



Educators Must Precisely Follow Special Education Requirements

By Margaret C. Elliott, PAGE Assistant General Counsel

Each month, the PAGE legal department receives numerous calls regarding special education. The most common questions and violations fall into the following four areas:

COLLABORATION BETWEEN REGULAR AND SPECIAL EDUCATION TEACHERS

Communication and cooperation between the regular education teacher and special education teacher is essential. Lay the groundwork for success prior to the start of the school year by building in joint planning time during the school year. During preplanning, it is also a good idea to speak with your principal about the need for regular and special education teachers to meet frequently throughout the year.

Special education teachers should not function as paraprofessionals; instruction should be a shared responsibility, even though, initially, it can be difficult to have someone else working in your classroom. Team teaching provides an excellent opportunity to increase student achievement and content mastery. Furthermore, the two teachers can play off each other's strengths and learn from each other. Properly carried out, these delivery models can be a win-win for both students and teachers. The key is proper planning and communication. Administrative support can make this teaching model very effective.

Also, be sure that both teachers are working with students during TKES observations by administrators. Working with students is the main way to demonstrate teaching abilities for this assessment.

OFF-TASK OR AGGRESSIVE STUDENTS

In instances when special education students are physically aggressive and/or off task, follow these guidelines:

- Inform the principal immediately and talk with the special education teacher.
- See if behavior goals are noted on the Individualized Education Program plan.
- See if there is a Behavioral Intervention Plan.
- Contact the special education department of the central office to discuss the behaviors and receive guidance, which may include an observation by a behavior specialist.
- Consider conducting a Functional Behavioral Assessment.
- Be sure to keep anecdotal records of behaviors and frequency of behaviors.

If the physically aggressive behavior continues, keep your principal and the central office special education representative informed. A review of the student's IEP may be in order, including the possible development/revision of a BIP and/or a possible change in placement. After many of these steps have been completed, a consultation with the PAGE legal department may be in order.

CONFIDENTIAL STUDENT RECORDS

Remember to keep confidential all student records, including those involving academic, discipline, health status and family status issues. Confidentiality is paramount in special education: Not only

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is it required by the Family Education Right to Privacy Act, but violations also fall under Professional Standards Commission Code of Ethics for Educators (Standard 7: Confidential Information).

These violations frequently come about inadvertently. For example, a parent calls to say her child was hit or bitten by another student. In seeking information about the other student, the parent may ask, "What is wrong with John? Why does John act this way?" Remember, you may not discuss John or his disability with the other child's parent. You may focus on the incident and how it happened and what you are doing to keep it from happening again. You may also invite the parent to meet with you and the principal about the issue if he or she continues to be dissatisfied with your response.

Also, always refrain from discussing students at social gatherings, sport-

ing events, with neighbors or on social media, for example. You never know who is listening.

TEST PROCEDURES

When implementing testing for IEP students, follow all testing procedures according to the modifications listed in the student's IEP. Do not take for granted what an administrator tells you about the modifications; you as the classroom teacher are responsible for implementing the correct modifications. For example, does the student get more time? Can the student write in the test booklet? Are you to read the passages to the student? Are you to read the answers to the student? Does the student mark the answer or are you to mark it after the student answers?

The Georgia Alternative Assessment must be administered to students whose IEP teams have recommended that they

participate in an alternate assessment instead of standardized general education assessments. With data and work samples required to be collected throughout the school year, this IEP-driven assessment can be time consuming and teachers can sometimes get behind. It is very important to stay on top of the process. A teacher cannot go back and make up for lost time, such as by creating past work and taking pictures of students in various clothing to fabricate evidence that the GAA has been given over a series of months, when instead it has been quickly and incorrectly implemented in a series of days. The Georgia Professional Standards Commission is painfully aware of shortcuts and is quick to take action against the teacher's certificate for a testing violation.

If you have any questions regarding special education regulations, contact the PAGE legal department at 800-334-6861. ■