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Multiple Perspectives on the Services Received and Funding for Students with Individual Education Plans

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ABSTRACT:

Students with special needs have rights that are guaranteed to them by the federal law IDEA (Individuals with Disabilities with Education Act). The students are their parents need to be informed of their rights. If they are not well informed the student might be disadvantaged. The parents need to be advocates for their child. The parents need to understand special education and the rights that their child has to be effective advocates. The rising cost of education often cause students not to receive the services in which they are entitled. The purpose of this project was to research the services that students were receiving and how funding effects these services.

After looking at the research which included a review of published materials as well as interviews it was determined that a book explaining the basics of special education and the rights of the student should be composed. The final products include a research paper and a section of a book that I wrote independently, and when combined with Karoline Salvador's project becomes: Parents' and Students' Guide to Special Education.
Students and parents of students with special needs who are in school in the United States are guaranteed certain rights under the law. The laws that guarantee these rights were passed to protect the students. These rights guarantee things such as a free appropriate public education and the right to be placed in the least restrictive environment. These rights are to insure that students with special needs receive the services that they need and are not brushed aside.

While the laws are in place, many of the students in special education still do not receive the rights that are guaranteed to them under the law. Due to the cost of implementing some of the services that a student may require, these services may not be offered as an option to the student or the parent. If the parent asks for the services, the school may say that they are unnecessary. Parents often do not know their rights and do not push this any further even if they feel that the service would benefit the student.

It is important that parents and students are aware of their rights and fully understand what services are available to them and what they can do if they do not feel that the student's needs are being met. There are many options if the parent or the student does not feel that needs are being met. Parents and students need to be aware of what the options are and how to access them.

Parents often get tangled up in the web that is special education. This web is full of acronyms that stand for things that may be just as confusing when
given their full names. This web contains a variety of laws and court cases that have defined these laws which could boggle a person's mind. Parents are given an information packet that is required by law when their child enters the special education system. While this is a step in the right direction, the few pages in the packet hardly give the parents everything they need to know regarding special education. This is also an emotional time for a parent if his or her child has just been diagnosed with a disability. He or she often has enough difficulty dealing with this information without trying to understand what this sheet about rights is telling him or her. This is also a time when the parents are assaulted with new paperwork. The paperwork is often covered with words and acronyms that are not a part of most people's everyday lives. The parents are confused and still involved in the emotional battle of accepting that their child has a disability. They are struggling to understand what is happening to their child.

The parents may be presented with their rights again a year or so later when their child comes up for his or her annual review. By this time, the parents have had time to deal with the emotional aspect to some degree. However, they are likely still confused. Some parents may have done their research and understand the system by this time. It is wonderful when parents take the initiative to learn about the system. This paper is not aimed at those parents. This paper is aimed at the parents that did not have time to do the research, are still confused and don't understand their rights or even the fact that they have rights.
Parents are often lulled into the feeling that the schools are professionals and that they know best. In many cases this is true. The parents, however, see the child more than the school does and, in many cases, understand how the disability is affecting the child's life as a whole more than school professionals can. In most cases the school does what is best for the child. However, in some cases, due to the lack of funds, the lack of staff or a variety of other reasons, the school is not meeting the child's specific needs. If the parent recognizes this, he or she may feel that there is nothing that can be done. He or she may feel helpless and be lulled back into the feeling that the school professionals know best. If the parent strongly disagrees with the school and does speak up, the parent may get what he or she wants. If the parent does not get what he or she desires for the student, many parents will drop the issue feeling that there is nothing else that can be done. The fact is that there are steps that the parents can take to make themselves heard. However, they must know what the steps are and how to use them.

There are parents that will take advantage of the system and take more than their child needs from the system. Thankfully, these parents are few and far between. However, this is one of the dangers of parents knowing their rights. There is always the possibility that the parents will take the laws too far. The schools often give in to the parents even when the requests are inappropriate. The schools give in to avoid expensive legal tangles. While this is a possible problem related to whether parents know their rights, it is not a
significant enough problem to deny the other parents the knowledge of their rights and a full understanding of the special education system.

The Individuals with Disabilities Education Act was reauthorized in 1997. The changes in the law at that time were made in an attempt to continue to improve education for children with disabilities. The Individuals with Disabilities Education Act Amendments of 1997, enacted with strong bipartisan support, significantly improved the educational opportunities for children with disabilities. IDEA ’97 focused on teaching and learning and established high expectations for children with disabilities to achieve real educational results.

The focus of IDEA changed from one that merely provided disabled children access to an education to one that improves results for all children in our education system. IDEA ’97 strengthens the role of parents in educational planning and decision-making on behalf of their children. It focuses the student's educational planning process on promoting meaningful access to the general education curriculum. The new law also reduces the burden of unnecessary paperwork for teachers and school administrators. All of this was accomplished without compromising the Clinton/Gore administration's fundamental principle of protecting the basic rights of children with disabilities to a free appropriate public education.

The Department concluded that neither the statutory requirements nor the non-statutory requirements of these regulations have a major cost impact on
school districts. However, several provisions, when looked at individually, do have a major impact on schools. The Office of Management and Budget determined that the regulation has been designated as a major rule. For example, the department estimates that school districts will realize savings in excess of $100 million from changes made by the IDEA '97 that eliminate unnecessary evaluations every three years to determine whether a child still has a disability. However, these and other savings would be offset by increased costs associated with such changes as the requirement for the regular education teacher to participate in IEP meetings. While there have been many positive changes in IDEA, there are still some shortcomings. The biggest shortcoming is that IDEA is not being enforced. On January 25, 2000, the National Council on Disability (NCO) released a national report, "Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind," focusing on enforcement and compliance with the Individuals with Disabilities Education Act, Part B (IDEA) ("The Report"). The report, released before Congressional leaders and staff, parent leaders, advocates and students, found that, "Efforts to enforce the law over several administrations have been inconsistent, ineffective, and lacking any real power." Despite the fact that every state was found to be out of compliance with IDEA requirements to some degree and that noncompliance persisted over many years, the U.S. Department of Education has made very limited use of its authority to impose enforcement sanctions. The
problem has not been ineffective monitoring, because federal monitoring has long identified significant problems. The problem is lack of enforcement once problems are identified and insufficient resources to ensure that families can secure enforcement of the law in individual cases.

This report is a wake-up call and a working tool that must not be "put on the shelf" to collect dust. The report is based on an independent, non-biased study conducted by an agency that advises the President on disability issues. The report "professionally" confirms what statistics have demonstrated for years. But how can parent centers use this tool to ensure that IDEA is not just monitored, but also enforced? [http://www.spannj.org/why.htm](http://www.spannj.org/why.htm)

Public policy changes and implementation of laws do not happen merely by complaining to the agency that is responsible for their enforcement, although that is an important tool. The constituents who are most concerned about the law or policy - in this case, parents - must use every available tool to organize widespread support for its implementation. These tools include public education (through media advocacy), meeting with elected officials and mobilizing our own constituency.

It is important to note that pushing for implementation of an existing law is not lobbying. You may meet with your senators, representatives and governor about concerns with the law’s implementation without jeopardizing your federal funding [http://www.umOj.org/lwhx.ntm](http://www.umOj.org/lwhx.ntm)
It is important that parents are the advocates for their children and that the children are taught to advocate for themselves, because at the current time the law is not being enforced the way that it should be. The parents need to be sure that the child is receiving what is needed. However, to do this the parent must be aware of what is needed. The parent must also be aware of how to get the student what he or she needs. To do all of this the parent must understand the web that is special education, the laws that surround it and what rights they are afforded under the laws. Once the parent understands all of these things, the parent must also understand how to make him or herself heard and how to pursue the issue if the school does not comply with the law. It is immensely important for parents to understand their rights. The National Council on Disability issued a report on January 25, 2000 on the failure of the U.S. Department of Education to enforce the Individuals with Disabilities Education Act (IDEA). The report, "Enforcement and Compliance with IDEA, Part B," found that "...efforts to enforce the law over several Administrations have been inconsistent, ineffective, and lacking any real teeth." NCO studied U.S. Department of Education (US DOE) monitoring reports from 1994-1998 and found the following indicators of how poor compliance with IDEA really is.

- Every State was out of compliance with IDEA requirements to some degree; in the six state sampling, noncompliance persisted over many years.
- Enforcement of the law is the burden of parents who too often must invoke formal complaint procedures and hearings, including expensive and time-consuming litigation, to obtain the services to which their children are entitled. Many parents with limited
resources are unable to challenge violations when they occur. Districts use publicly financed attorneys to resist parental efforts to secure compliance.

- The U.S. DOE has made very limited use of its authority to impose enforcement sanctions such as withholding funds or making referrals to the U.S. Department of Justice, despite persistent failure to ensure compliance in many states.

* The U.S. DOE has not informed the public or the states of any objective criteria for using enforcement sanctions when persistent violations are not corrected.

These findings prove very clearly that children with disabilities continue to be denied their civil rights under IDEA. [http://lwytw.Sijaoj.org/LNC/](http://lwytw.Sijaoj.org/LNC/)summary.htm.

In summary this report contains some scary findings for students with special needs. It shows that while the laws are there to protect them, the laws do no good because no one is enforcing them. The report makes a number of specific recommendations to improve the enforcement of IDEA. While this is a step in the right direction/ it will not benefit the students that need the laws enforced now. That is the bad news. The good news is that the law already exists. Because the law already exists, parents can help enforce the law to an extent by being informed, understanding their rights, and acting when they feel their rights are violated.

If all parents were aware of all the rights they are entitled to, it is likely that some parents would abuse the rights to gain additional resources for their child. However, all school professionals and parents interviewed felt that this abuse would be minimal. All things given to citizens by the government are
abused by some. This is true of the welfare system, Medicare, and food stamps. It seems that some people will always try to get more from the system than they really need. This is unfortunate, but it does not stop the government from giving benefits to those who are hungry or cannot afford medical care and should not stop those with disabilities from receiving the services which they are entitled to by law.

The unfortunate fact is that parents who do not know the law receive less. If one parent demands more from a school district, that district may reduce services to other students to pay for and meet the demands of the other student. If the parents of the other students do not know their rights, then their child may be at a disadvantage. These parents may not realize that their child has received reduced services. If they are aware of this, they may not realize that they can fight it.

The funding for special education is in the hands of legislators. Many of these legislators will never even set foot in a school. They have no idea what these students need. There are many things that could help make ends meet in the area of education. When making the federal budget, money is often cut out of education to make room for other things. The schools need to have more say in the amount of money that they need. No one ever tells congress that there is no money in the budget to give them a raise. It is time to find the money to give students with disabilities the education they need and are entitled to under the law. These students have the same right to learn as every other student.
One of the most important things to consider is that, when IDEA was passed, it authorized the federal government to reimburse schools for forty percent of their special education costs. At this time the government is only reimbursing 10 to 11 percent of the cost of special education. It is time that the parents and advocates make the government reimburse the schools at the full forty percent level that they are entitled to. This would go a long way in helping pay for all students to have the services they are entitled to. The schools can also look at ways to serve the student’s needs better by catching problems early and finding the correct placement for the student. It is important to educate parents about their student’s disability and what the student needs. This will help the parents be more realistic about the student’s needs and they would be less likely to sue the schools for something that the child does not need. Such practices would reduce the cost to the school that may be incurred through legal proceedings later. The school can use mediation as a means to help resolve disputes without the cost of due process proceedings.

There are some children that are labeled as having special needs and really do not. This is a cost that the school district could avoid by more careful testing. Many times these students are labeled as having a learning disability when they really do not. This may happen if the student’s primary language is something other than English. If the student does not fully understand the material that is being presented, whether it is presented in writing or orally, the student will fall behind. Eventually that student will be identified and tested.
Because the student's intelligence test, which was given in the native language, indicates that this student has average intelligence but is falling behind, the conclusion may be that the student has a learning disability. This student really may not have a learning disability. This student does not understand what is being presented in class due to a language barrier. Therefore, the money will be spent for this student to receive special education services when these services are not really needed. After this happens to a number of students, it will begin to show in the school district's budget.

It is important for the parents of students with special needs to understand their child's needs. They need to understand what services are available to them and what these services include. The parents also need to understand what all the evaluation tests mean and what these tests are looking for. If parents do not understand the basics of special education, they cannot ask the right questions, and many parents may choose not to ask any questions at all. It is often difficult for parents to ask questions at meetings. There are many school personnel there, and all of them have fancy, important-sounding titles. The parents may feel intimidated by this. When the meeting begins and the school staff begins to discuss the parents' child, it can be very emotional, as the child is held close to the parents' heart. Now the staff is discussing their child and using terms that they do not know. The parents may feel too intimidated by this whole process to ask any questions. If the parents are completely confused, they will likely not even know what questions to ask.
The State of Illinois provides a handbook that the parents of students with special needs can download off the Internet or order from the state free of charge. This is a wonderful resource for parents. Many parents of students with special needs do not know that the state has a handbook to help them. The state handbook is long and complex with much legalese in it. This may not be an easy place for a parent that is new to special education to start. It might be more helpful if there were a book that broke special education down into simple terms, defined the acronyms and darifled the laws. This simpler book would not only give the parents all the information they need in the long run, but it would offer the parents a place to start. It would offer the parents an introduction to special education and provide them with a base from which they could explore special education in more depth. Most special education teachers will take a minimum of two years of classes related just to special education. They will take these classes at a university and in the upper levels of undergraduate studies. It is unrealistic to expect parents to understand all of the aspects of special education when it is likely that they have had no formal training in the field. It is also unrealistic to expect that parents seek formal training in the field. Yet the parents still need to understand the field and their student's specific disability. The parents will need to be the advocates for their child. To be an effective advocate, the parents must understand what their rights and their student's rights are. They must understand their child's disability and what their child needs to be successful. They must understand what the school staff is talking
about at the meetings. Parents may not understand everything that is talked about at the meetings, but they need to understand enough so that they can ask educated questions and use the information that is presented to them to help the school determine what is best for the child.

It is important that the parents do not feel that the school has all the answers. It is important that the parents learn to question the school some of the time and speak up for what they believe is right for their child. Schools, for the most part, want what is best for their students with special needs. There are a few reasons why the school's decision may not be the best thing for the student. If school personnel are worried about the budget, they may offer the student an option that is less expensive than the option that would be best for them. However, most schools really do want what is best for the students and are not going to offer services based on cost. A less devious way that the school might not choose what is best for the child is if the information that the school has on the student is incomplete. Many children behave differently at home than they do at school. The parents need to share information about the child's behavior and activities at home with the school to help the school make the best decision possible. There may be something occurring in the home environment that is changing the student's behavior for the better or worse at school. The parents need to share information about the environment at home. Something in the home environment may help the student be successful. If the parents share that information with the school, the school may be able to offer a change
In the environment at school that will help the student be more successful at school as well. The parents should offer any information about the home environment that may affect the student's performance, even if the change in the environment is only temporary. For example, if one of the parents is going out of town for a period of time, the parents may offer this information to the school as it may affect the student's behavior. It is important that the parents see the school as a partner and not an adversary. The more the parents understand their child's special needs and special education, the more that the parents will be able to help the school to help their student succeed. The more the parents are involved, the stronger the relationship between the school and the parents will be and the better the student will be served.

It is important for parents to know their rights. It is important for schools and parents to work together to do what is best for the student. If all parents knew their rights, a few parents might abuse the system. Taking the chance of a few parents abusing the system to have more parents aware and able to help the school and their child is worth it. It may be more expensive for the schools if all the parents know their rights, but these are things that the students are entitled to by law. Why should one student be better served because his/her parents know their rights and another student disadvantaged because his/her parents don't know their rights? The government has guaranteed money to fund special education in this country. The federal government is paying a very small percentage of what they guaranteed many years ago. If the parents of these
students are involved and speak up, they can make the government listen and provide the money that was promised. The most important issue is that all students with special needs are given the service that they require to help them succeed. It is important that the services are provided and the playing field is made level so that these students can be successful in school and then become successful adults who positively contribute to the community they live in. It is for the good of society that the school serves these students and serves them well. The best way to insure that these students are served well is by empowering the parents with the knowledge that they need to help.
References


of students with disabilities receiving federal monies and the types of educational placements used. *Education,* 2(121), 287-297.


