

Final SPCED 202 Paper

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Teachers have much responsibility in the education world today. They have to enrich the minds of students, grade papers, have parent teacher conferences, look for students who may have a disability, and much more. Special education teachers must go above and beyond the average teacher. A general education teacher or parent can express concern for a student that may have a disability, but then the special education teacher must go through an intervention process to see if the student qualifies for special education. If the student has a disability, special education teachers must work with students with disabilities to make sure the student reaches their full potential that is found in their Individualized Education Program (IEP). The special education teacher must make sure the student is has a free and appropriate public education (FAPE). To ensure FAPE, the student must be in their least restrictive environment (LRE). The teacher can make sure the student is in their LRE by observing the student, taking formal and informal tests, and receive input from the student's general education teachers. In addition to the student's academics, the special education teacher must make sure the student is receiving the proper related services that would suit the student's needs. Above all, the special education teacher must make sure the student's personal information, which includes information about their disability, is kept confidential. The information about the student should not be in the public because it is not the public's right to know if the student has a disability or not. Special education teachers must go above and beyond the responsibilities of the general education teacher by making a difference to a student who have a disability.

FAPE

Free and Appropriate Public Education (FAPE) is a law that has changed the lives of all students with disabilities. Without FAPE, many, if not all, students with disabilities would not be allowed to attend school. It is important for teachers to know and understand FAPE, court cases that have defined FAPE, and what responsibilities educators today have related to FAPE in the classroom.

According to the U.S. Department of Education, the definition of FAPE is, “Recipients operating federally funded programs...provid[ing] education and related services free of charge to students with disabilities and their parents or guardians.” (U.S. Department of Education, 2010). The U.S. Department of Education explains in detail how free and appropriate education is defined for each student. The article said, “...education services [are] designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met” (U.S. Department of Education, 2010). Keeping this in mind, teachers must understand that they need to be a part of the process to make sure each student receives all the supplies needed to help him or her succeed in the classroom. To ensure each student receives what he or she needs, teachers should look at the student’s Individualized Education Program (IEP). The IEP will explain accommodations that will help the student continue to do daily assignments in the classroom. All general education students are allowed a free and appropriate public education, so all students with disabilities should and will be allowed a free and appropriate public education with the right tools that are given to the student.

FAPE was not always provided to students with disabilities. Before FAPE existed, parents had to pay for additional accommodations for their children in school just so he or she could participate with their peers. Countless parents of students with disabilities felt that their children deserved an education similar, if not identical, to their non-disabled peers. After many years, the Rehabilitation Act of 1973 stated that education needed to be appropriate for the student who was disabled. Although this statement was a milestone for parents, many were unclear on what “appropriate” education was.

The Rehabilitation Act of 1973 went undisturbed for nine years until the Rowley family decided to challenge what appropriate meant for the school system. In the case *Board of Education of Hendrick Hudson Central School District v. Rowley*, the parents felt that their child, who was deaf, needed an interpreter in the classroom to help her with her studies because she would be able to excel more in school. The district court thought that giving the student an interpreter would not help the student benefit the content taught in the classroom. The Rowley parents filed suit against the school district for not giving their child a free and appropriate public education. Evidence was brought forth from the school, such as the school provided the interpreter in the classroom for about two weeks. The interpreter said the student did not need the interpreter as much as the school thought. The court stated that an interpreter was not needed anymore because, “the student was performing...better than the average child in her class and is advancing easily from grade to grade,” (Wright, 2011). The school showed the court more information that said the student was still excelling in school and that the student was able to pass her classes without an interpreter assisting her daily. In the end, the Rowley

family lost the district court case. The Rowley case soon arose again when the Federal court chose to overturn it. The Federal court stated that the child will be given FAPE, even if it means the child may not need the additional accommodations. The *Board of Education of Hendrick Hudson Central School District v. Rowley* case made an enormous impact on special needs families throughout the country. Soon after the Rowley case was completed, similar cases that dealt with FAPE were brought to district courts attention. In the *Board of Education of Hendrick Hudson Central School District v. Rowley* case, the Supreme Court stated that there was going to be similar scenarios that dealt with FAPE, but it was up to the district court to decide how they wanted to interpret the case in their own situation. The *Board of Education of Hendrick Hudson Central School District v. Rowley* was a step in the right direction for students who had disabilities, but to each district, FAPE will have its own definition.

To this day, FAPE affects how educators and administrators do their jobs. Educators have roles and responsibilities that should benefit each of their students. One responsibility I believe teachers need to follow is to be an outstanding role model. Students need to learn how to function in society and with the assistance of the teacher being the role model, the student can reach their potential. Educators have many roles that he or she needs to be a part of. If the teacher completes child find and sees that a student is eligible for special needs, the teacher needs to let the parents or guardian know about FAPE. FAPE has ensured that children will receive a free and appropriate public education. It is necessary for educators to communicate with parents about the opportunities that their child could have because of FAPE. Another responsibility that an educator has that deals with FAPE is that the educator needs to make sure that all the

accommodations that are written in the student's IEP are given to the student. An IEP is a document that must be followed by the general education and special needs teacher. If the document is not followed, FAPE may not be provided for the student. Educators play a huge role in a child's life today and without them, a child with or without a disability would not be able to reach their potential.

LRE

Students with disabilities do not want to be treated special because they are “different” from other students. These students want to feel like they belong, whether it is in the classroom or with their peers. The Least Restrictive Environment (LRE) gives students with disabilities the opportunity to work among their peers, yet receive additional help when needed. Educators must understand the true definition of LRE, be familiar with relevant court cases, and understand roles and responsibilities that he or she may have in relation to least restrictive environment.

According to the website Wright’s Law, LRE is defined as, “...school districts required to educate students with disabilities in regular classrooms with their nondisabled peers, in the school they would attend if not disabled, to the maximum extent appropriate” (Wright, 2011). In a perfect world, all students with disabilities would be able to work with their peers in the LRE, but not all students can handle that kind of situation. According to Hulett (2009), “...separate classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if 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” (p. 108). Although LRE has a different definition for each student, one statement is true for all: all students want to be included to the maximum extent possible.

Least Restrictive Environment has not always been available to students. Families have fought for many years to have the least restrictive environment for their children. One example of a family fighting for LRE is the court case *Daniel R.R. v. State Board of Education*. Daniel was a six-year-old boy who was handicapped. His parents felt that it

would be best if he was mainstreamed, or put in the least restrictive environment, into his public school kindergarten class. The school district deemed that for Daniel's situation, it would be best if he was not mainstreamed into future classes. Daniel's parents filed a suit against the school district, stating that the school district was violating the Education of the Handicapped Act (EHA). In the EHA, the requirements specified that the handicapped child needed to have alternative placements to learn, including mainstreaming, but that the EHA was up to the state and districts education program to create more details about the act. Although the district court looked at the EHA, they dismissed the article. The district court stated that the school district was correct in its reasoning for following all the requirements of the EHA. Since it was up to the school district to choose how to follow the EHA, a set of guidelines was created to determine if mainstreaming a student was possible. The first rule focused on the student's achievement in a regular classroom. The second rule noted that if the student did not attain achievement in the regular classroom, the child was mainstreamed to the maximum extent possible. The final outcome indicated that the school district was correct in their reasoning and did not break the EHA's requirements. In addition, the school district claimed that Daniel was mainstreamed in his kindergarten class, but did not reach his full potential, as he would have if he was mainstreamed to the maximum extent possible. Although Daniel's family lost the court case *Daniel R.R. v. State Board of Education*, it created a new path for other families to fight for what they thought was the least restrictive environment for their children.

Educators must show students that they are there to assist them with their learning. The student should create a sense of trust with the educator because the student

needs to understand that the teacher is a person that can help them reach their potential in school. The teacher needs to work with the student to see what he or she wants. The educator must find out what the student's potential could be in the least restrictive environment. The student needs to be in the best learning position, whether it is academically or socially. In addition, educators have responsibilities towards parents and guardians. It is up to the educator to explain what the least restrictive environment is and how it could benefit their child. To make the LRE a part of the child's school day, the educator must put the information into the student's Individualized Education Program (IEP). The parent and the educator must work together to find what kind of LRE situation would work best for the student. Once an agreement is made between the educator and the parent, the newfound information must be a part of the IEP. When information is put into the IEP, the accommodations must be followed by not only special education teachers, but general education teachers. Special education teachers need to remind not only general educator teachers, but also parents about the student being in the least restrictive environment. The general education teacher needs to observe the student with the disability to see if the LRE works. The general education teacher must record data and help the special needs teacher by giving the data to them to evaluate. The special needs teacher will then have to see what new situation works best for the student with the disability. The IEP is constantly changing and with the help of parents, the general education teacher, and special education teacher, the student will be able to reach their potential. Educators hold large responsibilities in the classroom today. With the help of special needs teacher and general educator teacher working together, giving an education to a child who has a disability is easier than ever.

IEP

Most people want to succeed in life, whether it is playing basketball or learning how to play the flute. Have you ever thought about those students who just want to succeed in school? Students with disabilities are at a disadvantage when they do not have the tools to succeed in the classroom. With the Individualized Education Program (IEP) as an educational tool, the student can accomplish doing schoolwork with his or her peers with the accommodations that he or she may need. Today, teachers need to understand the definition of IEP, important court cases that shaped the IEP, and how the IEP is a legally binding document that the educator should follow.

According to Hulett (2009), IEP is defined as, “ensur[ing] that all necessary individuals are aware of the specific needs, requirements, services, and accommodations deemed essential to meeting the child’s individual educational needs” (p. 145). The IEP is very significant because it contains all the essential information that the student will need to have educational benefit and show progress over a specific period of time. In addition to helping the student, an IEP is beneficial to other teachers and administrators. Teachers can look at the student’s IEP and understand what additional accommodations are needed for the student to succeed in their classroom. With the IEP created for the student, the IEP is now, “...the cornerstone of a quality education for each child with a disability” (U.S. Department of Education, 2011).

Although the Individualized Education Program is the cornerstone of quality education for a student who has a disability, the completed IEP was never an easy task for teachers and parents to agree on. The court case *Nack Nack v. Orange City School District* proved to special education teachers and parents that there needs to be teamwork

in making the best IEP for the student. Starting in the 2000-2001 school year, David, a fifth grade student, attended Orange City School District. In his previous school, David was diagnosed with a speech-language deficit and a learning disability, thus making him eligible for special education. Mrs. Nack, a special education teacher, was always involved with creating David's IEP. When David moved to Orange City, Mrs. Nack met with the special education team to discuss issues and concerns in David's IEP. In addition, Mrs. Nack provided the already completed fifth grade IEP to the school. Orange City left the IEP as is and followed the IEP to David's needs.

At the end of his fifth grade year, the special education team found David to be performing at grade level while passing all of his classes. Seeing this wonderful change in his schoolwork, the IEP team decided to drastically change David's IEP for the following school year. When David began sixth grade, his behavior started to change. At the beginning of October, David began to have disciplinary issues at school. Mrs. Nack met with the IEP team to discuss his newfound behavior and addressed it to the special education team. The IEP was changed to address the problem. Although the IEP was changed to make David's education better, David began to attend school less frequently. Mrs. Nack and the IEP team met on a regular basis to address the problem. The IEP was changed yet again to address the problems. Even though the IEP was changed, David still rarely attended school. Around April of 2002, David was in the hospital for about a week for suicidal threats after claiming there were problems at school. Mrs. Nack looked into homeschooling David, but chose to keep him at Orange City.

In May 2002, the IEP team met for one of three meetings concerning David's seventh grade year. The IEP team decided that David would be best in a cooperative learning classroom as his least restrictive environment. The IEP team felt it was best if David was in the classroom for a portion of the day. Mrs. Nack disagreed with putting David in the cooperative learning classroom and refused to sign the seventh grade IEP. While she filed a due-process complaint against the school, Orange City also filed a due-process complaint, which stated that David needed a more restrictive environment. The impartial hearing officer found that, "the implementation of the 2000-01 IEP and the creation and implementation of the 2001-02 IEP provided David with a FAPE and were designed to impart meaningful educational benefit" (Find Law 2012). The impartial hearing officer also stated that it was appropriate for David to be in the cooperative learning classroom. In the court case, the seventh grade IEP was deemed acceptable because it provided David with a FAPE. The state agreed with the impartial hearing officer and said the seventh grade IEP was sufficient as is. Orange City won the court case against Mrs. Nack. In the end, people must work together in order to find out what is best for the student's education.

Educators play a huge role with a student's IEP. The educator is the person who discovers what accommodations work and do not work for the student. The educator should record the information down and tell the special education teacher about his or her observations. If new data is found, a meeting can be held for the student to see if the parents want to include the newfound information in their child's IEP. The educator is responsible to make sure that all valuable information is written into the IEP, such as accommodations for the student. When IEP meetings are held, there are certain people

that must be a part of the meeting. To have those specific people at the meeting, the meeting is created into a legal setting that can help the student. Without the help of the general education teacher, the special needs teacher would not know when to update the student's accommodations or know what accommodations that would help the student in the future. Teachers have a responsibility in the classroom; not only their class, but for students with disabilities.

Eligibility

Any parent will tell you they do not want their child to have special needs.

Unfortunately, not every parent is lucky enough to have a child without special needs. A teacher plays a major role for parents by explaining what disability their child may have. Before any student is put into a special education classroom, the student's school needs to examine the student's progress to determine whether he or she is eligible for the special education program. Teachers need to understand how eligibility for special needs is defined, what court cases helped shape eligibility for special needs programs, and what roles and responsibilities educators have to inform people about eligibility.

Before teachers explain to parents that their child may have a disability and be a part of the special education program, teachers need to understand the definition of eligibility. According to Hulett (2009), eligibility is defined as, "any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment" (p. 48). Teachers need to think about the definition of eligibility and understand how it is dealt with. Educators know that some students struggle in their classrooms, but educators need to understand the difference between additional accommodations or having the student be a part of the special education program. To determine whether the student needs to be a part of special education program, the child must be struggling academically and not meeting the standards of their grade level. According to the website Wright's Law, "to be eligible for special education, a child must have a disability and must need special education services and related services. If a child has a disability but does not need special education services, the child is not eligible for

special education under IDEA but may be eligible for protections under Section 504 of the Rehabilitation Act” (Wright, 2011). All educators must know the definition of eligibility in order to pinpoint students with disabilities.

The court case *Park v. Anaheim Union High School District* explained how the potential special education student should be tested on relevant information. In March 2002, the Magnolia school district decided to test special education students for the school’s triennial review. To see whether Joseph (potential special education student) would be a part of special education classes next year, the Anaheim District participated with the Magnolia school district in testing their special education students. In the test, there was an audiology assessment that all students would have to undergo. When it was time for Joseph to have his audiology assessment, the audiologist could not detect consistent information due to a build-up of wax in Joseph’s ear canal. The audiologist explained the situation to the Anaheim school district. The district later told Joseph’s mother that in order to finish with the audiology assessment, either she personally had to clean out the earwax or go to a professional to have it cleaned out of his ear canal. Since the earwax was never cleaned from Joseph’s ear canal, the audiology assessment was never completed. In addition to the audiology assessment, Joseph received a vision assessment. The special education teacher, who was qualified to give the vision assessment test, found that Joseph’s vision was not affecting his education in any way. Even with the results, Joseph’s parents believed that their son had double vision and a nerve that was damaged. The results showed no sign of Joseph having double vision.

After the completed assessments, the Anaheim District suggested that Joseph should be placed in a special education school for the 2001-2002 and 2002-2003 school

years. Joseph's parents argued that their son did not need to go to a special education school. Instead, the Parks chose to have Joseph attend a summer camp during the 2001-2002 school year. After Joseph attended the summer camp, Mrs. Parks (Joseph's mother) requested that new assessments needed to be given in psychological, occupational therapy, physical therapy, and speech and language. The requested assessments were given during the summer and fall of that year. Mrs. Parks, with her attorney and translator, attended the October and November meetings to create Joseph's Individual Education Program (IEP). During the meeting, the Anaheim District created a functional behavior assessment and a then proposed behavior intervention plan. Joseph's mother chose not to use the behavior intervention plan in the IEP since she felt it was unnecessary.

During the court case, the hearing officer ruled that (1) the Anaheim District held appropriate assessments in areas that Joseph may have had a disability; (2) Joseph was denied Free and Appropriate Public Education (FAPE) during the 2001-2002 school year; (3) Joseph was denied FAPE from September to November 2002 because the IEP had not been applied yet; (4) The proposed IEP was appropriate but the Anaheim District needed to add specific goals, such as self-help goals; (5) The Anaheim District must provide services to Joseph's teachers in order to help Joseph learn to his potential in the classroom; and (6) The Anaheim District succeed on every issue but denied Joseph FAPE for the 2001-2002 and from September through November 2002 school year. The court case *Park v. Anaheim Union High School District* created a sense of understanding for schools to only test potential special education students on relevant information.

Teachers hold many roles and responsibilities for students with special needs. General education teachers should use child find, which according to the website Wright's Law, states, "Child find requires all school districts to identify, locate and evaluate all children with disabilities, regardless of the severity of their disabilities. This obligation to identify all children who may need special education services exists even if the school is not providing special education services to the child" (Wright, 2011). Once the school has completed child find, then the school must use relevant testing methods to discover if a student has a disability. If a school is unsure what is a relevant testing method, there are countless websites or books that could explain what is deemed acceptable. Teachers also need to explain to parents what is happening to their child. A parent has every right to know what is happening, especially if the teacher believes the child may be a part of the special education program. Teachers have many roles and responsibilities that they must implement into their daily lives. Without teachers knowing about the definition of eligibility, what court case was relevant to eligibility, and how the teacher has many roles and responsibilities, the educator would not know what their potential could be in the classroom.

Related Services

Everybody needs a little help from time to time, but students with disabilities may need additional supports to help them succeed throughout the day. A student may need related services in order to succeed like his or her peers. Educators must understand the definition of related services, what court case proved related services are needed for students with disabilities, and the responsibilities educators hold in the classroom with a student who has related services.

According to Wrights Law, the definition of related services is “...transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child” (Wright, 2011). Even though some students need related services, “lawmakers determined that a vast number of children would require one or more related services in order to benefit meaningfully from special education” (Hulett, 2009, p. 108). Students who need related services have a right to have the accommodations available to them, no matter what the cost may be to the school.

Related services are a great feature for special education, but people questioned what counted as a related service. The court case *Cedar Rapids Community School District v. Garret F.* proved to schools and parents what was eligible for a related service. Garret F. was a four year old boy when he became paralyzed from the neck down. Although paralyzed, Garret’s mental capacities were unaffected. When Garret was in

elementary school, he attended regular classes with his peers, and even had a successful academic record. Although Garret attended regular classes, he was ventilator dependent, meaning a responsible person was to be nearby in case Garret needed assistance in school. In Garret's early school years, his family provided the physical care that he needed during the day. In the following four years, Garret's parents used the settlement proceeds they received after the accident, their insurance, and other resources to employ a nurse that was with Garret during the school day. Finally in 1993, Garret's mother requested that the district accept financial responsibility for the services that her son required during the school day. The district denied the request and stated that the school was not legally obligated to provide continuous nursing services. Garret's mother used IDEA and Iowa's special education laws as a resource as she requested a hearing before the Iowa Department of Education. The judge received information about Garret's situation, the district's treatment for other students with disabilities, and what kind of assistance other students around the country, like Garret, received from their district. The judge was given a 47 page report that explained how many people were students of the Cedar Rapids Community School District, how many of the students were in special education and needed related services, and facts about other students across the country who needed assistance like Garret. Even though the district said that Garret was the only ventilator-dependent student in the area, most of the health care services that Garret needed were already provided for other students. The judge found that the only difference between Garret's situation compared to other students in the district was that Garret needed additional assistance for life support. The judge explained that the federal law required students with health issues to be provided with special education and related

services and if the disability affects the student's education, the student with the disability should be educated to the maximum extent appropriate with students who do not have a disability. In addition, the judge stated that federal regulations characterize between school health services, which are provided by a school nurse or other qualified person, and medical services, which are provided by a doctor. The judge concluded by saying that IDEA requires the district to hold financial responsibility for the services, including continuous nursing services. Schools always have to provide related services to students with disabilities, even if cost is a factor.

Educators must understand that students who need related services want to fit in with their peers as well. One factor that educators could do is to make the classroom accessible to the student with the disability. For example, place the students desks into groups of four with an aisle wide enough for the student with the disability. Educators can also talk to the parents about related services. At times, parents do not understand what IDEA includes as a related service. It is up to the educator to explain to the parents what the school can provide for their child. In addition, the educator must explain to the principal or district why a related service may be needed for a particular student. The educator could say how the service makes school beneficial for the student. Educators have many roles, whether it is helping out a student, parent, or fellow colleague.

Confidentiality

Everybody likes to have his or her own privacy, whether it is to hide a secret or something you do not want to the public to know. Most students with disabilities tend not to let their peers know they have a disability. The student may feel like it is something that is not a big deal or they may be afraid to know the consequences if their peers did find out. Students trust adults with this information because they can keep the material confidential. In order to keep the information confidential, educators must understand the definition of confidentiality, what court case created confidentiality in schools, and what roles and responsibilities the educator has towards parents and students.

To keep information confidential, educators must know the true definition of confidentiality. According to dictionary.com, confidential is, “spoken, written, acted on, etc., in strict privacy or secrecy” (dictionary.com, 2012). In the special education world, all documents, whether oral or written, are confidential unless a parent or guardian gives permission to a particular person. Individuals with Disabilities Education Act (IDEA) helped create the Family Education Rights and Privacy Act (FERPA). FERPA was created to protect confidential information for families and students with disabilities. According to the website Wright’s Law, “FERPA is a federal statute. The purposes of FERPA are twofold: to ensure that parents have access to their children's educational records and to protect the privacy rights of parents and children by limiting access to these records without parental consent, (Wright, 2011). By keeping information confidential, parents do not need to worry about their child’s information going in the

wrong hands and the student does not need to worry about what other peers will think of him or her.

Special education paperwork, such as an IEP or data analysis, was not kept private until the implementation of FERPA. In the court case *Disability Rights Wisconsin, Inc. v. Wisconsin Department of Public Instruction*, students names were kept private and not disclosed to the news because FERPA protected those students with disabilities. The Disability Rights Wisconsin, or DRW, was a nonprofit stock corporation created by the state of Wisconsin. The state of Wisconsin trusted DRW that it would protect students with disabilities and not share personal information to the public. The federal government required that the states establish agencies that oversaw the nonprofit organizations by creating the Developmental Disabilities and Bill of Rights Act, the Protection and Advocacy for Mentally Ill Individual Act of 1986, and the Protection and Advocacy of Individual Rights Act. All three Acts were to protect the students in the nonprofit organization. One stock corporation, Lincoln's Special Education Program, had two secluded rooms that were used for their students. The rooms were used for a time out, that is, if the student's Individualized Education Program, or IEP, stated they could have time outs. The reason for these rooms was to remove the disruptive student from the classroom to let the student calm down and regain proper behavior that is acceptable in the classroom. In addition, the secluded rooms were used for students who were seen as a threat to themselves or others in the classroom. In October 2004, the parents of one student claimed to the DRW that a staff member at Lincoln physically grabbed the student and dragged them to one of the secluded rooms. This issue was the first time the DRW has ever heard of this kind of incident at Lincoln.

In the complaint given to the DRW, the secluded room was small in size (5-foot by 9-foot) with carpet covering the floor and walls, and the only window in the room was on the door so that staff members could come to check up on the student. One issue that seemed a little odd was the fact that the door only had one door handle, which was on the exterior of the door. Since the notice, the door handle has been fixed. In early 2005, a television station wanted to air a report about secluded rooms found in special education buildings. The television station informed the Wisconsin Department of Public Instruction, or DPI, that it was going to use the secluded rooms found in the state's school district. The station chose not to tell the DPI which district had the secluded rooms they were airing. In early March, a reporter from the television station wanted a few words from the DRW about the secluded rooms at Lincoln. The following day, the television station was going to air the report about the secluded rooms and even include interviews with students who claimed they have been locked inside the rooms. After the report aired on television, other parents who either knew or suspected their children have been in the secluded rooms requested help from the DRW. Since most of the students were nonverbal or could speak very little, some parents were not even sure if their child was placed in the secluded rooms. In addition, the DPI, which was the agency charged with agreeing with the state and federal special education laws of Wisconsin to have the secluded rooms aired, started an investigation right away on Lincoln's secluded rooms. After the investigation, the DPI deemed that the room violated countless state and federal laws and also unveiled that the Lincoln staff put about six children inside the secluded room. The DRW acquired a copy of the investigation in early April and told the DPI that they were doing their own investigation of the secluded room as well. The DRW asked

the DPI to give them a copy of the file, which included the names of the students, or to send a copy of the file to the parents of each student that was placed in the secluded room in the 2004-2005 school year. Eventually, the DPI sent the file but deleted the student's names and any other information that might have identified them. The DPI chose not to put the names of the students in the file because of confidentiality laws, which included IDEA and FERPA, and received guidance from the U.S. Department of Education. As time progressed, the DRW filed that they wanted the names of the students that were in the secluded rooms. The district court denied the DRW's request because they claimed that the DRW did not explain why they needed the names of the students. In addition, the students had federal protection to not have their names released. Although the public may have wanted to help figure out an investigation, students with disabilities still have a right to privacy.

Educators have many roles and responsibilities regarding confidentiality. Educators must explain to colleagues that students in special education are to be kept confidential. In addition to the student being confidential, the student's paperwork will not be exposed to the public or other educators unless there was parental consent prior. The educator must also remind the parent that their child's paperwork will be kept confidential and the only way other people can see it is if they, the parents, grant permission to a particular person. Finally, the educator must explain to the student with the disability that nobody has to know that he or she has a disability if the student does not want to tell anybody. Educators must be informed on the definition of confidentiality, what court case proved that students with disabilities have a right to be

confidential, and what responsibilities educators have towards colleagues, parents, and the student.

Discipline

In the classroom, students have been known to be disruptive. The teacher of the classroom usually tells the student to sit down and be quiet. If the student continues to be disruptive, the teacher becomes flustered and then tells the student to sit in the hallway. The teacher may fail to realize that the student who continues the inappropriate behavior may be a student with a disability that makes him or her not comprehend what is acceptable behavior. If the disruptive behavior is because of the student's disability, then different disciplinary actions must be taken by the teacher. Educators need to understand the definition of discipline, what court cases helped shaped disciplinary actions for students with disabilities, and what responsibilities educators have that relate to discipline.

Teachers must have a complete understanding of the definition discipline in order to correct students in their wrongdoing. According to the website dictionary.com, the word discipline is defined as, "punishment inflicted by way of correction and training," (dictionary.com, 2012). With the definition of discipline, it is not fair for students who do not understand what is suppose to be right, compared to students who do not understand. A student with a disability may have a hard time understanding why some rules are the way they are, so it is up to the educator to make sure the student can comprehend why certain rules are the way they are. According to the website Wright's Law, "research has shown that if teachers and other school personnel have the knowledge and expertise to provide appropriate behavioral interventions, future behavior problems can be greatly diminished if not totally avoided" (Wright, 2011). With the right help,

teachers and other educators can help a student recognize what is appropriate behavior in the classroom.

If some students get into trouble, the easy way for an educator to discipline the student is to suspend him or her. Some students with disabilities, such as students with an emotional disability, may become more aggressive towards other students; not because they are emotionally angry, but because their emotions are running high that day.

Educators must have a different approach to discipline a student with a disability because of the court case *Honig v. Doe*. In *Honig v. Doe*, John Doe attacked another student at Louise Lombard School, a school for students with disabilities. In Doe's Individualized Education Program (IEP), the IEP stated that Doe was a socially and physically awkward 17-year-old who had a hard time controlling his anger. In his IEP, one of the goals stated that Doe would improve his ability to relate to peers and cope with frustrating situations without becoming physical towards objects or other people. Even though Doe was always frustrated, his IEP said that he could handle mild frustrations before becoming physical. On November 6, 1980, a student taunted Doe, who made Doe become physical towards the student. He choked the student with so much force that there were marks left on the student's neck. While in the principal's office, Doe apologized for his behavior and received a five-day suspension. After Doe was suspended, the principal referred the situation to the Student Placement Committee (SPC) and recommended that Doe be expelled. On the last day of suspension, the SPC notified Doe's mother to let her know that the school was proposing to expel her son until the expulsion proceedings were completed. Doe's mother was also recommended to attend a hearing that was to discuss the proposed expulsion. Doe attempted to protest the expulsion of her son, but failed.

She then filed suit against the local school officials and the State Superintendent of Public Instruction. Doe claimed that the proposed expulsion violated the Education of the Handicapped Act (EHA). In order to avoid the suit, the school met to discuss Doe's IEP. During the time of the IEP meeting, the district judge granted time for Doe to receive home tutoring, but shortly after, the judge stated that Doe needed to return to his current education placement at Louise Lombard School while the IEP was still being reviewed. Once back in court, the district court concluded that the proposed expulsion for the student's disability deprived him of a Free and Appropriate Public Education (FAPE) as well as the right to have an education, which was found in EHA. The judge then ordered the school district from taking any disciplinary actions other than a two to five day suspension against a student with a disability for a disability-related misconduct. In addition, the judge said the State had to put in place guidelines that discussed how to handle students with disabilities when they do not follow the rules. When Honig, California's Superintendent of Public Instruction, appealed, the Court of Appeals agreed with the district's orders, but with slight changes. The Court of Appeals agreed with the district court when they stated that expelling a student due to their behavior was a change in placement in their education. In addition, the Court of Appeals said that an educator could not expel a student with a disability for misconduct because of their disability. The Court of Appeals did not agree with the district court when the fixed suspension could last up to 30 days. Instead, the court made it so that the student with the disability received services after the tenth day of suspension. Some students may misbehave in a school setting, but an educator cannot suspend or expel a student with a disability because their disability caused that particular behavior.

An educator has responsibilities towards discipline for students, parents, and other educators. An educator must help students with disabilities on how to control behaviors that are deemed unacceptable in the classroom. Whether it is a group activity or one-on-one time with the educator, the student needs to understand what is and is not acceptable behavior in the classroom. The educator must also explain to the parents what appropriate behaviors are in the home and in public. The educator can give the parents resources, such as books, or explain how good behavior at home will help the student behave in the classroom. Lastly, the educator must explain to his or her colleagues that students with disabilities may act out in class and that the educator should not punish the student because of their behavior. Instead, the educator should work with the student and see what arises the poor behavior out of the student. All students need to be disciplined, but students with disabilities must have a different approach to the way they should be disciplined.

Parents Rights

All children want their parents to be a part of their lives in some way, but children with disabilities need their parents more than ever. Parents best understand their child's disability and how to help their child overcome daily struggles that come with his or her disability. Parents also understand what daily actions work best with their child.

Educators must work with parents to find out the needs and wants of the student.

Teachers need to understand the definition of parents' rights, what court case established parents' rights, and know what responsibilities they have in the classroom.

According to Hulett (2009), the definition of parental rights is, "the parents' right to know whatever substantively affects educational decision-making for their child" (p. 168). Educators work with the student for most of the day, so they will understand what the student needs academically. Educators may also write an Individualized Education Program (IEP), but have to include the parents in the meeting. Parents have a right to be fully informed. According to Hulett (2009), "a rule of thumb for practitioners: any information relevant to the IEP and/or relevant to the provision of FAPE constitutes information that must be available to the parents, either as routine sharing or upon request," (p. 168). During the IEP meeting, parents can collaborate with teachers to determine what will be beneficial for the student. Educators must understand that parents have a right to know what is happening in their child's education.

Parents were not always a part of planning the IEP for their child. The court case *Pennhurst State School v. Halderman* had the school fashion the IEP and later allowed parents to be involved with their input. Pennhurst was a large institution that housed about 1,200 people with disabilities. In 1974, Terri Lee Halderman, who was a resident

with mild cognitive disability, filed suit on behalf of herself and the other residents. She filed suit against Pennhurst, its superintendent, and various officials who were a part of Pennhurst for the home being unsanitary, inhumane, and dangerous. The residents main complaint related to the accusation was the fact that residents were denied due process and equal protection of the law, which was in violation of the Fourteenth Amendment, Rehabilitation Act of 1973, the Developmentally Disabled Assistance, Bill of Rights, and the Pennsylvania Mental Health and Mental Retardation Act. The residents wanted monetary relief and urged for Pennhurst to be closed and the residents be put in community living arrangements. The district court investigated the matter by conducting a research study that consisted of people who lived at Pennhurst. After the investigation, the court found that the conditions at Pennhurst were not only dangerous, but that residents were often physically abused or drugged by staff members. The court investigated each accusation the residents made about Pennhurst and found that Pennhurst could not provide adequate housing for its residents. The district court ordered for Pennhurst to be shut down, that suitable community living arrangements be provided for all the residents, plans to remove the residents from Pennhurst be submitted to the court, and that individual treatment plans would be developed for all the residents at Pennhurst with the participation of his or her family members. When Pennhurst appealed, the court of appeals agreed with the district court. The court of appeals found that the Acts granted residents with a learning disability having the right to an appropriate treatment, services, and housing. The court concluded that the conditions at Pennhurst violated the federal and state statutory rights. Concurring with the district court once again, the court of appeals affirmed that Pennhurst should be closed. The court case

Pennhurst State School v. Halderman was one of the first catalysts for the involvement of parents in the creation of their child's IEP.

Educators must show parents what kind of rights they have in the special education world. Educators can tell parents about their child's IEP, how it is beneficial to the student during school, and how the parents can be a part of the IEP meetings. They can explain to the parents what the IEP is and how the IEP is beneficial for the student. When the educator explains the IEP, he or she should state it in a way that the parents understand. The educator can describe how the parents should be involved with the IEP meetings. They should justify that it is normal for parents to speak up during the meetings and be a part of the planning process. Teachers can also explain to other school members, such as the principal, general education teachers, and other staff members what rights parents have in the special education world. The educator can remind the staff members that parents have a right to know what is happening with their child's academic life. Also, the educator can remind staff members that are a part of the IEP meeting that the parents are allowed to speak up if they are concerned about a section in the IEP. Educators must remember the true definition of parents' rights, what court case created the IEP, and know what responsibilities educators have towards parents, other teachers, and staff members.

I became involved with special education when I was very young because of my sister Elizabeth. Elizabeth had cerebral palsy very severely. She could not talk, walk, or eat food like the average person. Growing up, I helped her with daily activities to make her feel more at ease. When she was seven, she passed away peacefully. My sister is the reason I want to be a special education teacher. She taught me that I can make a difference to a child, no matter how big or small that difference may be. When I become a special education teacher, I plan to ask the general education teachers to be on child find, or look for students who may be eligible for special education. If teachers express concern towards a student, I plan to observe the student in class, create informal and formal tests, and go through an intervention process with the student. If the student is qualified for special education, I plan to have a meeting with the parents to let them know that their child has a disability. I plan to show the parents their child's data that I have collected over a long period. I want to ensure the parents that special education teachers are here to help the student, not make them feel different in any way. If the parents agree to have their child in special education, the IEP team (which includes the parents) will create an IEP that is individualized to the student's needs. During the meeting, I want to tell the IEP team that the student's information will be kept confidential. I plan to let all the student's educators and parents know that the information is to be withheld from everybody unless permission is given to a person. In addition, I plan to explain to the student's parents that they have a right to know what is happening to their child in school. When I have a meeting that explains the rights parents have in special education, I will talk about how their child has the right to a free and appropriate public education in the least restrictive environment. I want to ensure to parents that their child will be able to

reach their potential in school with the right accommodations and related services. It is my job as a future educator to make sure all children are independently successful in school. I hope to become a teacher who will inspire students to accomplish great things.

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