



# *Special Education Law*

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## **Your Child's IEP Goals Should Be To Succeed In Regular Education**

**Taken from Reed's manual:**

Getting Your Child's Regular Education Teachers To Do What The Law Requires Them To Be Doing For Your Child

**When your child's annual goals are related to academics that are objectively measurable, the goal should be to raise the student to grade level equivalency -- just like any other student in regular education.**

**A common problem for many students with special needs, as acknowledged by Congress in the 1997 IDEA, is the lowering of expectations by regular education teachers. Students are often allowed to progress at a slower rate so you should make sure the goal for your child is to achieve one grade level of growth for each year of instruction.**

**If your child's disability makes that difficult then that is exactly what evaluation is to explore, it is exactly what the IEP committee is to discuss and it is exactly what the Comprehensive System of Personnel Development is required for -- to acquire and disseminate promising educational practices that will enable your child's teachers to attempt to enable your child to have the same rate of accomplishment as other children in the class.**

**It is common to see regular education teachers expecting students with special needs to have a difficult time and to be performing below grade level. So if your child's evaluation shows a deficit, for example in reading of several years below the grade level of the rest of the class, then your goal should be more than one year's growth for one year of instruction -- it should be to get up to grade level. Your child has a right to the same goals and expectations of everyone else in regular education. Being behind in reading will drag your child behind in everything.**

**Worse, being behind in a regular class can lead to teasing by other students in the class and that must be addressed as well. Recent federal court cases such as *Leslie B. v. Winnacunnet Coop. Sch, Dist.*, 28 IDELR 271 (D.NH 1998) showed that regular education teachers could be liable, as well as the school district being liable, when a student is allowed to fall behind and allowed to be teased to the point that they can no longer attend school.**

**Some school personnel seem to accept performance below grade level for students with disabilities who are being served in regular classes, but the U.S. Supreme Court does not find that acceptable. The U.S. Supreme Court in Board of Education v. Rowley, at pages 203-04, defined the Congressional requirement for grade level equivalency. "Regular examinations are administered, grades are awarded, and yearly advancement to higher grade levels is permitted for those children who attain an adequate knowledge of the course material. The grading and advancement system thus constitutes an important factor in determining educational benefit. Children who graduate from our public school system are considered by our society to have been educated at least to the grade level they have completed." The Court goes on to say that the specially designed education "must meet the state's educational standards" and "must approximate the grade levels used in the state's regular education."**

**The Supreme Court continues: "The IEP, and therefore the personalized instruction, should be formulated in accordance with the requirements of the Act, and, if the child is being educated in the regular classroom of the public education system, should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade."**

**No more fake "A's" and no more fake "promotion." The school has to produce on goals of raising the student to grade level equivalency.**

**This information is educational and not intended to be legal advice. Reed Martin is an attorney with 33 years experience in special education law.**