

**GEORGE MASON UNIVERSITY  
COLLEGE OF EDUCATION & HUMAN DEVELOPMENT  
EDUCATION LEADERSHIP PROGRAM  
EDLE 612, Section 601, Fall 2010  
EDUCATION LAW**

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**Schedule Information**

**Location:** GMU Loudoun Campus, L1 Room 220  
21641 Ridgetop Circle, Sterling, Virginia 20166

**Meeting Times:** Mondays, 4:30 – 7:10 pm; 9/13/10-12/13/10

**Course Description EDLE 612 Education Law**

Catalog description: Provides legal foundations of U.S. public schools. Examines general principles of statutory and case law and applies judicial decisions to educational environments. Focuses on legal responsibilities, constraints, and opportunities of public school officials. Includes a component of Special Education Law.

**Nature of Course Delivery**

A variety of instructional methods are used in this course including: large-and small-group instruction, cooperative learning activities, Internet assignments, lectures, guest practitioner presentations (if possible), individual presentations, case studies, role-play, and written and verbal assignments.

**National Standards and Virginia Competencies**

The course addresses VADOE Competencies, ISLLC Standards, and ELCC (NCATE) Standards dealing with the legal, ethical, and political context of education. Specific ELCC Standards addressed include: 5.1, 5.2, 5.3, 6.1, 6.2, and 6.3. Virginia competencies include: c(6) Legal issues and e(1) Philosophy of education that reflects honesty, fairness, caring, and equity. In addition to these competencies, candidates will develop an explicit understanding of Virginia's "Child Abuse and Neglect Recognition and Intervention Act (Code of Virginia 22.1-98). Such understanding will include:

1. Recognizing child abuse and neglect
2. Reporting child abuse and neglect
3. Intervention following a child protective services investigation

**General Goals**

*Content:* Legal problems with students, parents, and community organizations are increasing in number and complexity and official reactions and solutions to these problems are likely to be subjected to judicial review. A wrong step can land the school administrator into court—with the accompanying expense, notoriety and always embarrassment. Litigation cannot be avoided entirely, but school systems, administrators and teachers can minimize it and increase their chances of success in suits that are filed by knowing the law, anticipating problems and taking

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precautionary steps. The body of school law, both statutory and case has increased by leaps and bounds in the last decade. Colleges and universities preparing prospective teachers and administrators have offered courses in school law. Some state legislatures and state boards of education have prescribed training in school law as one of the prerequisites for certification.

*Teaching and Learning:*

1. Discussion is an important part of this course. All candidates are expected to make multiple, thoughtful contributions to each class discussion, based on careful reading of the text and consideration of what classmates have previously said.
2. Writing is an important activity for many roles within schools. Therefore, the process of writing will be emphasized so that candidates will achieve the following objectives:
  - develop greater confidence in their ability to write expository, analytical, and persuasive prose;
  - learn how to review their own work and the work of others to eliminate errors and maximize clarity; and
  - produce written products immune to criticism from a skeptical public.

All written work is expected to be submitted on time as indicated below. All written work must be edited carefully before being submitted so that candidates are turning in their best work.

*Classroom Climate:* A positive climate depends on cooperation among all students and with the instructor. Candidates need to work together to ensure that everyone has the confidence to participate honestly and energetically. Every candidate is expected to:

1. be fully prepared for each class session;
2. be attentive to others and respond thoughtfully and respectfully;
3. work toward a common purpose;
4. persevere through the common challenge of understanding education law; and
5. affirm one another's successes and help one another overcome weaknesses.

**Course Objectives**

This course serves as the foundation for understanding the legal process related to education in the Master's sequence in Education Leadership. All of the program goals are active, to a greater or lesser degree, in this course. Students taking this course will:

1. Engage in reflective practice with regard to education law (internship-related assignments);
2. Strengthen and improve their communication skills through class discussion and paper writing
3. Understand the legal implications and responsibilities associated with cultural, economic, and learning diversity;
4. Reflect on the ethical implications of applying education law to everyday situations in schools and school divisions; and
5. Learn how to use the Internet to obtain legal information.

**Student Outcomes**

The outcomes below are related to both suggested and required performances. All instructors are required to include the following two performances:

1. Legal Issue Analysis
2. Special Education Case Study Analysis

Students will focus on major legal and ethical issues in education. At the end of this course, successful students will be able to:

1. verbally demonstrate an informed perspective on major topics in education law;

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2. analyze a case study involving the identification, placement and provision of programs and services for a student who is eligible pursuant to special education provisions;
3. analyze key educational law issues in a manner which reveals comprehension of political, social, ethical, and legal influences, specifically the principles, laws, policies, cases & regulations that are applicable in education; and

### **Relationship of Course Goals to Program Goals**

This course will enable students to develop knowledge, skills and dispositions that will prepare them to create and maintain learning environments that value diversity, continual knowledge acquisition, instructional leadership, innovative and ethical decision-making, reflective practice, and successful achievement of all school-aged youth.

### **Relationship of Course to Internship**

Although the internship is a separate course, the Education Leadership program has integrated “embedded experiences” into course work. This means that some of the work for this class is related to your internship. You may write about embedded experiences in your internship journal and Collective Record, but they can only count over and above the minimum 320 hours required for the internship.

### **Course Materials - Readings**

Textbook: Alexander, K., & Alexander, M. D. (2009). *American Public School Law* (7th edition). Belmont, CA: Thomson West.  
The required text is available in the GMU Bookstore in the Johnson Center.

Virginia Code: <http://legis.state.va.us/Laws/CodeofVa.htm>  
United States Code: <http://uscode.house.gov/search/criteria.shtml>  
US Dept of Education: <http://www.ed.gov/index.jhtml>  
George Mason University Library/LexisNexis Academic: <http://library.gmu.edu/>

### **Classroom Materials**

In order to successfully complete required assignments, students must have access to a personal computer with internet access, be able to use basic word processing and e-mail, and access appropriate websites (see recommended websites) for supplemental materials. **Correspondence by e-mail will use your Mason e-mail account.**

### **Outside-of-Class Resources**

Candidates are required to use Taskstream (<http://taskstream.gmu.edu>) as part of this course. Vital information for the course will be posted on Taskstream; and we will communicate regularly through this site. Candidates are required to submit their course assignments electronically using the Taskstream website. Online access is vital for the distance learning aspects of the course and is important if we experience school shutdowns because of the weather or other problems. **All students are required to activate and monitor their GMU e-mail accounts.**

**Cancellation Policy:** If a cancellation is necessary, the class will be made up via an electronic activity. Specifically, candidates are expected to log-on to the computer in order to participate in an electronic discussion/activity as directed, which will replace the missed class.

### **Course Requirements, Performance-based Assessment, and Evaluation Criteria**

#### **Participation and Attendance (20 points)**

Students are expected to attend every class for its entirety. Maximum class participation points will be earned by students who attend all classes, are on time and do not leave early. Part of your course grade is earned through ongoing assessment of your attendance, performance, communication and professional disposition in class discussions. Punctual attendance and regular class participation are vital to your success in this course. Participation includes, but is not limited to the following:

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- Coming to class prepared (i.e., reading the assigned material)
- Professional appearance, behavior and presentation
- Willingness to volunteer for a class activity
- Contributing to class discussion in a meaningful manner
- Sticking to the topic at hand
- Respect for others' responses
- Use of appropriate problem solving techniques
- Appropriate use of allotted time
- Sharing experiences from work or from observation

Written Assignments (80 points)

Since this is a graduate-level class, high quality work on all written assignments and is expected. Students should refer to the rubrics for additional guidance on the Legal Issue Analysis and Special Education Case Study Analysis assignments. Candidates are expected to submit their work on time.

1. Legal Issue Analysis Papers (50 points)
2. Special Education Case Study (30 points)

Directions & Due Date: Appendix A  
 Directions & Due Date: Appendix B

Expectations for Written Work

Use appropriate grammar.  
 Writing should be the caliber of a graduate student.  
 Use Times Roman or Arial 12-font.  
 Include a cover page with name, date & assignment.  
 Limit the use of "I" in your writing.  
 Follow APA guidelines.

Spell correctly.  
 Type all work.  
 Write clearly.  
 No binders, or plastic covers.  
 Find a good proofreader!  
**Avoid plagiarism!!!!**

*Grade Appeals:* Candidates must presents grade appeals in writing and must put forth a reasonable written explanation that supports their request for a grade change.

<b><u>Grading Scale:</u></b>	A+	=	100 points
	A	=	95 - 99 points
	A -	=	90 - 94 points
	B+	=	85 - 89 points
	B	=	80 - 84 points
	C	=	75 - 79 points
	F	=	below 75 points

**College of Education and Human Development Statement of Expectations**

Students are expected to exhibit professional behavior and dispositions. See <http://cehd.gmu.edu/assets/docs/cehd/Dispositions%20for%20a%20Career%20Educator.pdf>  
 Students must follow the guidelines of the University Honor Code. See <http://academicintegrity.gmu.edu/honorcode/>  
 Students must agree to abide by the university policy for Responsible Use of Computing. See <http://mail.gmu.edu> and click on Responsible Use of Computing at the bottom of the screen.

*Plagiarism:* Students must avoid plagiarizing the work of others. Specifically, when referencing a source or author, students must give appropriate source documentation; and when using direct quotes, students must use quotations, provide page numbers, and ensure that credit is given to the author of quoted material. If a student's work contains plagiarism, the student will receive no credit for the assignment.

*Disability Resource Center:* Students with disabilities who seek accommodations in a course must be registered with the GMU Disability Resource Center (DRC) and inform the instructor, in writing, at the beginning of the semester. See [www.gmu.edu/student/drc](http://www.gmu.edu/student/drc) or call 703-993-2474 to access the DRC.

## Tentative Weekly Schedule

Session	Topics	Reading/Writing Assignment
Sept 13	<ul style="list-style-type: none"> <li>• Syllabus Overview</li> <li>• Course assignments               <ul style="list-style-type: none"> <li>➢ Taskstream</li> <li>➢ Supplemental Materials</li> </ul> </li> <li>• Legal Briefing</li> <li>• Intro to the Legal System</li> </ul>	<i>Reading Assignment for 9/13:</i> <b>Chapters 1 &amp; 2</b>
Sept 20	<ul style="list-style-type: none"> <li>• Public Schools: Law and Governance</li> <li>• Federal Role in Education</li> <li>• Revisit Legal Briefing</li> </ul>	<i>Reading Assignment for 9/20:</i> <b>Chapter 3 &amp; 4</b>
Sept 27	<ul style="list-style-type: none"> <li>• Church and State</li> <li>• School Attendance</li> <li>• In-Class Activity – Legal Analysis Question #1</li> </ul>	<i>Reading Assignment for 9/27:</i> <b>Chapters 5 &amp; 6</b>
Oct 4	<ul style="list-style-type: none"> <li>• Student Rights: Speech, Expression, and Privacy</li> <li>• Student Rights: Common Law, Due Process, Statutory Protections</li> <li>• Preparing for Legal Analysis Assignment Question #2</li> </ul>	<i>Reading Assignment for 10/4:</i> <b>Chapters 8 &amp; 9</b>
Oct 11 <b>Electronic Session</b>	<ul style="list-style-type: none"> <li>• Special Education Case Study Analysis</li> <li>• <b>Online Activity</b></li> </ul>	<i>Reading Assignment for 10/11:</i> <b>Chapter 10 and Taskstream Materials (IDEA &amp; CFR Excerpts)</b>
Oct 18	<ul style="list-style-type: none"> <li>• Special Education</li> <li>• Discuss Special Education Case Study Analysis</li> </ul>	<i>Reading Assignment for 10/18:</i> <b>Taskstream Materials (Cases)</b>  <b>Legal Analysis Question #2 Due</b>
Oct 25	<ul style="list-style-type: none"> <li>• Liability and Immunity</li> <li>• Sexual Abuse</li> <li>• Child Abuse</li> </ul>	<i>Reading Assignment for 10/25:</i> <b>Chapters 11, 13, &amp; 9</b>
Nov 1	<ul style="list-style-type: none"> <li>• Revisit and wrap-up chapters 11, 13, &amp; 9</li> <li>• Teacher Contracts &amp; Tenure</li> </ul>	<i>Reading Assignment for 11/1:</i> <b>Chapter 14</b>  <b>Complete mid-semester formative evaluation</b>
Nov 8 <b>Electronic Session</b>	<ul style="list-style-type: none"> <li>• Teacher Contracts (cont.)</li> <li>• Due Process Rights of Teachers</li> <li>• Online Activity</li> </ul>	<i>Reading Assignment for 11/8:</i> <b>Chapter 16</b>
Nov 15	<ul style="list-style-type: none"> <li>• Teacher Rights &amp; Freedoms</li> <li>• Preparing for Legal Analysis Question #3</li> </ul>	<i>Reading Assignment for 11/15:</i> <b>Chapter 15</b>
Nov 22	<ul style="list-style-type: none"> <li>• Teacher Free Speech Rights (cont.)</li> <li>• Employment Discrimination</li> </ul>	<i>Reading Assignment for 11/22:</i> <b>Chapter 17</b>  <b>Legal Analysis Question #3 Due</b>

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<b>Session</b>	<b>Topics</b>	<b>Reading/Writing Assignment</b>
Nov 29	<ul style="list-style-type: none"> <li>• Instructional Program</li> <li>• Defamation &amp; Student Records</li> </ul>	<b><i>Reading Assignment for 11/29: Chapters 7 &amp; 12</i></b>
Dec 6	<ul style="list-style-type: none"> <li>• Desegregation</li> <li>• Ethics</li> <li>• Preparing for ESEA/NCLB &amp; Equity/Equality Legal Analysis Presentations</li> </ul>	<b><i>Reading Assignment for 12/6: Chapter 19</i></b>  <b>Special Education Case Study Analysis Due</b>
Dec 13	<ul style="list-style-type: none"> <li>• ESEA/NCLB</li> <li>• Equity/Equality</li> <li>• In-Class Presentations</li> </ul>	<b><i>Reading Assignment for 12/13: Students Select and Read Reference Sources (for Question #4 or #5 as assigned by Instructor)</i></b>  <b><i>ESEA/NCLB &amp; Equity/Equality Legal Analysis Presentations and Annotated Bibliography Due</i></b>

NOTE: The above represents an approximation of the items to be covered and the respective dates. True coverage will depend on the pace of the discussion, the collective needs of students and the professor and the demands of time. You are expected, however, to keep pace with the calendar of assigned readings.

**APPENDIX A**  
**Legal Issue Analysis**

Candidates are expected to respond in long essay form (*4-6 pages double-spaced per question*) to questions #2 and #3. Students will individually prepare an annotated bibliography for either question #4 or #5; and work collaboratively with colleagues to prepare an in-class presentation. Be sure to adhere to the specific directions provided for each question and to the general guidelines in the Legal Issue Analysis Rubric for each question.

**1. Relationship between institutional framework in schools and the legal and political systems:**

Understanding how state and federal courts protect and promote educational rights. A group of parents wants to challenge the state finance formula that is used to determine the amount of funding provided to the school district that their children attend because they believe their school district is insufficiently funded because property values are quite low in the area. Should the parents sue in state or federal courts? What if this same group of parents also wants to challenge the General Assembly's voucher program enacted to promote school choice, should they sue in state or federal courts? Would it matter if the vouchers could be used to attend religious schools? Refer to case law to support your answer. Explain whether the outcome of the case would be influenced by the state that the parents lived in. Be sure to include also a clear discussion of the constitutional law, and legislative provisions that apply in this case.

**DUE DATE: 9/27/10 This question will be answered in class to provide a structure and model for the remaining questions to be answered.**

**2. Students' Rights (Focus on free speech, search & seizure, zero tolerance):** Focus on the key issues - **free speech, search & seizure, due process.** Jane I. and Jack B. are two students who are suspected of being involved in a gang. They were seen after school handing out pieces of paper to a few other kids and they have both previously been suspended for fighting. How would you proceed in your investigation of the alleged gang activity? You are also preparing for an upcoming random locker search; can you target Jane or Jack's lockers to find out any information to support your investigation into their suspected gang activity? Explain why or why not. If they really are part of a gang and handing out papers to recruit new members, would Jane or Jack be able to claim that their free speech rights protect their right to distribute whatever papers they want as long as the papers are handed out after school? Be sure your responses to these questions are clearly supported using case law and constitutional law. If you discover that the papers being handed out are gang related, what are the due process protections that must be afforded to Jane and Jack before you initiate disciplinary proceedings? Conclude your discussion with sound legal and practical advice regarding the adoption of policies and/or school-wide practices that school administrators should adopt and follow in their quest to maintain a safe and secure school while also protecting the free speech and due process rights of students.

**DUE DATE: 10/18/10**

**ASSIGNMENT POINTS: 15**

**3. Non-constitutional issues (Sexual Harassment, Child Abuse, Immunity, Liability, Protections):**

Identify and discuss the key cases and state and federal statutes that are applicable to the following fact pattern – focus on the issues identified – **Sexual Harassment, Child Abuse, Immunity, Liability.** You were conducting a safety inspection of the athletic fields and stadium area on Friday after school and observed an unusual incident on the soccer field. At first you just dismissed the interaction between coach and player, specifically a hug that seemed to last too tight and lasted too long. You have encouraged coaches to limit the degree of familiarity between coach and player given increasing news reports of inappropriate relationships. You plan to think about what you saw at home over the weekend and decide what to do on Monday morning. You are worried that what happened between the student-player and her coach was sexual harassment or maybe even child abuse. As the assistant principal, you realize that you have both an ethical and legal obligation to protect students from sexual harassment and to report suspected child abuse. At the same time, you are aware that the coach has rights also and are so you are hesitant to risk ruining the coach's reputation if you simply misinterpreted the incident. Finally, you want to focus on the safety check because at least this area of the law is pretty clear. Identify the various issues involved in this scenario and provide a careful discussion of the statutory laws, cases, school policies and ethical principles that guide your reasoning and ultimate resolution of issues.

**DUE DATE: 11/22/10**

**ASSIGNMENT POINTS: 15**

**For questions 4 and 5**, each student locates **at least three different resources**, such as articles, websites, cases, statutes – for either question #4 or #5. Students will work in groups of 4 or 5 on the assigned question (#4 or #5). **Each student will compile an annotated bibliography of the 3 resources and bring to class.** During class, students will work in small groups to prepare a presentation that identifies key issues and information related to the achievement gap, equity and equality rights, and ESEA/NCLB.

DUE DATE: **12/13/10** ASSIGNMENT POINTS: 20

(Allocation of 20 points: 10 pts for annotated bibliography and 10 pts for presentation)

**4. Legal Rights (i.e., equity & equality issues):** Discuss the legal and ethical implications of the Supreme Court's 14<sup>th</sup> Amendment Equal Protection Clauses cases (e.g. *Parents Involved v. Seattle*, *Brown v. Board of Education*, *Plyler v. Doe*). Identify lingering concerns about the equal educational opportunities provided to all children. What have the federal government and federal courts done to promote equity, equality and students' educational rights? Explain the impacts of these efforts on schools, educators, communities, and children.

**5. Impact of laws, policies, and regulations on schools (i.e., relationship between schools, legal, and political systems):** What has the federal government done to address the "achievement gap" in public schools? Discuss the political and legal implications of ESEA/NCLB for state and local education agencies. Identify specific actions that educators may take or have taken previously, to respond to the ESEA/NCLB law. Explain the implications of federal policy and discuss how it affects education at both state and federal levels. Provide an overview and analysis of the plans for reauthorization of these major federal policies (ESEA/NCLB).

### Legal Issue Analysis – Assignment Rubric

Levels:	Exceeds Expectations	Meets Expectations	Approaching Expectations	Falls Below Expectations	Score
Criteria:					
Introduction  Weight: 5%	Analysis begins with a clear and concise statement of purpose. The introduction provides a solid overview of the case study analysis for the reader.	Analysis begins with a brief statement of purpose. The introduction provides a basic overview of the case study analysis for the reader.	Analysis begins with an unclear or limited statement of purpose. The introduction fails to provide a sufficient overview of the case study analysis.	Analysis begins with a confusing and unclear statement of purpose. The introduction fails to provide an overview of the case study analysis.	
Identification of community interests (ELCC 4.2)  Weight: 10%	Candidate provides extensive discussion of the leader's role in actively pursuing the community interests.	Candidate provides general discussion of the leader's role in actively pursuing the community interests.	Candidate provides limited discussion of the leader's role in actively pursuing the community interests.	Candidate provides insufficient discussion of the leader's role in actively pursuing the community interests. .	
Discussion of key principles, laws, policies, cases and regulations affecting students & school communities (ELCC 6.1d)  Weight: 20%	Candidate includes extensive references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals a clear understanding.	Candidate includes numerous references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals general understanding.	Candidate includes few references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals limited understanding.	Candidate includes insufficient references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals lack of understanding.	
Promotes positive changes in political, social, legal and cultural context of schooling (ELCC 6.3)  Weight 15%	Candidate's written analysis of political, social, economic, legal and cultural context is exemplary. Analysis includes clear & specific reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is thorough. The analysis includes clear & specific reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is limited. The analysis includes some degree of reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is unacceptable. The analysis includes inadequate reference to the leader's role as an advocate for all students.	
Discussion reveals respect for the rights of others and awareness of need for integrity (ELCC 5.1)  Weight: 10%	Candidate demonstrates genuine respect and awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Candidate demonstrates genuine respect and awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Candidate demonstrates genuine respect and awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Candidate demonstrates genuine respect and awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	

Response reflects ethical awareness of candidate's responsibility to school community. (ELCC 5.2)  Weight: 10%	Candidate clearly discusses the ethical & moral role of school leaders; bias language is absent; ethical commitment to the community is clearly demonstrated.	Candidate discusses the ethical & moral role of school leaders; bias language is limited; ethical commitment to the community is demonstrated.	Candidate provides limited discussion of ethical & moral role of school leaders; bias language is present; ethical commitment to the community is poorly demonstrated. .	Candidate poorly ethical & moral role of school leaders; bias language is present; ethical commitment to the community is not demonstrated.
Discussion of diversity is informed by ethical and legal principles.(ELCC 5.3)  Weight: 10%	Candidate includes extensive discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Candidate includes discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Candidate includes limited discussion of the applicable legal and ethical principles; addresses diverse needs of students and of the community.	Candidate includes insufficient discussion of the applicable legal and ethical principles; poorly addresses diverse needs of students and of the community.
Discussion of information and references is useful and instructive.  Weight: 10%	Candidate gathers numerous (8-10) high quality reference sources; provides clear & thorough discussion; and conducts critical evaluations of references.	Candidate gathers many (6-7) high quality reference sources; provides solid discussion; and conducts evaluations of references.	Candidate gathers many (6-7) but not high quality reference sources; provides some discussion; and conducts limited evaluations of references.	Candidate gathers insufficient and poor quality reference sources; provides insufficient discussion; and conducts insufficient evaluations of references.
Organization, mechanics and proofing of paper.  Weight: 10%	Paper is well-organized; nearly error-free; non-discriminatory language is used, clear sentence structures are used; correct APA format is used.	Paper is organized; occasional grammatical errors; non-discriminatory language is used, clear sentence structures are used; a few unclear word choices; APA format is used.	Paper is somewhat organized; several errors; language is discriminatory, sentence structures are unclear; word choices are confusing; incorrect APA format is used.	Paper is poorly organized; many errors; discriminatory language, sentence structures are poor; word choices are confusing; no APA format is used.

## APPENDIX B

### Special Education Case Study Analysis

**DUE DATE: 12/6/10**

Candidates are expected to analyze the fact pattern that follows, by addressing the specific issues and procedural aspects related to the identification, placement and provision of programs and services for a student who may be eligible for services pursuant to state and federal special education provisions. The key facts, guiding questions, and format are included below. **Candidates must include clear and specific references to key concepts, principles, laws, policies and regulations affecting the rights of students with disabilities.** The analysis should reveal that the candidate has a clear understanding of the school leader's responsibility to advocate for and protect the rights of all students.

#### **Fact Pattern**

Janelle finished the fifth grade at Boone Elementary in June 2009. She is currently attending middle school as a sixth grader. However, Janelle did not master the academic standards for fifth grade that are required for promotion into sixth grade. Nonetheless, the school and parents agreed to "place" Janelle in the sixth grade.

Janelle has a long history of academic difficulties in the school district. She has struggled with a variety of academic tasks since first grade. She has not met mastery criteria for promotion from grade to grade but instead has been "placed" into the next grade with an acceleration plan designed to bring her up to grade-level within a reasonable period of time. The school district has implemented a number of interventions to assist Janelle in reaching grade level goals but despite these efforts Janelle has not been successful in that regard.

Janelle is a charming and lively young lady who is eager to please and wants to do well. She is very good at watching body language and facial expressions of teachers and peers to compensate for when she doesn't know what to do in class. Janelle has a keen sense of awareness of interpersonal nuances and uses this ability to help her cope with school. However, Janelle also requires a lot of one-to-one teacher attention, frequent redirection, and curricular and instructional modifications and accommodations.

Janelle becomes easily frustrated and overwhelmed with academic tasks that are challenging for her. She has difficulty keeping still and paying attention, needs help completing assignments, has trouble organizing her ideas for writing tasks, and trouble concentrating for longer periods of time. Janelle's attentional deficits are significantly limiting her academic progress and ability to learn.

By third grade the parties agreed on Janelle's need for an independent educational evaluation ("IEE") to address her academic and behavioral issues in school. Janelle needed frequent breaks during the assessment process – at times Janelle was able to finish the testing planned for the day and other times she could not. The examiner met with Janelle six times before she was able to complete the IEE. According to the IEE, Janelle had an overall IQ score of 86; her overall verbal score was an 81. The score of 81 placed her in the low average range for her age. Janelle's overall performance score was a 94. The score of 94 placed her in the average range for her age.

Janelle did not qualify for special education as a student with a learning disability in third grade because her scores did not meet the discrepancy between potential and performance required by state regulations. However, the IEE revealed that Janelle demonstrated areas of weakness in reading comprehension and writing. It is possible that the gap between Janelle's potential and performance may now have widened since the third grade IEE. She may now meet criteria as a student with a learning disability under IDEA. However, neither the school district nor Janelle's family can make that determination without a reevaluation.

According to the IEE, Janelle appeared to meet criteria as a student with Attention Deficit Hyperactivity Disorder – Combined Type (“ADHD”). IDEA requires a medical diagnosis of ADHD by a physician for purposes of eligibility under IDEA. Following the IEE, school officials recommended a medical evaluation to address Janelle’s ADHD. However, Janelle’s mother did not follow through on this recommendation.

The school district began serving Janelle through its “504” program following the results of the third grade IEE. A number of instructional modifications and accommodations were specifically designed and implemented from third through fifth grades. Janelle was provided with small group instruction by specialists for reading and math in third, fourth and fifth grades. She received extra assistance and attention from teachers in the school’s Learning Lab. Janelle was also provided with individual tutoring and the opportunity to receive additional instruction during the summers. She did not always take advantage of the tutoring or summer programs to the extent she could have.

The school district also provided Janelle with special reading instruction using educational reading programs specifically designed for children with reading deficits. Her teachers received occupational therapy and behavioral consults and a specific behavior plan was implemented in fourth grade. She was provided with occupational therapy for a period of time to remediate weak handwriting skills. Janelle also participated in small group counseling to improve self esteem in fourth grade.

Despite these various interventions Janelle continued to lag behind her peers academically by the end of fifth grade. Equally worrisome to school district staff was that Janelle began to exhibit some withdrawal behaviors along with her continued distractibility. At times, Janelle employed “baby talk”, indicative of a need to return to a time in her life when the demands were less. Janelle’s father recently passed away and this has been another challenge for Janelle to cope with.

Janelle’s mother had her evaluated by a developmental pediatrician this past March. The pediatrician concluded that Janelle had a “discreet learning disability,” is a slow processor (in reading), has a specific weakness in reading fluency and needed to work on both memory and reading skills. The pediatrician also noted that Janelle exhibits needs that go “beyond a 504 plan in school . . .” (personal communication with pediatrician). The transition to middle school is expected to be difficult for Janelle. Middle school is a much larger, more complex educational environment. The support systems Janelle has enjoyed in elementary school are not always duplicated in the middle school setting. Janelle needs an updated evaluation so that the school district and her family can better identify her specific needs and abilities to ensure sound educational programming and decision-making.

## **Guiding Questions and Format**

### **Section I. Overview of Policies, Procedures and Programs**

1. Given the facts presented above, provide a step-by-step overview of the process used in your school system (or specifically in your school building) to investigate and initiate the provision of special education services. Be sure to include references to specific school district policies and procedures, as well as references to the relevant federal and state statutes controlling the provision of services to students with disabilities. Your overview may include a bulleted list of steps that are required or recommended in your school system (clearly identify the document or source for your list).
2. Identify several examples of the types of programs and/or services that are available in your school building or system for a student such as Janelle. Provide enough details here so that a teacher would know who to contact about getting assistance for Janelle; and so the teacher would have a general idea about the types of programs and/or services available for such a student.

## **Section II. Legal Obligations to Identify and Educate Students with Disabilities**

3. May the school district proceed with conducting a full and individual evaluation of Janelle T. despite the lack of parental consent? Explain why a school may be obligated to evaluate Janelle. How could the school proceed without parental consent?
4. Briefly explain the key state and federal laws that impose the legal obligation to educate students with disabilities – this should be a general explanation, **which is not focused specifically on Janelle’s educational needs.**

## **Section III. Individualized Education Program (IEP)** - *Given that you do not have sufficient information about Janelle to make specific IEP recommendations, provide general explanations in this section.*

5. Explain the broad purpose of an IEP. Be sure to include references to the relevant state and federal statutes and to the controlling case decisions, and federal regulations.
6. Identify the key individuals who must be involved in the IEP team meeting and decision-making process. Support your response with reference to the controlling statutory and regulatory language.
7. Explain and summarize the key components of an IEP. Use the forms provided by your school system as guidance; you may also interview a special education teacher or administrator and reference this interview as a personal communication to help as you gather this information. A bulleted list with clear and concise explanations of the key areas to be covered is one possible way to demonstrate your understanding of the key IEP components.

## **Section IV. Placement Decisions** - *Given that you do not have sufficient information about Janelle to make a specific placement recommendation, provide a general explanation in this section.*

8. Provide a general explanation of how placement decisions are made. Be sure to include references and a discussion of the relevant state and federal statutes, case decisions, federal regulations, and school system policies and procedures that would be applicable when determining placement.

## **Section V. Summary and Discussion of Ethical and Practical Considerations**

9. Explain your ethical obligation as an educator to provide educational opportunities for all students. Discuss the interaction and/or possible conflict that may arise between your ethical, legal and professional obligations to educate children with disabilities. Are there practical requirements in your school system that you also must consider? Explain clearly
10. Provide a summary and conclusion of your case study analysis.

**Special Education Case Study Analysis Rubric**

	<b>Exceeds Expectations</b> value: 4	<b>Meets Expectations</b> value: 3	<b>Approaching Expectations</b> value: 2	<b>Falls Below Expectations</b> value: 1	<b>Score/Level</b>
Introduction weight:5%	Analysis begins with a clear and concise statement of purpose. The introduction provides a solid overview of the case study analysis for the reader.	Analysis begins with a brief statement of purpose. The introduction provides a basic overview of the case study analysis for the reader.	Analysis begins with an unclear or limited statement of purpose. The introduction fails to provide a sufficient overview of the case study analysis.	Statement of purpose is confusing and unclear. The introduction fails to provide an overview of the case study analysis.	
Identifies community interests and exceptional needs of diverse learners ELCC 4.2c,d weight:10%	Candidate provides extensive discussion of the leader's role in improving programs and services for exceptional learners.	Candidate provides general discussion of the leader's role in improving programs and services for exceptional learners.	Candidate provides limited discussion of the leader's role in improving programs and services for exceptional learners.	Candidate provides insufficient discussion of the leader's role in improving programs and services for exceptional learners.	
Discusses principles, laws, policies, cases and regulations affecting students & school communities ELCC 6.1d weight:20%	Candidate includes extensive references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals a clear understanding.	Candidate includes numerous references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals general understanding.	Candidate includes few references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals limited understanding.	Candidate includes insufficient references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals lack of understanding.	
Understands how to engage others and foster positive change for all students ELCC 6.3a, b, c weight:15%	Candidate's written analysis of political, social, economic, legal and cultural context is exemplary. Analysis includes clear & specific reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is thorough. The analysis includes clear & specific reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is limited. The analysis includes some degree of reference to the leader's role as an advocate for all students.	Candidate's written analysis of political, social, economic, legal and cultural context is unacceptable. The analysis includes inadequate reference to the leader's role as an advocate for all students.	
Discussion reveals respect for	Candidate demonstrates genuine respect and	Candidate demonstrates genuine respect and	Candidate demonstrates genuine respect and	Candidate demonstrates genuine respect and	

the rights of others and awareness of need for integrity ELCC 5.1 weight:10%	awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	awareness of rights of others by using laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	
Response reflects ethical awareness and sensitivity to student diversity ELCC 5.2 weight:10%	Candidate clearly discusses how laws, cases and articles confirm ethical & moral role of school leaders; bias language is absent; sensitivity to diverse student needs is clearly demonstrated.	Candidate discusses how laws, cases and articles confirm ethical & moral role of school leaders; bias language is limited; sensitivity to diverse student needs is demonstrated.	Candidate provides limited discussion of how laws, cases and articles confirm ethical & moral role of school leaders; bias language is present; sensitivity to diverse student needs is poorly demonstrated.	Candidate poorly discusses how laws, cases and articles confirm ethical & moral role of school leaders; bias language is present; sensitivity to diverse student needs is not demonstrated.	
Discussion of diversity is informed by ethical and legal principles ELCC 5.3 weight:10%	Candidate includes clear and extensive discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Candidate includes discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Candidate includes limited and unclear discussion of the applicable legal and ethical principles; addresses diverse needs of students and of the community.	Candidate includes insufficient and unclear discussion of the applicable legal and ethical principles; poorly addresses diverse needs of students and of the community.	
Discussion of information and references is useful and instructive weight:10%	Candidate gathers at least 8 high quality reference sources; provides clear & thorough discussion; and explains applicability of references.	Candidate gathers 6-8 references, but not all are from high quality sources; provides solid discussion; and explains applicability of references.	Candidate gathers at least 6 references sources, but few are from high quality sources; provides some discussion; and weakly explains applicability of the references.	Candidate gathers insufficient and poor quality reference sources; provides insufficient discussion; and poorly explains applicability of the references.	
Organization, mechanics and proofing of paper weight:10%	Paper is well-organized; nearly error-free; candidate uses non-discriminatory language, clear sentence structures; and correct APA format.	Paper is organized; contains few grammatical errors; non-discriminatory language, clear sentence structures; a few unclear word choices; and correct APA format.	Paper is somewhat organized; several errors; discriminatory language, unclear sentence structures; confusing word choices; and incorrect APA format.	Paper is poorly organized; many errors; discriminatory language, poor sentence structures; confusing word choices; no APA format.	