

Regular Classroom Teacher Special Education Responsibilities

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What is my legal liability in special education?

Regular classroom teachers employed by a school district will have very limited liability exposure in special education so long as the duties assigned to them regarding implementation of the IEP are executed in a legal and appropriate manner. Failure to implement the IEP as specified could result in disciplinary action, criminal charges, and civil lawsuits that could result in personal liability exposure. Accommodations, modifications, behavior intervention plans, and supplementary aids and services are examples of IEP items that are typically the responsibility of the regular classroom teacher. IF a parent believes these items have not been implemented, they may file a complaint with the state Agency of Education (AOE) alleging noncompliance with the IEP. The AOE will launch an inquiry and possible investigation. Typically, if the school district is found to be in noncompliance, a corrective action plan will be developed and the matter is resolved. If, however, the parent elects to pursue a due process hearing, one will be held to determine if the district did, in fact, fail to implement the agreed-upon IEP and denied the special education student the entitlement to a "free, appropriate public education" (FAPE). If the hearing officer decides that the school district denied the student FAPE, the district will be required to implement the IEP as written, pay attorney's fees and other costs the parent may have incurred and may be required to pay the cost of compensatory services.

When should I refer a student for special education services?

Regular classroom teachers should refer students with suspected disabilities for assessment to determine if special education services or programs would be necessary for them to progress in the general curriculum. Students who should be referred include those suspected of having cognitive, academic, social, emotional, language, motor, or visual impairments. The referral should be made to the grade-level case manager at your school, or alternatively, to the Special Services Director.

With how much of the IEP should I be familiar?

As a regular classroom teacher, you are required by law to have knowledge regarding the contents of the IEP for each special education student enrolled in your classes, and you are legally obligated to implement any portions of an IEP that apply to you. To successfully meet this obligation, you should read the IEP for each special education student for whom you deliver instruction in order to fully understand the student's education condition, their instructional needs, any specific activities that have been assigned to you and your classroom, and what, if any, accommodations or modifications you should be implementing.

How can I manage accommodations, modifications, and standards?

IDEA requires regular classroom teachers to implement accommodations and modifications as prescribed by the student's IEP. Accommodations enable the student to access the general curriculum and demonstrate his or her knowledge of course-content by making an adjustment to the way the student shows his or her understanding. Accommodations are designed to reduce the impact of the disability and increase the likelihood that the students' performances accurately reflect their knowledge of the academic material. Modifications allow students with significant limitations in their academic skills to participate in the general curriculum by altering the course content, assignments, or assessments. Modifications that fundamentally alter or lower the standards for a class are typically reserved for students whose disabilities are so significant that there is no expectation the student will be pursuing a regular high school diploma.

What notes and documentation do I need to maintain?

Regular education teachers working with special education students should document their efforts to implement the student's IEP. Upon reviewing the IEP, regular classroom teachers should make a list of any goals, accommodations and modifications, behavior intervention plans, and supplementary aids and services that apply to the regular classroom setting. If the student's IEP includes accommodations or modifications of assignments or tests, it is a good idea to keep a copy of those assignments or tests that show the accommodations or modifications that have been made to the original assignments. Likewise, if students in the regular classroom have a behavior intervention plan, it is a good idea to keep a running record of the interventions that have been made based on the plan. Additionally, any discussions with the student's case manager, guidance counselor (and/or special education counselor), school psychologist, other support personnel, and parents should be noted and maintained. Finally, anything written regarding a special education student will, if there is a dispute, become part of the body of evidence in a hearing or legal proceeding.

When should the regular classroom teacher call an IEP meeting?

Regular classroom teachers should request an IEP meeting (via the student's case manager) whenever there are concerns regarding the content or implementation of the IEP. It is important to note that the IEP is a plan that can, and should, be modified if there are questions regarding either the meaning or accuracy of the document. There may be times when implementation of the IEP is hindered by the student's own actions. For example, truancy or refusal by the student to complete homework or participate in required classroom activities are barriers to the implementation of the IEP. It would be appropriate to ask for an IEP meeting to discuss these problems and develop some strategies to improve cooperation and compliance. Furthermore, if the child's behavior in the regular classroom is creating classroom disturbances that interfere with teaching, it would be appropriate to convene an IEP meeting to determine if the current placement is viable.

Where can I find an explanation of IDEA regulations?

Federal regulations can be found at the following web sites:

- For the complete regulations, visit the Council for Exceptional Children's [IDEA Laws and Resources site](#)
- The Council for Exceptional Children site also offers an [alphabetized topical index](#)

What does inclusion mean to me?

Federal law requires that a full continuum of placement options be available to each special education student and that placement decisions be made by the IEP Team based on the student's needs. Congress and the courts, however, have affirmed the legal right of children with disabilities to be educated in the least restrictive environment possible. Some schools have interpreted this to mean "full inclusion" and have advocated for all students to be educated in regular classroom. For most, the decision to "include" or "exclude" students from the regular classroom is still based on the individual and unique needs of the student. Regular classroom teachers play a vital role in determining the extent to which students with disabilities can be successful in the general curriculum because of their expertise in the curriculum area for which they teach.

Resource Web Site: <http://www.ci.maryville.tn.us/mhs/MCSPed/teachers.htm>