

SPECIAL EDUCATION LAW: MYTHS & REALITIES

DAY 3

DAD, JUST BE YOURSELF. Not funny Not charming

PAT: LUKE, PAT'S SON

- Grew up in Buffalo, NY
- UB Law School
- Son with Down's Syndrome

Honor to represent families of students with disabilities in my LAW practice

INCLUSION NEEDS TO BE THE NORM

Research, Courts & Advocates Say this ... so WHY isn't it HAPPENING?!

MYTHS!

TODAY: LEGAL education NOT LEGAL ADVICE

ALPHABET SOUP

A B C - AVOID ACRONYMS if possible

PAT RADEL Getnick, Livingston, Atkinson, & Priore, LLP

STUDENTS WILL GET NEEDS MET, ONE way or ANOTHER

MYTH 1:

PARENTS ARE NOT "EXPERTS"

MEMBERS of IEP & entitled to MEANINGFUL PARTICIPATION

IEP they KNOW STUFF!

My family is NOT self-contained! I know what DOESN'T work.

MYTH 4:

TO be INCLUDED, STUDENT MUST meet Grade-Level STANDARDS

LEARNING at Same Level is NOT the PRICE of Admission into GENERAL ED.

MYTH 2:

WE DON'T NEED TO CONSIDER INCLUSION for EVERY STUDENT

INCLUSION MUST be considered for EVERY student & REMOVAL = EXCEPTION

IDEA prescriptive of Inclusion

MYTH 3:

PARENTS MUST PROVE STUDENT CAN be included.

INCLUSION is PRESUMED & grounds for removal MUST be established by LEA.

WHY NOT inclusion?



I AM MARK

BROTHER ATHLETE
HELPER SON
HARD WORKER
ACTOR ALTAR FAN
FUN SERVER

INCLUDED HELP ME TO TRY EVERYTHING!

MYTH 6:

REMOVAL is APPROPRIATE if BEHAVIOR is DISRUPTIVE

PERFECT BEHAVIOR is NOT prerequisite for INCLUSION

MYTH 7:

4:1:1 Para is a "RESTRICTIVE Environment"

A SUPPORT or service is NOT an "ENVIRONMENT"

PARA'S ARE PEOPLE! provide as Non-restrictive support

MYTH 5:

REMOVAL appropriate if student MIGHT make more PROGRESS in segregated setting.

ANTICIPATED benefits of segregated settings do NOT OVERCOME presumption INCLUSION is BETTER ANYWAY!

TRAILBLAZING is NOT FOR EVERY family



MYTH 8: SCHOOL EVAL is FINAL

Parents have RIGHT to request Independent Educational Evaluation

MYTH 9:

THIS IS ONLY about STUDENTS with DISABILITIES

INCLUSION & inclusive practices BENEFIT ALL STUDENTS!

TEST SCORES IMPROVE FOR ALL IF you CANCEL THE DAD, HE CAN ASK, get in!

NOT JUST about READING WRITING RITHMATIC

LIFE SKILLS SO IMPORTANT

- Personal independence
- DIGNITY
- communicate
- cooperate

PLACEMENT MUST be in school they would have attended w/out DISABILITIES

SERVICES → STUDENT HERE

- RONCKER PORTABILITY TEST

BENEFITS of INCLUSION are BENEFICIAL IN & of ITSELF.

I'M NOT Your EXCUSE TO INCLUDE.

MYTH 10: THIS IS SOMEONE ELSE'S JOB

THIS IS OUR JOB - it's on US.

