**Proper Implementation of the Individuals with Disabilities Education Act**

 Educators know that we still do not have everything needed to ensure the proper implementation of the Individuals with Disabilities Education Act(IDEA). We know that educators are in the best position to speak up for their students and advocate for their needs. NEA supports the use of best practices and evidence-based inclusion strategies for every student with disabilities in the least restrictive environment. NEA believes that educators are in the best position to know and understand positive inclusion practices and are the best advocates for students in need of additional supports. In making reevaluation and placement decisions, educators should put forth a full set of supplementary aids and services (SAAS)—beyond those that are currently available in the school or district—that includes suggestions for modifications and strategies that can be reasonably made to support student success and ensure that goals and objectives in the IEP are met in the LRE. Timely and appropriate progress monitoring must be a key component in evaluating all placement decisions. Where reasonable progress toward goals is not being made, SAAS should be reevaluated and changed until appropriate progress is made. These can include, but are not limited to:

* Providing one-on-one assistance
* Providing a smaller class size or learning environment
* Modifying schedule
* Modifying the curriculum
* Providing individualized instruction
* Providing differentiated instruction
* Providing a therapeutic environment
* Providing intensive remediation
* Providing behavior support classrooms
* Providing de-escalation support
* Providing a range of instructional models
* Providing flexible grouping
* Supporting a cooperative learning environment
* Supporting peer-assisted learning
* Implementing Universal Design for Learning (UDL)
* Providing culturally responsive teaching
* Providing trauma-informed instruction
* Implementing Multi-Tiered System of Supports (MTSS) that integrates Positive Behavioral Intervention and Supports (PBIS) and Response to Intervention (RTI)

Where educators do not have the expertise to provide these models and services, professional development should be planned to provide the services going forward. Importantly, special education services cannot be delayed waiting for services and supports to be developed.

 The emphasis that the LRE principle puts on location (the general education classroom) subsumes the principle of student need and harbors the misperception that more intensive needs require more intensive placements. Focusing on student individual strengths, needs, preferences, and interests and ensuring that educators are well prepared to meet those needs can benefit all students. The IEP Team—not administration—are empowered to make placement decisions for a student or students with disabilities. Educators have the right to dissent and provide a written report that provides rationale for the dissent which should be attached to the proposed IEP.

Each year the National Education Association reviews and revises a set of resolutions that are aligned with the Association goals. The resolutions are formal expressions of the opinions, intent, positions, and beliefs of the NEA. The following are the resolutions as they pertain to the education of students with disabilities (NEA, 2021).

The NEA supports a free, appropriate public educa­tion for all students with disabilities in a least restrictive environment, which is de­termined by maximum teacher and par­ent/guardian involvement. There must be a full continuum of placement options and services/delivery models available to stu­dents with disabilities. In order to imple­ment federal special education legislation effectively, the Association recognizes that—

a. A fully accessible educational envi­ronment, using appropriate instructional materials, support services, and pupil per­sonnel services, must match the learning needs of both students with and students without disabilities.

b. Student placement must be based on individual needs rather than on avail­able space, funding, or local philosophy of a school district. Student placements must be examined on a regular basis to ensure appropriateness whereby all needed ser­vices and support will be provided and should not be made disproportionately by ethnicity or gender. Necessary building/ staff modifications must be provided to facilitate such placement.

c. General and special education teachers, pupil personnel and related service providers, and education support professionals who work with the student, and administrators, parents/guardians, and the student, as appropriate, should have input in the development of the indi­vidualized education program (IEP) and must have access to the IEP.

d. General and special education teachers; pupil personnel and related ser­vice providers; education support pro­fessionals; and administrators, parents/ guardians, and students, as appropriate, must share in implementing the IEP. Prior to implementation, all necessary educa­tional materials, professional development, and supportive services must be provided.

e. Students with physical disabilities and/or medical needs requiring nursing procedures must have their medical needs met by certified/professional school nurses.

f. All impacted staff members must have an appeal procedure regarding the implementation of the IEP, especially in terms of student placement. The proce­dure must include the right to have the dissenting opinion recorded and attached to the IEP.

g. Suspension and expulsion policies and practices used by local education agencies must be applied consistently to both students with and students without disabilities where misconduct is shown to be unrelated to either the disabling condi­tion or to improper placement.

h. A plan recognizing individual differences must be used in a system­atic evaluation and reporting of program development.

i. Students with special needs must have appropriate testing options matching the processing disorders, motor skills, and/ or academic developmental levels or lan­guage proficiency of those students to mea­sure individual progress and proficiencies.

j. Limitations must be made in class size, caseloads, and/or workload of des­ignated education and service providers, using methods such as weighted formu­las, modified scheduling, and/or curricu­lum design to accommodate the demands of each IEP.

k. All teachers who serve students with disabilities must have scheduled ac­cess to resource personnel, instructional assistants, paraprofessionals, co-teachers, and special education teachers.

l. The student’s IEP should not be used as criteria for the evaluation of edu­cation employees.

m. Communications must be main­tained among all involved parties.

n. Staff must not be reduced.

o. All school personnel, including substitutes, must be adequately prepared for their roles, including addressing the identified individual needs of students, through appropriate licensing and/or on­going professional development.

p. Incentives for participation in pro­fessional development activities should, as mandated by law, be made available for education employees.

q. Education employees, as mandated by law, must be appointed to local and state advisory bodies on special education.

r. Education employees must be al­lowed to take part in the U.S. Office of Spe­cial Education and Rehabilitative Services on-site visits to states. Education employ­ees should be invited to these meetings.

s. Local affiliates and education em­ployees must be recruited, trained, and involved in monitoring school system compliance with federal special educa­tion legislation.

t. Adequate release time or funded additional time must be made available so that teachers can carry out the increased demands placed upon them by federal special education legislation, including the development and administration of alternate forms of assessment.

u. Collective bargaining and other means should be used to minimize the potentially severe impact on staff that re­sults from the implementation of special education legislation.

v. Benefits for staff working with stu­dents with disabilities must be negotiated through collective bargaining agreements and must be honored.

w. Full funding must be provided by local, state, and federal governments.

x. Students are better served if the person working with them is prepared to accommodate their needs. Substitute employees should be made aware that the assignment offered is a special needs pro­gram. (1978, 2009)