

Ask the Advocate... by Desiree Vandelac Special Education Advocate/Legal Assistant

Question: My child had a very successful year at our local public school last year. I believe a large part of the success of his placement last year was due to the specialized training his teacher had. I would like to have the following accommodations added to my child's IEP: Training of my child's general education teachers in working with HFA kids, a low student teacher ratio in my child's classes, insuring my child is placed in classes with already established friends, insuring my child in placed in a school with a small, calm campus. Is there legal support for placing these items on my child's IEP? Or conversely, is there a law or regulation that says we can't put those things on my child's IEP?

Answer: I'd like to start with the last part of your question first. There is no law or regulation prohibiting the items you've mentioned on a child's IEP. As a matter of fact I have seen multiple IEPs that contain exactly this type of supplementary aids and services especially with high functioning autism (HFA) kids. In [The Everyday Guide to Special Education Law](#) Randy Chapman specifically states, "In the course of reviewing the least restrictive environment requirement, the courts have required school districts to consider providing a range of supplementary aids and services before removing students from regular classrooms. Among those supplementary aids and services were the following: the assistance of an itinerant instructor with special education training, special education training for the regular teacher, modification of some of the academic curriculum to accommodate the student's disabilities, parallel instruction to allow him to learn at his academic level, provision of a part-time aide or paraprofessional, use of a resource room." This list is by no means exhaustive of the possible supplementary aids and services a child may receive. All of the items you have stated are reasonable supplementary aids and services. I would like to stress that anything that is necessary for your child to meaningfully benefit from his education needs to be put in the IEP regardless of what the other members of the IEP team may tell you.

When considering supplementary aids and services the first step is to determine what services your child needs to meaningfully benefit from his education. The second step is in compiling documentation to support your position/request. Often the best and most appropriate documentation you can provide to the IEP team are reports from your child's service providers (psychologist, speech pathologist, occupational therapist, former teachers, etc.) detailing your child's needs, necessary support aids and services and the reason for those. After you have completed these two steps your final step is to write a letter to the IEP team documenting your request for supplementary services including with your letter a copy of the documentation supporting your request. If the IEP team refuses to implement any of the requested support aids and services be sure to document that refusal in a letter to the IEP team, I then recommend that you immediately speak with an attorney or an advocate in an attempt to resolve the dispute as well as to determine the possibility of filing a Due Process complaint against the district for failure to provide FAPE due to an inappropriate IEP. I would also caution you to be very specific in your requests. Is there a specific training you'd like your child's teachers to attend? If so state that specific training. Be very specific with regards to low student teacher ratio with a statement such as "Johnny will be placed in a classroom with maximum student to teacher ratio of 12:1 with a full time paraprofessional assigned to the classroom." Define and describe what a "small, calm campus" is. For example, what is the total enrollment at a "small, calm campus?" You're IEP should be written in

such a way that those types of services are spelled out very specifically so someone who does not know your child and has never attended one of your child's IEP meetings knows exactly what the requested/expected training was and what a "low student to teacher ratio" means for your child.

With regards to teacher training, as I stated above this is a very common supplementary aid on IEPs, especially with regards to a child with a spectrum disorder and even more so now with No Child Left Behind (NCLB). NCLB requires that teachers be "highly qualified" and parents may file complaints with the Colorado Department of Education with regards to inadequately trained teachers. NCLB also requires that teachers must use researched based teaching methods, which frequently require extensive training. Furthermore, NCLB contains a provision regarding parents' right to know the qualifications of the staff working with their children. [Wrightslaw: No Child Left Behind](#) states, "At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student

attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: Whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction, whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived, the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree, whether the child is provided services by paraprofessionals and if so their qualifications." Furthermore, IDEA 2004, Part B, Section 1412 (14) Personnel Qualifications (A) states, "In General. The state educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including those personnel have the content knowledge and skill to service children with disabilities." As such if your child fails to meaningfully benefit from his IEP due to lack of teacher training and experience you may have a valid Due Process complaint against the district for failure to provide FAPE and you need to speak with a special education attorney immediately.

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Ask the Advocate is not intended to, nor does it provide, legal advice. Rather its purpose is to provide general information to help parents improve their own advocacy skills in the IEP process. It is recommended you consult with an attorney who specializes in special education law for legal advice, specific advice and guidance that is tailored to your particular circumstances, or if you want professional assurance that our information (and your interpretation of it) is appropriate for your particular situation.

**Send Your IEP Questions to
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