



The Think Inclusive Podcast

Season 7, Episode 8

Amy Langerman, Amanda Selogie & Vickie Brett | LRE

Tim Villegas (00:05):

Hey, y'all. Welcome to the Think Inclusive Podcast. I'm your host, Tim Villegas. If you aren't familiar with who we are, our main goal is to build a bridge between parents, educators, and people with disabilities to advocate for inclusive education. We do this by publishing articles on Think Inclusive by disabled writers, parents of children with disabilities, and educators who are "all in" for inclusion. We're a big group and we are only getting bigger. This podcast is an extension of what we try to do every day on the website and in a surprising plot twist...this will be the last episode of season seven. So, let me explain. The last time we talked, it was June 2020, and humanity was smack dab in the middle of a worldwide pandemic. We didn't know if students or educators were going to be let into school buildings, or if there even was going to be a 20-21 school year.

Tim Villegas (01:10):

Well, a funny thing happened while the world was falling apart. I got a new job. "In this job market," you gasp?! I was shocked as well. The Maryland Coalition for Inclusive Education has hired me to be their Director of Communications, which means that for one, producing this podcast is going to be part of my job. And not only that but Think Inclusive is now MCIE's official blog. I just want to pause and savor this moment because if it wasn't for all of you listening and sharing the podcast with your friends, family, and colleagues, I don't think we would be here today. So thank you. Now, what does this mean for you as the listener and the future of the podcast? Well, honestly you won't notice much of a difference except that the podcast is going to be laser-focused on inclusive education and that MCIE will be mentioned quite a bit more frequently, which brings me to something else I wanted to share.

Tim Villegas (02:26):

I had to make the tough decision to not publish a few interviews that were scheduled to be produced. So for Lisa Drennan, Kyle and Brent Pease, Michelle Tetschner and Nancy Tarshis, my sincerest apologies. In order for us to get rolling on the new season and editorial calendar for Think Inclusive and MCIE, some things had to get cut, but for those of you who are interested in hearing the complete unedited interviews of everyone I just mentioned and get access to the whole archive of unedited interviews, there is an easy fix: become a patron. Go to patreon.com/thinkinclusivpodcast and check out the one, five and \$10 a month tiers. Okay. That's enough of the commercial. In the next season, I will get you some additional information about how it will all work. So today I'm very excited about the interviews that we have. Um, first we have Amy Langerman, a special education attorney and advocate in California and Arizona.

Tim Villegas (03:43):

And we discussed the difficulty of some parents that, um, are seeking the least restrictive environment for their child and how services are delivered in both of those states. Next up, we have Amanda Selogie and Vickie Brett from the Inclusive Education Project, which has a fantastic podcast, if you don't already know about them. And we also discuss LRE and strategies that you can take to help advocate for

inclusive education, wherever you are on your inclusion journey. Okay, y'all ready? After a short break, my interview with Amy Langerman as well as Amanda Selogie and Vickie Brett of the Inclusive Education Project. Thanks for listening.

Tim Villegas (04:57):

Why don't you tell me a little bit about yourself and how you came into special education law?

Amy Langerman (05:05):

Well, you know, none of us who went to law school, I think actually started out back in the day, thinking I'm going to be a special education lawyer, but like many who end up in this profession, we get there with the diagnosis because we all ended up in a doctor's office one day, where a doctor looking at you and giving you a doom and gloom diagnosis. And the one who did that to me is one I affectionately refer to as doctor doom and gloom, because back in 1995, she told me that my then two year old would end up in a group home on social security would never have a job, not get married. And that my three month old baby would probably be benefited if I had another child so that he would have a sibling.

Amy Langerman (05:52):

Um, and this is actually what they told me. And I walked out of there in a days and, uh, went and had a last weekend and then woke up the following Monday and decided to become the world's leading expert on my kid. And in the process learned quite a bit about autism and, uh, learned about special education and had to file due process five times against my son's, uh, three different school districts along the way in order to get the free and appropriate public education to which he was entitled. So that's how I, uh, got into it. And when I decided I no longer wanted to be a trial lawyer and I wanted to have a more peaceful existence. So I decided I would work with children full time. And that's what I do in two different States. In California, I'm a consultant because I'm not licensed as a lawyer here. And I go to IEP meetings and help plan for educational outcomes. And in Arizona, I still go back and handle due process litigation when advocates and social workers and people who do consulting or are unable to get a SAPE at an IEP table.

Tim Villegas (07:01):

Do you see a big difference between Arizona and California and how they deliver services? And then also, um, just the differences in how they interpret the law?

Amy Langerman (07:13):

Absolutely. It could just be that California is candidly ahead of the game, uh, in terms of where it is. It's why I moved to California because they were 10, 15 years ahead of where Arizona was. And I needed a better school for my son with autism, uh, because what we were getting down in Arizona required him to go to a private school and be segregated because the public school system was, uh, simply unable to, uh, individualize a program. And what they saw was autism, therefore he should go to what, in those days we called an MR program. Um, it was a self contained class where there were low expectations, even though he was by then several years above grade level, it was undisputed that he would do better in a smaller class. And therefore this is the smaller class we have. You will go here.

Amy Langerman (08:10):

Um, if we had better inclusive education, he would have stayed in inclusion where he started. Um, but we didn't have the support for that in Arizona, in California. What happened about, I don't know, five or eight years ago, is there was a huge audit of one of the largest school districts in all of California, San Diego Unified. And they were found to be segregating students. And they in one year pretty much

abolished most of their self contained classes and said, “we’re going to be an inclusion model.” They don’t do it well. But following that, um, audit a lot of other school districts realized: this is what the law requires, this is where we’re going to need to go, we better figure it out. And some schools invested in supports the school district where I consult for the majority of my time has two full time inclusion specialists.

Amy Langerman (09:08):

Each of them have an assistant. They have a person who adapts curriculum, and then they have a TOSA, a teacher on special assignment who is district wide supporting inclusion. And so when you need to get those supports, they exist because inclusion cannot be successful without support. And we see more and more school districts in California going this way and eventually providing the supports and the training and the services that are needed in Arizona. Uh, LRE is a dirty word. Uh, when you ask for it, they tell, you know, they have all sorts of reasons why none of which are legally sustainable. Um, they never first consider an inclusive placement and determine whether or not it might work. They just offer you a segregated classroom. And we have had to fight and fight and fight to get inclusive placements. And even then, because the districts just don’t like it, um, they don’t support it.

Amy Langerman (10:15):

And it’s hard to impose that on a general education teacher without getting them the training and the support. So in Arizona, they have vouchers, um, where you can get your special education money and leave public education. And many of us who support parents and students with disabilities in Arizona will recommend: just take the voucher and go get a private school and take your money and fund your own education. And it’s tragic because if you really want an inclusive placement, you should be at your neighborhood school. But if your neighborhood school won’t want you, it makes it difficult for you to be there. Um, it’s pretty sad that you have to either go find a charter school or take the voucher and run. So I do see a significant difference principally, uh, as it relates to LRE, because that’s something that I’m now training on nationally, and that I support for many, many students, particularly those with intellectual disabilities.

Tim Villegas (11:12):

Hmm. Um, so in Arizona, uh, do you, do you see any trends toward moving toward a more inclusive system or is it going to take something like a larger legal action, um, for, for, for that state to change?

Amy Langerman (11:33):

Well, uh, there, there is no such thing as a larger legal action. If you’re thinking of something like a class action or something like that, it turns out, uh, under the IDEA, the Individual Disabilities Education Act, that’s next to impossible because the, I means individual. And so they’re looking at individual needs and individual rights. And so trying to say, you’re doing this to everybody, um, is hard, uh, to make as a legal argument. But that being said, there are all sorts of problems with the Arizona education system. The teachers went on, they don’t call it a strike, but, um, they were picketing. They have an organization, they’re not getting paid adequately. Uh, and I think that what has to happen is the entire education system Arizona has to implode, and then it will change. Um, what happens instead is, you know, every time that something starts to explode in the Arizona educational system, five new charter schools open up, um, because Arizona has significant numbers of charter schools.

Amy Langerman (12:39):

And, uh, so, you know, that makes it harder to support, uh, public education when the way to support it is, um, to all work together instead of to separate and, and diversify into how many different charter

schools. So I'd like to say that things will change, but, uh, and I'm really trying hard. I'm doing quite a number of preschool LRE cases. Um, so starting at the beginning, when the child comes in at three and the district's first and only offer is a segregated school. At that point in time, the student is not legally mandated to go to school cause they're under six. And what we do is the student's parents privately enrolled the student in a private general education preschool. And we file due process arguing that the district failed to even consider an inclusive setting. And in fact, they can't because they don't have one and you'll be at an IEP meeting, I'll be listening to these tapes and they'll say things like, well, we can only offer you what we have, and this is our program.

Amy Langerman (13:53):

And so this is our offer and it turns out that has been clearly an unequivocally, uh, outlawed, um, by OSEP that they can't do that. Even if they don't have one, they can still offer the continuum by finding schools in the community, religiously based schools, Montessori schools, uh, headstart schools that are general education schools. And so I've had, I don't know, six, seven, eight of those in the last three years and of recent vintage, all of them settled, not a single one gets tried. They have no defense. And because they have no defense, I'm able as part of the settlement to require district wide training as part of the settlement that they have to train everyone on the legal requirement to offer preschool LRE. And then I also require them to have training and support and services by kindergarten. So that they have an inclusion program so that when this child is done with preschool and is coming back to his or her homeschool, there is an inclusion school there that they have to place the student in an inclusion placement with support and training.

Amy Langerman (15:05):

So, you know, one student at a time, one district at a time I'm trying to at least educate. Um, but until they have a long standing history and can see the dramatic changes that are made, when you have kids with, particularly with intellectual disabilities, who are in inclusive placements, the kind of independence we're seeing, the kind of, um, abilities we're seeing that you don't see when they're segregated and protected and we're protecting the environment from them and they never learn how to navigate in a world that's going to be a challenge for them in the real world. They're not going to understand a lot of what's going around them because they have intellectual disabilities. So by putting them in that world from day one and teaching them to use their strengths, to offset their weaknesses, they have 18 years of, of time to learn how to survive and be successful in that environment. And we're seeing much better outcomes. And the research supports that. So, you know, I hope someday Arizona will, will go that route, but it's been a hard struggle to get them to consider it.

Tim Villegas (16:15):

Do you see this as a, as a viable strategy for, for parents and families in other states who are having this problem with trying to get their, their child included in preschool?

Amy Langerman (16:30):

Yeah. It's not just preschool, it's all over the place. Uh, first grade, kindergarten, middle school, whatever the case may be, particularly high school. It's like, oh my goodness. Um, you know, how are they going to be successful? Or, you know, it's calculus and it's geometry and an integrated math one. There's no way that we could possibly include these children in such classes. And I actually had a program manager say to me at one point years ago now, you know, in middle school they do plate tectonics. And how meaningful will plate tectonics be for building a fake name, but you get the point. And literally that was her argument. She was like, "this won't be meaningful to him because it's over his head. So we ought to put him in a class where we can dumb it down and lower the expectation and give

them something, you know, more palatable, like counting to 10 and playing barnyard bingo.” And so when she said that to me, you know, how meaningful would plate tectonics be? And I looked her straight in the eye without missing a beat. And I said, “well, how meaningful was it for you?”

Amy Langerman (17:36):

And she looked at me with this quizzical look, cause she, you know, I’m being impertinent. Right. And, and you know, I’m 61 years old. So an old lady being impertinent that’s, you know, and, and I looked at her and I said, “you know, the reason I ask that is, I’m not just trying to be, you know, smart aleck-y here, but I had to take plate tectonics when I was a kid. And I’m, you know, in my fifties or sixties or whatever, however old I was. And I gotta be honest with you, until today, I’ve never mentioned those words, my entire educational lifetime or professional lifetime. So however meaningful it was for you or for me, I find it to be a useless curriculum, but the state mandates it. So I think that Billy should have the same opportunity to participate in the same, useless curriculum that everyone else gets to participate in.”

Amy Langerman (18:23):

You asked me, what’s the strategy for the parent, the only way for the parent to overcome any of this is through due process. So, you know, imagine what that looks like is you have a dispute with your school district and they want to put your child in a self contained class or he’s already in a self contained class and you want them in a more inclusive class and they say, “no.” And so you want to file and you go ahead and you file. And the problem is your child is in their control and they control the data and the evidence. And so they can make it say whatever they want. And the teachers will always come in and say, “Oh, he’s doing horribly. He makes no progress. It isn’t meaningful for him,” whatever the case may be, because it’s not that they’re necessarily lying to, to sell the party line, but in their mind, the general education teacher’s mind, progress is measured the way it is for the non-disabled children.

Tim Villegas (19:27):

Fantastic. Um, thanks for being on the podcast, Vickie and Amanda, um.

Vickie Brett (19:33):

Thanks for having us!

Tim Villegas (19:35):

Oh yeah, absolutely. Uh, been looking forward to this conversation for a long, long time. Uh, would you mind that, you know, you’re going to have to fight it out on who gets to introduce who you are, but could you, could you, one of you, uh, let our listeners know who you are and, you know, what IEP California is?

Amanda Selogie (19:58):

Sure. So, this is Amanda, I’ll go ahead and start with a little bit of my background. I, uh, in college, I was a child development major, kind of going back and forth, trying to figure out my path in life and what I wanted to do. Uh, you know, initially thinking I was going to go into CP and special education, and I had the wonderful benefit of working at a full inclusion charter school, uh, inside of California, called Chime Charter, where 20% of the population was children on IEP’s or had special needs and fully included into the general education population. And it was one of those schools, still is, that is a one in a million, amazing work that they do to really ensure that inclusive education practices, um, happens on a day to day basis. And I fell in love with the students that I worked with.

Amanda Selogie (20:48):

I really found how wonderful the inclusivity of the school helped all of the kids. And while I kind of realized the roadblocks that teachers face going into this field, my aunt's a special ed teacher. So I saw it firsthand from her as well. Um, I realized that it may not have been my, my path. I was, I was afraid that I wouldn't be able to speak out and stand up for the kids as much as I wanted. So it kind of led me to law school in a way that, um, you know, I heard about families having to get attorneys and, um, never thought I would be an attorney, but really just, it kind of made sense to me that this is, this is what I was, I was supposed to do. It interconnected, um, the advocacy work I wanted to do and, and really working on hands on with these families.

Amanda Selogie (21:36):

So, I went to law school specifically to do this area of law and met Vickie.

Vickie Brett (21:41):

Yeah. And, um, uh, it was a year ahead of Amanda in law school. And, um, we actually met, uh, abroad studying, um, studying abroad in Spain and I needed a couple more units and she's like, "Hey, I'm doing this special education clinic" and our, um, law school at the time, um, was one of the very few that had a special education clinic. And so, um, I enrolled in the class very quickly, got pulled out of her class to go to, so that was the Los Angeles, um, section. And I got pulled to the Orange County section cause they speak Spanish. Um, so we didn't even get ended up getting that class, but we kept in touch. Um, I went off and worked at a small boutique law firm that did a little bit of special education and then family law and personal injury.

Vickie Brett (22:28):

Um, and then once Amanda graduated, we'd get together every, um, every so often. And we'd talk about our cases and how, um, we just felt really great after leaving each other. Um, and uh, after about her being an attorney for two years and me almost being an attorney for three, uh, we just decided to take the plunge and create our nonprofit, um, as well as, um, a law firm, a private law firm. But now with the Inclusive Education Project, we found just such a bigger medium to reach out to people. So we actually have a podcast, uh, the Inclusive Education Project Podcast, and, um, you know, we can talk forever, right, we're attorneys. And, and part of the, the thing that we came across with our families was that, uh, this just, it was so limited, their resources, right? They didn't even know other families were affected in the same way they were.

Vickie Brett (23:27):

So part of the reason for the podcast was just to record ourselves and put it out there. Um, and as it's grown, um, this will be our third year that we're going into, um, we're just noticing that it's doing something so much bigger and just like Think Inclusive, it's getting it out there, the awareness, um, and creating, understanding so that people don't segregate or identify and put a label on people. So our nonprofit has become even more than just the advocacy that we do on an individual basis for our clients. It's really becoming a movement.

Tim Villegas (24:03):

For Think Inclusive, um, we get a lot of questions, via email about specific situations, and it's, it's always difficult to answer a question about a specific situation where you don't have the whole context. Um, and, and so just in general terms, um, you know, uh, we want the least restrictive environment for a student and in the law, uh, the law provides, um, specific alternate placements as a continuum, a continuum of placements. So, so when you look at, when you look at LRE, the, the law assumes that at

least some kids will be served in another placement. So I'm wondering how you navigate that discussion with the family and with the district in a collaborative way, like when you were talking about.

Amanda Selogie (25:03):

So that discussion about LRE, I find is one of the biggest mistakes that IEP team can have. Um, I'd say nine times out of 10, when I'm at an IEP meeting, this conversation is glossed over. Um, maybe they mentioned the part in the document where it discusses it, but the law requires a true discussion, meaning multiple people providing opinions and discussing the ins and outs of the options, not just one person making a recommendation and everybody else taking it at face value that that's just what's going to happen. Um, so, you know, we often say the, the most important part of an initial IEP is that discussion of placement because where you start from the initial IEP often is where you're going to be for awhile. Um, once a child is placed in a segregated special day class or home instruction or residential placement, it's more difficult to come back to a less restrictive environment.

Amanda Selogie (26:10):

So that very first discussion is, is one of, of high importance that I don't think many IEP teams often, um, really illuminates that important. So when we're in an IEP meeting, but say for an initial, um, one of the first things that we recommend is having the Dean. So everybody kind of discuss their thoughts. Now, the law requires you to very first talk about general education, not jump to a special day class discussion or what not. The law really requires the team to say, okay, we've established goals. We've established, present levels, we've established accommodations and supports that we believe the student needs to accomplish these goals. The next step should be how can, if we can, provide these supports and accomplish these goals within a general education setting and the team rooms should be diving really deep in this conversation, if there is a goal on math, um, if there is a goal on cutting, if there is an articulation goal, the conversation needs to stem: can this goal, can this accommodation, be provided in a gen ed class.

Amanda Selogie (27:22):

More often than not that question is never asked. Um, a lot of times schools will say, okay, we talked about all these goals and we talked about this accommodation. We have this special day class that has all of this already embedded in it. So it sounds great. So a lot of families hear that and think "wonderful", right? They don't question it because they think, "You're telling me my child needs this support, I kind of agree that they need the support." You're saying this classroom has it, great, but what's missing is that conversation of just because it's embedded in this segregated classroom doesn't mean it can't be provided in the gen ed classroom and more often than not the answer to the question of, "can it be put in the gen ed class?" Is yes.

Tim Villegas (28:07):

I really like how you, I really liked how you laid that out. Um, and I completely agree that the placement discussion often gets glossed over. And I find that especially towards, um, later in the school career of a student. So by the time you're in middle school and the student is already in a special day class or self-contained special education class, um, you know, for students with intellectual disabilities, when you get to placement, everyone's like, "all right, so we're good." Right? Like we don't have that robust discussion again.

Amanda Selogie (28:49):

Right.

Tim Villegas (28:52):

Um, um, what are some strategies for, for those families who maybe, you know, had not advocated for their child at the beginning, um, but now are coming later, uh, in later years, but still wanted, how, how would they advocate for inclusion?

Vickie Brett (29:12):

I think you start with the inclusion, the child already gets, I think this is something else that's also glossed over. So let's say that the child, um, there's, um, I'll start with elementary. I really liked your hypothetical, but I had this while Amanda was talking and I just want her to be sure that I share it. Um, and so, um, you say, "Hey, I really think my kid needs to be included more."

Vickie Brett (29:38):

"Well, um, they are, they are at recess, um, and art and music. Um, Oh yeah, art got cut. So it's just music, um, and assemblies." Okay. So then I think you need to start asking more questions because at recess, what ends up happening is a lot of the sped kids are led out to recess and then they all hang out with each other. So what are you doing to actually include the child with other children?

Vickie Brett (30:02):

Do they have somebody that's prompting them to socialize? You know, I think you start with that, right? And then you really get a sense of how is this team. Cause if the team's already doing that, then you're, you already got a great foundation to say, you know, "one of Bobby's strengths is reading. Um, and I think that maybe at least for the first 20 minutes that a class is talking about reading, um, where they're reading a story, maybe you should be pushed into that classroom. Right. And, and because you guys already do a great job on the recess, you know, blah, blah, blah." Most of the time, that's not going to happen, right. They're not including them in recess. They're not really doing stuff and you have to force it. I think along that line, if they're receptive to it, then, you know, you have a team that's going to be receptive to push in for, for classroom instruction, again, using the child's strength.

Vickie Brett (30:50):

Right. Um, and if you get it to where I think most of the teams are where they're not going to be receptive, um, then, then you say, okay, well, how are we going to make this happen? Right. And you're just very consistent and persistent in making it known that my child is entitled to be in the least restrictive environment and recess when you guys aren't even doing what you're supposed to in, including them in an appropriate way, um, is not good enough. Um, the assemblies are not good enough. Um, and I think that, that's how, I guess, from my perspective as how a client can build that case, cause it might get to a point where you need us. We hope you don't. But most of the time, if you come from that, like inquisitive: "How can we make this happen? How can we do this together?" You know, they're not waking up and saying, "I don't want to include this kid." They just don't know how, right. And so if we start questioning and everybody is together and they can talk about it and it can be collaborative, we see a lot more progress that way in pushing the child into being included and including that general education teacher do not excuse that person. Um, cause you're going to find that the child is probably like a lot of the other sixth graders, right? And then that helps you include your child more.

Tim Villegas (32:14):

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Children (33:38):

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