

Re: What to do when students resist accommodations

Date written: 06/19/07

Date approved by USD 320 BOE: 07/09/07

In *Garcia v. Board of Educ. Of Albuquerque Pub. Schs.*, 46 IDELR 14 (D.N.M. 2006), a parent claimed the district discriminated against the student, who was African-American and Hispanic and had a specific learning disability, on the basis of race and disability, in violation of the IDEA, Section 504, and the ADA. The federal District Court found the 17-year-old's failure to attend classes or show any interest in her education was the reason she did not succeed academically, not the district's alleged discrimination or failure to provide a *Wilson Reading System* program.

- If a student is not progressing appropriately, isn't attending school, or is failing the district should show good-faith efforts to get them back on track.
- It is important to consistently and clearly communicate with parents and to document everything you've done in terms of accommodations.
- If the student is failing, examine the accommodations and if necessary adjust them accordingly.
- If the student in the case listed above had a different disability, such as emotional disturbance, then the student's disability could have been linked to {his} failure to attend school, and the district would have been responsible for addressing that.
- Caution also needs to be considered in instances where the parent claims "learned helplessness" was the reason for the student's failure. This could imply that the student was not getting the proper services, became frustrated with school, and gave up.

Even the best educational planning won't have a successful outcome if a student refuses to take advantage of opportunities our districts/Cooperative provide. Pro-active school districts and staff are not responsible when a student won't take part in educational opportunities. Schools are required to provide the opportunity-it's up to the student to take advantage of it.

Establishing pro-active standards and documenting everything and every effort to help students be successful in school rests in a concentrated team effort with the will and determination to say, No Child Will Be Left Behind.

Source: 2006 LRP Publications, Nov. 2006