems in the team process when the school and you have very different opinions of what your child can do. For example, the school may report to you that your child is exhibiting behaviors in school that you never see at home. Or, you might report to the school that your child knows how to read, but your child has never exhibited that skill at school. The school's perception of your child's skill level influences the school's decisions about placement and services. Therefore, it is very important that all team members have an accurate understanding of your child's skills.

If you agree with the professional judgment of the school, you can simply rely on the reports of the school and its recommendations to determine what services should be provided to your child. If there is a lack of agreement between you and the school you should request documentation of the behavior or skills that the school is reporting and that you do not see at home. You can also request an independent evaluator to observe the behavior or skill in question.

Likewise, an independent educational evaluation (IEE) would be helpful if you feel that the skill level of your child is different than what is seen in school. You should also provide work samples or some other form of documentation of the skill to the school to support your position. This documentation is important if the team hopes to succeed in developing a program that is appropriate for your child. It is also important in fostering an overall consensus of understanding of your child among team members.

### ***Experience***

Experience can be a double-edged sword. Frequently, it is assumed that the more years of experience an individual has, the higher the quality of service provision. This is true in many cases; however, it is not always true. Many teachers and educators with years of experience are enthusiastic participants in the IEP process and in the classroom, while others have become less enthusiastic participants in the educational process. Parents, too, can become tired of and disillusioned by the IEP process.

There are team members with little direct experience who bring enthusiasm and fresh ideas to the process. Their recent training and exposure to new techniques may more than compensate for their lack of experience or longevity.

Credit should be given to team members for what they actually bring to the IEP process. The opinion of an individual with thirty years of experience need not always outweigh the ideas of someone new to the field. The best teams have a mix of experience levels and a respect for all contributions.

### ***Supports and Resources***

All teams need resources and supports to effectively educate children. Both children and team members will need support. This is especially critical when the team is trying to implement something new. Traditionally, IEP teams focus on determining the services and supports necessary to serve the child. It is also necessary to support the team members who are serving the child, e.g. with teacher training and technology support. You should ask that the school provide necessary services and supports to your child and the team.

It can be difficult for you to suggest or request a specific support for an educator without risking offense to that educator. Some teachers or team members may feel that you are somehow suggesting that the educator lacks experience or the ability to effectively work with your child. The fear of being perceived as lacking skills and the openness of the environment in the school to allow staff to experiment with new ideas and make mistakes, impact the educator's ability to receive your request in the spirit in which it is given.

Be aware of this tension and be diplomatic and sensitive in how you request assistance for the team or a specific member. Initially, this type of request might be more appropriately made to the special education administrator outside of the IEP meeting. It is important to recognize that teachers and other educators want to be successful and feel good about what they do. An initial unwillingness to serve your child can be based in fear and lack of understanding and support. You must identify what the basis of the resistance is in order to determine the best method of support.

Sometimes, you and the school will not be able to agree on an issue that strikes at core values. One such example is where a parent believes that inclusion of the child in the regular education environment is the only appropriate placement for the child. The school and community believe that children with disabilities are best served in separate environments with specialized staff and services. Both sides truly believe that they are right. Issues are difficult to resolve when a core value is at stake. Often, it is difficult to change or influence a person's attitude about such issues. Parents need to thoroughly consider their strategies and options in such situations and the strength of support for their position. Finding an ally on the school team is a strategy to consider.