

**THE ROLE AND RESPONSIBILITIES
OF REGULAR ED TEACHERS IN THE
SPED PROCESS**

Table of Contents

Tab 7 The Role and Responsibilities of the General Education Teacher in the SPED Process

- **The Role and Responsibilities of the General Education Teacher in the SPED Process.....7-1**

**THE ROLE AND RESPONSIBILITIES OF
REGULAR EDUCATION TEACHERS
IN THE SPECIAL EDUCATION PROCESS**

**Training for staff of the
Antelope Valley Union High School District**

Prepared by
Bridget L. Cook
General Counsel
Antelope Valley Union High School District

Terms

IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan
LRE	Least Restrictive Environment
FAPE	Free Appropriate Public Education
BIP	Behavior Intervention Plan
DIS	Designated Instructional Services

The Role of the Regular Education Teacher

- A. The IEP is a Legal Document
(E.C. 56001, 56032)
 - 1. By federal and state law, the IEP governs the legal obligations of the District.
 - 2. It cannot be changed or amended without an IEP meeting, even if the parents and a teacher agree to a change.
 - 3. All pages of the IEP document are part of the legal document, including lists of accommodations and modifications.
 - 4. The Behavior Intervention Plan developed by the team is part of the IEP.

- B. The Requirement of the Least Restrictive Environment
(E.C. 56031)
 - 1. IDEA requires that all disabled students be placed in the least restrictive environment appropriate to meet their needs.
 - 2. This is determined by the IEP team.
 - 3. In many cases, the LRE is a regular education classroom, at least part of the day. This is typically without special education direct instruction in that classroom, and without a special education aide.
 - 4. An aide will be provided only if other, less restrictive forms of assistance are not effective.

- C. The Obligations of Regular Education Teachers Under IDEA.
 - 1. The role of regular education teachers at IEP meetings.
(E.C. 56001, 56341)
 - a. “The public agency shall ensure that the IEP team for each child with a disability includes . . . at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)” 34 C.F.R. § 300.344
 - b. “The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the

child's IEP, including assisting in the determination of ----- (1) appropriate positive behavioral interventions and strategies for the child; and (2) supplementary aids and services, program modifications or supports for school personnel that will be provided for the child." 34 C.F.R. § 300.346(d).

c. The regular education teacher provides information regarding:

1. current level of performance and conduct
2. peer level of performance
3. classroom supports needed
4. behavioral interventions
5. classroom management issues

2. Implementation of the IEP
(E.C. 56347)

a. The District must ensure that procedures are in place so that each child's IEP is accessible to each regular and special education teacher, related service provider and "other" service provider who is responsible for IEP implementation.

b. Each teacher or service provider is to be informed of his or her specific responsibilities relative to IEP implementation and the specific "accommodations, modifications and supports", which must be provided to the student per the IEP.

Every teacher is legally responsible for implementing any portion of the IEP which comes into play in his/her classroom, including the behavior intervention plan.

c. Requirements for implementation:

1. IEP accommodations are mandatory
2. Concerns must be addressed by the team, not by individual teachers or administrators with parents
3. Teachers and administrators cannot make individual changes in the services, goals, modifications or accommodations set forth in the IEP
4. Teachers must be cognizant of the needs of special education students in their classes, and deal with those students in an appropriate manner

d. Some common modifications and accommodations:

1. Note-taking
2. Pre-planning assignments
3. Review of assignment notebooks
4. Monitoring of student progress
5. Preferential seating
6. Test accommodations
7. Discipline/behavior modifications

D. Discipline-Related Matters
(E.C. 56523)

1. Discipline of Identified Students

- a. Federal law has specific legal requirements governing the discipline of disabled students. If these requirements are not met, legal action will ensue and the disciplinary determination will be invalidated.
- b. If the IEP contains a Behavioral Intervention Plan, that plan must be followed. The IEP, and the Plan, are legally binding documents.
- c. A special education student cannot be disciplined for behavior related to his disability.

2. Discipline of Students Not Yet Eligible for Special Education

- a. General Rule: A student who has not been determined to be eligible for services may assert the rights of a “student with a disability” only if the District had “knowledge” of the student’s claimed disability before the occurrence of the behavior that precipitated the disciplinary action.
- b. How is “knowledge” defined?
 1. Parent has expressed “concern in writing” to the district.
 2. The “behavior or performance” of the child demonstrates the need, or a potential need, for services.
 3. The parent has requested an evaluation (unless evaluation was completed and student was not found eligible.)
 4. The teacher or other school personnel has “expressed concern about the behavior or

performance of the child” to the director of special education or to other personnel in accordance with the District’s established child find or special education referral system.

E. Other Areas of Concern

1. Parent Requests for Evaluations
(E.C. 56043)

- a. Request for evaluation or consideration of eligibility must be referred promptly to the student study team.
- b. A written request for an independent evaluation at public expense must be denied within five days of receipt by the District, or the District is obligated to pay for such an evaluation.
- c. Failure to process requests for evaluation properly may impact the District’s ability to discipline the student.

2. Participation in Assessments
(E.C. 56345, 56385)

- a. Schools must include children with disabilities, with accommodations when necessary, in state- and district-wide assessments. Alternative assessments for students who cannot participate must have been developed and administered by July 1, 2000.

3. Documentation

- a. Teachers should document any irregularities in the implementation of the student’s IEP and notify the case carrier, promptly (preferably in writing).

Some common examples of matters that should be reported include:

- i. Student refuses preferential seating provided for in IEP document.
- ii. Student declines extra time on test or assignments.
- iii. Student possesses District provided assistive technology which is not being used in the classroom.
- iv. Parent/Student requests something which is contrary to the terms of the IEP.