



CA Ed Code Section 56046 (a) Protects educators and other staff who assist a parent of a special education student from being intimidated, threatened, or coerced by the local education agency (LEA)

By law, the IEP Team has the power to make decisions for students with disabilities -- not district administration.

Federal Law- Individuals Disabilities Education Act IDEA

§ 300.320 Individualized Education Program

(a) The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324

§ 300.323 Accessibility of child's IEP to teachers and others. Each public agency must ensure that (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation;

§ 300.324 Development, review, and revision of IEP.

The **IEP Team** must consider the academic, developmental, and functional needs of the child. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior

§300.320 Review and revision of IEPs Districts **must** ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate.

§ 300.327 Educational placements - Districts must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

The IDEA includes two fundamental requirements: that the child will receive a **free appropriate public education (FAPE) in the least restrictive environment (LRE):**

Least Restrictive Environment (LRE) - Each child is assured of his/her right of education with non-disabled peers to the maximum extent appropriate to the needs of both

Free Appropriate Public Education (FAPE) - Each public school system is responsible for ensuring that each child with disabilities is served appropriately, at no expense to the parent.

20 U.S.C. § 1412(5) IDEA's mainstreaming provision establishes that students with disabilities are to be educated with children who are not handicapped only "**to the maximum extent appropriate.**"

Q and A about Teachers Rights in IEPs

Should I sign an IEP if I did not attend the meeting?

No, only sign an IEP if you attended the IEP meeting. Signing the IEP verifies that you attended the meeting

What should I do if I do not agree with IEP and I attended the IEP meeting?

When an educator does not agree with the IEP they can dissent from the IEP:

1. Verbalize to the IEP team what part of the IEP they do not agree and strongly urge for this to be recorded in the meeting notes;
2. Write the word **Dissenting** after their signature on the IEP;
3. Prepare a written report stating your objections to the proposed IEP and ask that it be attached to the proposed IEP;
4. Notify the local association president of the dissenting action

What should I do at an IEP if the student with disabilities would benefit from additional assistive technology services?

This concern should be vocalized at the IEP meeting and documented in the team meeting notes. IDEA provides for technology services as part of students' special education program. For students with significant learning, communication, sensory, cognitive, or physical disabilities, the use of technology to assist teaching and learning can make the difference between accessing genuine opportunities for literacy and higher-level academics and a school day that is limited to low level functional, redundant activities.

What should I do if the administrator has reprimanded me for information and recommendations I made at an IEP meeting?

Immediately following the reprisal, an educator should document the incident and notify their local association president. California Education Code 56046 protects educators and other service providers from retaliation, coercion, and intimidation from district administration. Often districts need to be reminded of this education code, and documentation of ongoing violations should be reported to the CDE procedural safeguards unit. If this should occur, contact your Association president immediately.

What should I do if a student with an IEP is not making progress in the educational setting and/or their behavior is having a negative impact on their learning and the learning of others in the class?

The teacher should request in writing an IEP team meeting to review and revise the IEP as necessary to ensure students' academic needs are being met. This can be done anytime there are concerns about the contents or implementation of the IEP.

How much of the IEP should the general education teachers be familiar with?

As a general educator, you are required by law to have knowledge regarding the contents of the IEP for each special education student enrolled in your classes, and you are legally obligated to implement any portions of an IEP that apply to you. To successfully meet this obligation, you should read the IEP for each special education student for whom you deliver instruction in order to fully understand the student's education condition, their instructional needs, any specific activities that have been assigned to you and your classroom, and what, if any, accommodations or modifications you should be implementing.

How can I manage accommodations, modifications, and standards?

IDEA requires general educators to implement accommodations and modifications as prescribed by the student's IEP. It is imperative that the general educator participate in the IEP team meeting in order to provide input on the selection, locations, subject areas, and frequency of the accommodations and modifications used in the general education setting.

Who makes the inclusion decisions for students' with disabilities?

Federal law requires that a full continuum of placement options be available to each special education student and that placement decisions made by the IEP team to include students in the general education classroom be based on the individual and unique needs of the student. Because of their expertise in the curriculum area in which they teach, general educators play a vital role in determining the extent to which students with disabilities can be successful in the general curriculum.

You can also send questions and concerns confidentially to a secure CDE email address

speceducation@cde.ca.gov

For more information on special education go to www.cta.org/lpd