

Special Education: What you need to know

Key considerations: Never request a student name or any other identifying information about a student when discussing these incidents to comply with student privacy laws.

If you hear...	What you need to do/know	Notes
Special Ed classes at your site will be closed and all students will be moved to General Ed	Contact your leadership. We want to make sure that: 1. IEPs aren't being changed unilaterally to accommodate the district (violates the IEP process) 2. District is still providing a full continuum of placements 3. Student needs are being considered and teachers' job descriptions aren't being changed without bargaining.	
Teachers can't suspend students with IEPs	Let teachers know that students with disabilities are subject to same suspension rules as non-disabled students. Removal from class constitutes a removal of services. After 10 consecutive days or a pattern of removal has been established, a student will need to have a manifestation determination.	
Students are creating an unsafe learning and working environment.	Let the teacher know that the IEP team must conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan. If a BIP already exists, the team MUST review the BIP and modify it as necessary to address the behavior. Talk to leadership if the district is preventing this from occurring.	<i>Exception:</i> If offense involves weapons, drugs, or infliction of serious bodily injury, district can remove student to Interim Alternative Educational Setting for up to 45 school days even if behavior was a manifestation of disability

Admin refuses or neglects to let staff know which students in their class has a history of assaultive behavior.	Under Ed Code 49079, school officials have to protect teachers by notifying them if any of their students have engaged in behaviors that qualify for suspension or expulsion, including assault. Inform leadership if this does not get resolved after talking with admin.	
Student physically threatens or attacks school staff.	Inform the teacher to report an attack, assault, or physical threat by student to law enforcement per Ed Code 44104. This does not mean the student will be charged, this creates formal documentation.	
A teacher gets injured by a student	Refer them to the CTA Primary Contact Staff person or president. They should file a workers comp claim.	
If student has caused serious bodily injury...	Let teacher know to request placement in interim alternative placement for up to 45 days File a grievance if CBA has safety provisions Request training for teachers and staff on how to address student's behavior Let association leadership know right away and document the incident	
Speech Language Pathologists are serving more than 55 on their caseload	Document and inform association leadership. The California Code of Regulations covers 55 average of district and SELPA for caseload. Caseload is even less when SLPs are serving students ages 3-5. Possible remedy: Compliance complaint- work with president and staff	
Resource Specialists or Specialists who work with students in general education the majority of	• CA Ed Code 56362 and 56362.1 give definition and description of caseload and is clear on 28. • Inform association leadership	

the day are serving more than 28 students on their caseload.	Possible remedies: compliance complaint or caseload waiver	
SDC teachers becoming the case carriers for RSP students, RSP teachers provide services still	Inform your president- this could be an Ed Code violation.	
RSP teachers at one site managing the caseloads of RSPs at another site	Inform your president- this could be an Ed Code violation.	
Admin not attending IEP meetings	A representative of the district must be present at the IEP meeting per CA EC 56341 (4)(a-c)	
Other personnel being asked to sign or participate as admin	A representative of the district as defined by CA EC 56341 (4)(a-c) must be present at the IEP meeting.	
Teachers not allowed to stay for whole meeting.	A member of the IEP team may be excused in from attending an IEP meeting, in whole, or in part, when the meeting involves a modification to or discussion of the members area of the curriculum or related services, of both of the following occur: 1. The parent, in writing, and the LEA consent to the excusal after conferring with the member 2. The member submits, in writing, to the parent and the IEP team input into the development of the IEP meeting prior to the meeting. Ultimately... a general education teacher has the right and responsibility to participate in the entire IEP meeting as appropriate per EC 56341 AND Section 1414(d)(1)(A)(i)(IV) of Title 20 of the United States Code	

IEP team meetings are falling outside of contract hours	1. Check your CBA for IEP meeting contract language 2. There is a legal obligation to attend the IEP team meeting. See Ed Code above for more details.	

