

## “Pick” your child’s teacher

Parents of children with special needs know that their child’s classroom teacher can make or break an entire program of services. SPEDWatch often hears from parents who wonder if they have any choice in which teacher is assigned to their child. While there is no law giving parents the right to choose their child’s teachers, there is a way to *influence* that choice by using the laws that already exist.

Begin by writing a letter to the Team Chairperson in which you request an opportunity to observe all the teachers who might possibly be assigned to your child. Be clear that you only need 5-10 minutes per classroom observation, you will visit when convenient for the teacher, and you will not disrupt the class. You merely want to stand at the back of the room and quietly observe.

You are likely to be told that you cannot do this. If so, write another letter. This time remind the school that, as an IEP Team member, you have a legal obligation to participate in decisions regarding your child’s educational placement. State that you cannot carry out that responsibility in a meaningful way if you do not have information about the various options available. Point out that as an IEP Team member, you should have access to the same information that other team members have. Finally, explain that since a teacher has not yet been assigned, all of next year’s classrooms are proposed programs for your child, and Massachusetts special education regulations give you the right to observe, as follows:

“Parents have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services.” 603 CMR 28.07(1)(a)(3)

If your child attends a Title 1 school, also mention that the district must adhere to the No Child Left Behind regulations which state:

“Title 1 schools must meet with parents to develop a parental involvement policy and distribute the policy to parents and the community. Parents of children who attend Title 1 schools shall have access to school staff, opportunities to participate in the child’s class and to observe classroom activities.” 20 USC 6318.

To find out if your child attends a Title 1 school see <http://profiles.doe.mass.edu/publicschools.asp>, choose the school, and look for the information listed after “School Title 1 status.”

The school may tell you that administration – not parents – make these decisions. If so, write yet another letter. Explain that you understand that this may be the case for students without disabilities, but it is not for students who receive special education services on an IEP. For students on IEPs, Massachusetts special education regulations specifically assign placement decisions to the IEP Team, as follows:

“The Team shall determine the appropriate placement to deliver the services on the student’s IEP.” 603 CMR 28.05(6)

Finally, if necessary, remind the school that the U.S. Department of Education cited Massachusetts for noncompliance in this specific area during their last monitoring visit:

“In all of the districts visited, OSEP (Office for Special Education Programs) found that parents were being denied the right to fully participate in the decision making process involving their children – parental participation in the special

education decision making process is limited, with rare exception, to attendance at the IEP meeting. Parents are not invited to other meetings regarding their child. OSEP found non-compliance in a lack of parental involvement in meetings and participation in educational decisions regarding their children.” Massachusetts Monitoring Report, U.S. Department of Education Office of Special Education Programs. June 2000.

Clearly, federal and state lawmakers intend for parents to be involved in all decisions that affect the education of their child with special needs.

After observing the classrooms, write a letter (yes, another letter!) to the school naming those teachers that would and would not be a good fit for your child. If the school continues to refuse your request to observe teachers, file a complaint with the Massachusetts Department of Elementary and Secondary Education, citing the regulations discussed above. **If your school district has a written policy barring such observations, please contact SPEDWatch immediately.**

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