

Foreword

In the 1980s, I served as educational director at a residential independent school for students with learning disorders. Early one September afternoon, I received a telephone message from a young teacher who resigned from our program to take a job at a local public school as an elementary school teacher.

Her message stated that although she had been in her new position for only a few days, the teacher recognized that she had two students in her class who would benefit from our specialized (and very expensive!) curriculum. The teacher was meeting with the parents the next day and wanted me to know that she would be referring them to me. Fortunately, I was able to contact the teacher and dissuade her from her plan before she committed the act of professional suicide.

The young, well-intentioned teacher had no understanding of the legal implications of her actions. She had little appreciation of the fact that even as a young, fledgling teacher she *spoke for the school system* and her recommendation would have committed her school to paying for the costs of the services that we provided as an “outside agency.”

It was then that I realized that most teachers have little understanding of (or appreciation for) the complex laws and regulations that impact special education teachers. This situation has improved a bit in recent years due to the legal courses offered in university teacher training programs, but I continue to observe that many building-level educators find “legalities” an inconvenient and bothersome obstacle.

On the contrary, these legislative regulations and mandates form the template for 21st century special education.

Enter Allan Osborne and Charlie Russo.

In the latest edition of *Special Education and the Law: A Guide for Practitioners*, Drs. Osborne and Russo provide teachers and administrators with an updated and understandable guide to the intricate and often perplexing laws that regulate our field today. Their impeccable research and user-friendly writing style make this book a must for administrators’ and teachers’ professional bookshelves.

It is important for practitioners to recognize that the legal mandates and requirements—although troublesome and time-consuming—are designed to protect and defend the special needs students that we serve daily in the classroom.

Prior to 1975, these students had no specific rights or safeguards. Their services were delivered at the whim of each municipality, and programs for special needs students were tantamount to holding patterns where these students were occupied with haphazard and objective-less curricula. Further, resources intended for these programs were often used as “spare parts” for the regular education programs. . . . If the science department needed more furniture, equipment, or funds, it was simply taken from the special education program. Special needs teachers had no guidance or accountability and parents had no rights or due process. The authors of the 1975 legislation referred to a “papier-mâché” mentality in special education where teachers were expected to keep their students busy, happy . . . and invisible.

The laws outlined in this invaluable book have changed all that. These students, their families, and their teachers have specific, enforceable rights to receive a “free appropriate public education” that enables the students to reach their fullest potential and become contributing members of our society. In the words of President Barack Obama on signing the Every Student Succeeds Act, “we reaffirm that fundamentally American ideal that every child, regardless of race, income, background, or the ZIP code where they live, deserves the chance to make out of their lives what they will.”

From a practical, day-to-day viewpoint, I will grant that these regulations create an additional layer of paperwork, meetings, and requirements that can occupy a troubling percentage of a teacher's time and energy. But if teachers come to truly understand the nature, history, and nuances of these laws, they can become more effective and impactful advocates for their students and their families.

Again, the laws were not created to be an obstacle to service delivery in special education. Rather, they were designed to serve as a vehicle to outline, protect, and preserve the rights of these students.

The pioneers in our field fought long and hard to establish these rights. As 21st century special educators, it is our responsibility to understand and utilize these laws to level the playing field for students whose abilities are compromised through no fault or choice of their own.

Dr. Osborne and Dr. Russo provide the information that enables administrators and teachers to view education legislation as an opportunity . . . and not an obstacle.

—Richard D. Lavoie, MA, MEd
Consultant and author of *It's So Much Work to Be Your Friend: Helping the Child With Learning Disabilities Find Social Success*

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