

Myth # 1

**Myth:** "Vaccines cause autism."

**Reality:** There is no scientific evidence that vaccines cause autism. The "study" has been withdrawn by its publisher. The author lost his medical license. The court cases have also concluded this is a myth.

**Authority:** *Cedillo v. Secretary of Health & Hum. Servs.*, 2010-5004 (Fed. Cir. Aug. 27, 2010).

Myth # 2

**Myth:** "It is impossible to discipline a special education kid."

**Reality:** You can discipline a child with an IEP; however, in certain cases you must provide additional protections. The law does not ban seclusion and restraint; however, it imposes restrictions and student protections.

**Authority:** Iowa Admin. Code r. 281—41.530; *id.* ch. 281—103.

Myth # 3

**Myth:** "Little Johnnie has Level 3 weighting. Therefore, Little Johnnie goes to the Level 3 classroom, where he takes 'Level 3 Math,' etc."

**Reality:** "Levels" 1, 2, and 3 are finance mechanisms, based on a child's need. They do not determine a child's programming or placement.

Basing a child's programming or placement based on a child's "level" or "weightedness" is illegal.

**Authority:** 20 U.S.C. § 1412(a)(4)(B); Iowa Admin. Code r. 281—41.907(9).

Myth # 4

**Myth:** "We don't do '504s' in this district."

**Reality:** Section 504 (29 U.S.C. § 794) applies to all of Iowa's school districts. There is no "opt in/opt out." You can't pick and choose which civil rights laws you want to obey.

**Authority:** U.S. Const. art VI, cl. 2.

Myth # 5

**Myth:** "The goal of the IEP team is to reach consensus."

**Reality:** The goal of the IEP team is to write an IEP.

**Authority:** Iowa Admin. Code rr. 281—41.321-.322; *Board of Educ. v. Rowley*, 458 U.S. 176 (1982).

### Myth # 6

**Myth:** "Evaluate? NO! We cannot evaluate this child yet! We are not quite finished with our AEA's interventions!"

**Reality:** A public agency shall seek parental consent to evaluate a child whenever the public agency suspects the child may be a child with a disability. This is true even if the public agency is still "doing interventions."

**Authority:** Iowa Admin. Code r. 281 – 41.111; *Letter to Anonymous*, 19 IDELR 498 (OSEP 1992).

### Myth #7

**Myth:** "The general classroom is the least restrictive environment (LRE)."

**Reality:** A child's LRE is the least restrictive setting where the child may receive a FAPE. If the child cannot receive a FAPE in the general classroom, the general classroom is not the child's LRE.

**Authority:** Iowa Admin. Code r. 281 – 41.114; *A.W. v. Northwest R-1 Sch. Dist.*, 813 F.2d 158 (8th Cir. 1987)

### Myth # 8

**Myth:** "Children with disabilities ("on IEPs") cannot go to the alternative school or the alternative program."

**Reality:** Excluding children solely because of disability violates civil rights laws. If a child with a disability requires access to the alternative setting to receive a FAPE, it must be provided. The double-dipping argument is based on faulty premises.

**Authority:** DE Guidance Document, citing authority

### Myth # 9

**Myth:** "We can use paraeducators to provide instruction."

**Reality:** Teachers teach. Paraeducators help teachers or other licensed professionals. Paraeducators do not teach.

**Authority:** Iowa Admin. Code r. 281 – 41.403

### Myth # 10

**Myth:** "You have to do a manifestation determination each time an eligible individual is suspended."

**Reality:** A manifestation determination is required only if a suspension, expulsion (or any other removal) results in a change in placement.

**Authority:** Iowa Admin. Code r. 281 – 41.530(5)

### Myth # 11

**Myth:** "FAPE stops at 3:30."

**Reality:** A free appropriate public education may include extracurricular activities. A public agency must take steps to offer children with disabilities an equal opportunity for participation in extracurricular activities. Required supports belong in the IEP.

**Authority:** Iowa Admin. Code rr. 281 – 41.107, 41.117, 41.320(1)(e)

### Myth # 12

**Myth:** "My doctor suggested a service in a report. The school has to provide it."

**Reality:** Decisions are made by teams, not individuals. The report is important, but not binding.

**Authority:** Iowa Admin. Code rr. 281 – 41.116 (placement), 41.306 (eligibility), 41.321 (IEPs), 41.405 (special health services)

### Myth # 13

**Myth:** "We can't tell the bus drivers about Little Tommy's behavior intervention plan. That's confidential!"

**Reality:** All services providers must know:

- Specific responsibilities related to implementing the child's IEP
- Specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP

All services providers must have access to the child's IEP.

**Authority:** Iowa Admin. Code r. 281 – 41.323(4)

### Myth # 14

**Myth:** "Special education is really for all children who need extra help with their learning."

**Reality:** Special education is for children who need help with learning because of a disability, and not solely for other reasons.

**Authority:** Iowa Code § 256B.2(1)(a)

### Myth # 15

**Myth:** "Special education means a parallel curriculum."

**Reality:** Special education is adapting content, methodology, or delivery so children with disabilities can "access the general curriculum."

**Authority:** 34 C.F.R. § 300.39

### Myth # 16

**Myth:** "The problem really is those move-ins from [insert location here]."

**Reality:** Those "move-ins" are your agency's kids now, and you are responsible for their education.

**Authority:** Iowa Admin. Code r. 281—41.51(12)

### Myth # 17

**Myth:** My child has a diagnosis of [insert condition here]. You must give her an IEP.

**Reality:** It is not enough to have a diagnosis. A child also must have a need for special education.

**Authority:** Iowa Admin. Code r. 281—41.8

### Myth # 18

**Myth:** "Data this. Data that.' Why do we have to worry about data? Shouldn't we be worrying about serving kids with disabilities?"

**Reality:** By examining your data, you can direct your activities and you can tell if you actually served a child.

**Authority:** Iowa Admin. Code rr. 281—41.211, 41.314

### Myth # 19

**Myth:** "We can use special education resources to roll out the Iowa Core Curriculum, because good core instruction would really help children with disabilities."

**Reality:** If an activity helps all children, such as "rolling out the Core," then one may not devote special education funds to that activity.

**Authority:** Iowa Code § 256B.9

### Myth # 20

**Myth:** "If my child has an IEP, I do not have to pay for anything."

**Reality:** Parents of children with disabilities are still responsible for "incidental fees" that are "part of the regular education program."

**Authority:** Iowa Admin. Code r. 281—41.39(3)

### Myth # 21

**Myth:** "Why shouldn't we expect an achievement gap for kids with disabilities?"

**Reality:** The law has nonnegotiable expectations, such as access and progress in the general curriculum.

**Authority:** 20 U.S.C. § 1401(c)(4)

### Myth # 22

**Myth:** "No way! I can't teach ALL of these children because all children learn differently."

**Reality:** There are certain rules that apply to all children.

**Authority:** Heward, *Ten Faulty Notions...*, 36 J. SPEC. EDUC. 186 (2003)

### Myth # 23

**Myth:** "Senior Year Plus programs are not for children with disabilities."

**Reality:** There are three things to consider: (1) alternative means of demonstrating proficiency, (2) access to program options, and (3) FAPE is always required.

**Authority:** Iowa Code § 261E.3, Iowa Admin. Code r. 281—41.110

### Myth # 24

**Myth:** "Response to Intervention (RTI) is special education."

**Reality:** RTI is effective education. RTI is not limited to special education.

**Authority:** 34 C.F.R. § 300.307; see also federal guidance at <http://www2.ed.gov/programs/titleiparta/rti.html>

### Myth # 25

**Myth:** "We really don't know what to do about racially disproportionate placement in special education."

**Reality:** We know what to do. We just don't do it.

- Universal screening
- Early intervention

**Authority:** NATIONAL RESEARCH COUNCIL, MINORITY STUDENTS IN SPECIAL AND GIFTED EDUCATION (Suzanne Donovan & Christopher T. Cross, eds. 2002)

### Myth # 26

**Myth:** "The special educator's most important task is to give students self-esteem."

**Reality:** The special educator's most important task is to give students a FAPE.

**Authority:** Heward, *Ten Faulty Notions...*, 36 J. SPEC. EDUC. 186 (2003)

### Myth # 27

**Myth:** "We don't do general education interventions anymore."

**Reality:** General education interventions are still part of Iowa's rules, but they now provide that general education is primarily responsible for general education interventions.

**Authority:** Iowa Admin. Code rr. 281 – 41.111, 41.312

### Myth # 28

**Myth:** "I won't give a kid with an IEP any grade higher than a 'C+' because that just wouldn't be fair."

**Reality:** Modified course expectations and content? Modified grade okay. Accommodations? Modified grade not okay. Blanket rule on grading kids with IEPs? Intentional disability discrimination

**Authority:** 29 U.S.C. § 794

### Myth # 29

**Myth:** "Oh, no! We won't pay for that. That is just way too expensive."

**Reality:** Yes, you will, if it is "that" is required to provide a FAPE.

**Authority:** 20 U.S.C. § 1401(9)

### Myth # 30

**Myth:** "All this compliance [garbage] is getting in the way of improving student performance."

**Reality:** Compliance is the road to improved performance. Each compliance "issue" has a demonstrable link to achievement.

**Authority:** 20 U.S.C. § 1415(f)(3)(E)(ii)