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How the Global Pandemic Can Inspire Us to Be Better Attorneys
and More

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INCLUSION: FULFILLING THE REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

By Margaret A. Jones, Esq.



DEI - DIVERSITY, EQUITY, AND INCLUSION

We have become more aware and sensitive to these terms in the last couple of years. Inclusion is a term I am familiar with. As an attorney who represents students with disabilities in education matters, I frequently advocate for the inclusion of students with disabilities in classrooms and school activities with their nondisabled peers. One of the basic tenants of the Individuals with Disabilities Education Improvement Act (commonly referred to as the IDEA) is for students with disabilities to be educated, to the maximum extent appropriate, with their nondisabled peers. Yet all too often students with disabilities are excluded from the classrooms and school activities, and sometimes are excluded from school altogether.

I read a recent article by the National Disability Rights Network called “Out from the Shadows” which highlighted the unauthorized practice that many public schools use to informally remove children with disabilities from school. These students are often sent home for an indefinite period, sometimes missing an entire semester of school, and receive little or no educational instruction. The article noted these “off the books” suspensions are immune from data reporting and policy reform efforts. I wish I could say this does not happen in Indiana’s public schools, but it does. Frequently, families will contact our office because their child with a disability has been removed from school and placed on some type of homebound services, often due to behavior related to their disability. It is devastating for the student who is missing educational and social instruction and for the families who must find childcare

and/or quit their jobs to be home with the student.

In enacting the IDEA, Congress found that disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. And yet, persons with disabilities often face barriers and encounter discrimination in employment and education. Congress also found that improving the educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency.

SO, GIVEN THIS FINDING, HOW DO WE ENSURE THAT CHILDREN WITH DISABILITIES SUCCEED IN SCHOOL AND ARE PREPARED FOR FURTHER EDUCATION AND EMPLOYMENT AND ARE FULLY INTEGRATED INTO THE COMMUNITY IN WHICH THEY LIVE?

One of the first steps is to provide sufficient support and training to teachers and school staff to understand the student's disabilities. The IDEA requires that school personnel have the necessary skills and knowledge to successfully serve children with disabilities. Indiana schools must provide preservice and in-service training to paraprofessionals to ensure they understand the specific special needs and characteristics of the student with whom the paraprofessional will be working. Yet many times teachers and paraprofessionals who work with the student do not have sufficient training to understand the student's disabilities or manage the student's behavior. When paraprofessionals attempt to implement behavioral interventions without the proper training it can exacerbate the student's behavior and result in discipline for the student and, even worse, injuries to the student and staff. The IDEA provides funding to schools for training purposes, and

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additional federal funding to support the IDEA's purposes was provided during the pandemic.

Another step is to improve communication between the school and the parent of the child with a disability. The IDEA encourages collaboration between the parent and the school. In-service and preservice training programs must include strategies for effectively involving parents in their child's education, with an emphasis on fostering positive relationships between

the parent and school. Indiana's special education rules contain a provision for parent counseling and training. Sometimes parents simply need to understand more about their child's disability and be given the opportunity to work directly with school personnel to understand what is happening at school. Parents can also share what is happening at home so behavioral strategies can be implemented in both environments. Unfortunately, many school districts refuse to allow parents to communicate with the

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paraprofessional who is working directly with the student and will not allow the paraprofessional to attend case conference committee meetings. These committee meetings, required by the IDEA, allow the parent and school to discuss the student's disability, how it impacts the student's education and behavior, and develop goals and strategies to address behaviors. Allowing the parent and school staff who work with the student to communicate is essential. Many disputes can be avoided with effective communication.

INCLUSION OF STUDENTS WITH DISABILITIES GOES FAR BEYOND THE CLASSROOM.

Another important question to ask is: How do we include persons with disabilities in our lives and in our communities? Not all of us have the knowledge or skill to step in and represent a child with a disability in an educational administrative due process proceeding or litigate an IDEA violation in federal court. However, we can all make a difference in the life of a child with a disability. One way to accomplish this is to get involved with activities and organizations that support persons with disabilities. If you are athletic, maybe you could decide to coach an integrated sports team, or volunteer with the Special Olympics

program in your community. If you are artistic, maybe you could use your time and talents to participate with organizations such as ArtMix, an organization that celebrates persons with disabilities using art as a medium of expression. If you love to read, maybe you could volunteer with the United Way of Central Indiana's Read Up program and tutor a student with a reading disability in your local elementary school.

MAYBE ONE OF THE MORE DIFFICULT QUESTIONS TO ASK OURSELVES IS: HOW DO WE CHANGE OUR VIEW OF PERSONS WITH DISABILITIES AND HELP OUR CHILDREN DO THE SAME?

I read an article written by an Indiana high school senior about Ableism. I do not hear that term often and it caught my attention. Ableism is discrimination and social prejudice against people with disabilities. The article, "Ableism from a Youth Perspective," highlighted the painful reality that students with disabilities are often viewed as inferior by other high school students, and that school staff foster this attitude by continually separating students with disabilities from their nondisabled peers. The article reminded me that society often sets low standards and expectations for people with disabilities. I shared the article with others. It was a good

reminder that most of us are biased in some way against persons with disabilities, and we need to take time to incorporate the principals of diversity, equity, and inclusion for all people in our society. ^{RC}

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FOOTNOTES:

1. 20 U.S.C. §1400 (c) (1)
2. 20 U.S.C. §1462(a)
3. 511 IAC 7-36-2(f)
4. 20 U.S.C. §1462(a)
5. 511 IAC 7-43-1(c)(8)