

**GEORGE MASON UNIVERSITY
COLLEGE OF EDUCATION & HUMAN DEVELOPMENT
EDUCATION LEADERSHIP PROGRAM
EDLE 612, Section 601, Fall 2012
EDUCATION LAW**

Instructor: Regina D. Biggs, Ph.D.
Phone: 703.993.3633 (office phone)
Fax: 703-993-3643 (office fax)
Websites: <http://www.taskstream.com>
Email: rbiggs@gmu.edu

Mailing address: George Mason University
4400 University Drive, MSN 4C2
Fairfax, VA 22030-4444

Office Hours: By Appointment

Schedule Information: September 5, 2012 – December 5, 2012
Location: Broad Run High School
Meeting Times: Wednesdays, 4:30 – 7:30 pm

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, to include 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: 4.2, 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, students 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 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 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 students 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 students 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.

Classroom Climate

A positive climate depends on cooperation among all students and with the instructor. Students are expected to work together to ensure that everyone has the confidence to participate honestly and energetically. Every student is expected to:

- be fully prepared for each class session;
- be attentive to others and respond thoughtfully and respectfully;
- work toward a common purpose;
- persevere through the common challenge of understanding education law; and
- 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 intersection of law and ethics and the ethical implications of applying education law to everyday situations in schools and school divisions
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 three performances:

1. Legal Issue Analysis
2. Special Education Case Study Analysis
3. Code of Ethics Development and Ethical 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
2. Analyze a case study involving the identification, placement and provision of programs and services for a student who is eligible for such 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

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 may be 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

Required Text

Stader, David L. (2012). Law and Ethics in Educational Leadership (2nd ed.). Upper Saddle, NJ: Pearson.

Recommended Text

American Psychological Association (2009). Publication manual of the American Psychological Association (6th edition). Washington, D.C. American Psychological Association.

Additional materials and hand-outs will be posted on TaskStream and/or distributed in class.

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/>

Outside-of-Class Resources

In order to successfully complete required assignments, students will need access to a personal computer with an internet connection, be able to use basic word processing and e-mail, and access appropriate websites (see recommended websites) for supplemental materials.

Students 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. Students 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 an important part of course participation grade. **All students are required to activate and monitor their GMU e-mail accounts.** It is expected that you will be fully competent to send and receive e-mail messages with attachments. If your computer at school or home has spam blocking that will prevent you from seeing messages with attachments, you are responsible for addressing this problem immediately.

Cancellation Policy

If a cancellation is necessary, the class will be made up via an electronic activity. Specifically, students 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 (15 points)

Students are expected to participate actively in class discussions, informal group activities, and serve as critical friends to classmates. Attendance is expected for all classes. **If an unavoidable conflict prevents either attendance or prompt arrival, it is expected that (s)he will notify the instructor in advance.** More than one absence may result in a reduction in participation points. Arrival to class more than 30 minutes after the start time or leaving more than 30 minutes before the end of class may result in a loss of points.

Participation includes, but is not limited to the following:

- Coming to class prepared (i.e., reading the assigned material)
- Demonstrate respect and civility (avoid side conversations, multi-tasking, etc...)
- Professional 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 and questions
- Use of appropriate problem solving techniques
- Appropriate use of allotted time
- Sharing experiences from work that are relevant to the class discussion

Written Assignments (85 points)

Three written assignments will be completed during the semester. All written work is expected to be submitted on time in accordance with the schedule presented in this syllabus. A description and directions for each assignment as well as a rubric to be used for evaluation are included at the end of this syllabus. All written work must be edited carefully before submission to reflect the format presented in the APA Manual. All written assignments must be submitted electronically through TaskStream. You will be provided with a TaskStream account for your use to submit assignments.

Late Submittals: Students are expected to submit their work no later than midnight of the due date. Papers due on a date when you are absent must be submitted via TaskStream by the due date. Late assignments will be accepted only in cases of extreme emergency – and upon e-mail notification to the instructor explaining the reason for the late submission. The decision to accept late work is solely at the discretion of the instructor.

Grading Scale

A+	100	B	83 - 85
A	95 - 99	B-	80 - 82
A -	90 - 94	C	75 - 79
B+	86 - 89	F	74 or lower

George Mason University Policies and Resources for Students

- a. Academic integrity (honor code, plagiarism) – Students must adhere to guidelines of the George Mason University Honor Code [See <http://academicintegrity.gmu.edu/honorcode/>].
- b. Mason Email – Students are responsible for the content of university communications sent to their George Mason University email account and are required to activate their account and check it regularly. All communication from the university, college, school, division, and program will be sent to students solely through their Mason email account. Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/1301ge.html>].
- c. Counseling and Psychological Services – The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops, and outreach programs) to enhance students' personal experience and academic performance [See <http://caps.gmu.edu/>].
- d. Office of Disability Services – Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services (ODS) and inform their instructor in writing at the beginning of the semester <http://ods.gmu.edu/>.
- e. Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized by the instructor.
- f. The Writing Center (Optional Resource) – The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share knowledge through writing [See <http://writingcenter.gmu.edu/>].
- g. University Libraries (Optional Resource) – The George Mason University Libraries provide numerous services, research tools, and help with using the library resources [See <http://library.gmu.edu/>].

Core Values Commitment: The College of Education and Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Students are expected to adhere to these principles.

- For additional information on the College of Education and Human Development, Graduate School of Education, please visit our website [See <http://gse.gmu.edu/>].
- 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.

Course Schedule*

Week	Date	Topic	Reading(s)	Assignment(s) Due
1	9/5	Review Syllabus & Course Expectations Legal Framework Legal Brief (Reading & Analyzing Cases)	Handouts Chapter 1	
2	9/2	Law & Ethical Leadership Ethical leadership: A Case Study Framework	Chapter 2 and 13 Handouts	Bring 3 Code of Ethics Samples
3	9/19	First Amendment: Church and State Student Rights – Expression and Privacy Student Internet Speech	Chapter 3 and 4 Ethical leadership: A Case Study Framework	
4	9/26	Due Process Student Discipline Title IX	Chapter 5	Ethics Assignment
5	10/3	Student Search & Seizure School Safety	Chapter 6	
6	10/10	Bullying Sexual Harassment	Chapter 7	
7	10/17	EDLE Conference	Conference attendance is mandatory.	
8	10/24	Liability & Negligence Child Abuse Sexual Harassment	Handouts	Legal Issues Analysis (A)
9	10/31	Tort Liability	Chapter 10	
10	11/7	Equal Protection Social Justice	Chapter 8	Legal Issues Analysis (B)
11	11/14	Students with Disabilities IDEIA	Chapter 9	
12	11/21	NO CLASS	THANKSGIVING HOLIDAY	
13	11/28	Teacher Employment Rights Defamation Academic Freedom	Chapter 11 & 12	Special Education Analysis Assignment
14	12/5	FERPA NCLB Wrap-up and Evaluations	Handouts	

* NOTE: The schedule table 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. *

Ethics Assignment
Ethics Code, Case Study & Analysis (30 Points)

This written assignment has three parts as described below and detailed in the Ethical Case Study Rubric:

I. Develop a Code of Ethics.

- A. Identify key ethical and legal principles, personal values, and provide a reference to the source of authority (e.g., theoretical, philosophical, personal beliefs, morals, etc...) for these principles and values.
- B. Examine at a minimum three existing codes of ethics and provide the name and link to these codes in the reference list for this assignment. Explain the influence of these codes on your personal development of a code of ethics.
- C. Develop your own personal code of ethics for use in decision making in your role as an education leader.

II. Identify and write about a case study that involved an ethical dilemma in your school system, and then use your Code of Ethics to analyze the case study.

- A. Identify the rights and interests of all individuals involved in the case study.
- B. Explain how you used your code of ethics to analyze the ethical dilemma in your case study.
- C. Your written discussion should clearly demonstrate your commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.

III. Seek feedback from a colleague in your school system about how you used your Ethics Code to analyze the identified ethical dilemma.

- A. Explain briefly why you chose this colleague and describe the general nature of the discussion.
- B. Share how your colleague reacted and any advice or insights that your colleague shared with you regarding the application of your ethics code to the case study analysis.

Ethics Assignment Case Study Rubric

	Exceeds Expectations (4)	Meets Expectations (3)	Approaching Expectations (2)	Does Not Meet Expectations (1)
<p>Develop Ethical Code Student develops an ethical code based on ethical and legal principles to guide their leadership decisions and actions. ELCC 5.3 25%</p>	<p>Student develops a code of ethics that specifies ethical and legal principles as the primary source and foundation of the code. Genuine reflection on the ethical and legal principles that are critical to school leadership is obvious in the code.</p>	<p>Student develops a code of ethics that references ethical and legal principles as the primary source and foundation of the code. Genuine reflection on the ethical and legal principles that are critical to school leadership is somewhat obvious.</p>	<p>Student develops a code of ethics that references ethical or legal principles as the primary source and foundation of the code. Genuine reflection on the ethical and legal principles that are critical to school leadership is difficult to confirm.</p>	<p>Student develops a code of ethics that references ethical or legal principles as the primary source and foundation of the code. Genuine reflection on the ethical and legal principles that are critical to school leadership is missing.</p>
<p>Write Case Study Student identifies an ethical dilemma they encountered, develops a case study describing the dilemma, involved parties, potential outcomes, and the competing interests and/or rights. ELCC 5.2 20%</p>	<p>Description of case study is thorough and identifies clearly the ethical nature of the dilemma, the involved parties, and possible related issues. Student explains fully the controlling policies, codes or laws and addresses the competing interests and/or rights of diverse parties as well as members of the school community.</p>	<p>Description of case study is thorough and identifies the ethical nature of the dilemma, the involved parties, and possible related issues. Student explains the controlling policies, codes or laws and addresses the competing interests and/or rights of involved parties as well as members of the school community.</p>	<p>Description of case study is missing sufficient detail about the ethical nature of the dilemma and insufficiently identifies the involved parties and issues. Student explains inadequately the controlling policies, codes or laws and addresses the competing interests and/or rights of involved parties as well as members of the school community.</p>	<p>Description of case study is confusing, missing sufficient detail about the ethical nature of the dilemma, and insufficiently identifies the involved parties and issues. Student fails to explain the controlling policies, codes or laws and does not address the competing interests and/or rights of involved parties as well as members of the school community.</p>
<p>Analyze the Case Student uses their code of ethics to analyze the case study; revealing awareness of confidentiality and respect for rights, dignity, and integrity of others. ELCC 5.1 25%</p>	<p>Student applies code of ethics to analyze the case study. Analysis demonstrates a clear commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.</p>	<p>Student applies code of ethics to analyze the case study. Analysis demonstrates a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.</p>	<p>Student inadequately applies code of ethics to analyze the case study. Analysis fails to demonstrate a clear commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.</p>	<p>Student fails to apply code of ethics to analyze the case study. Analysis fails to demonstrate a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.</p>
<p>Critical Feedback & Reflective Practice Student seeks feedback and discusses application of their code of ethics to the case study analysis with a colleague from their school or school system. 20%</p>	<p>Student clearly identifies the colleague and thoroughly explains the feedback and insight offered by their colleague during the discussion. Student describes feedback demonstrating genuine commitment to thoughtful reflection and awareness of ethical leadership practice.</p>	<p>Student clearly identifies the colleague and shares minimal feedback and insight offered by their colleague during the discussion. Student describes feedback demonstrating commitment to reflection and awareness of ethical leadership practice.</p>	<p>Student identifies the colleague and is unclear in explanation of the feedback and insight offered by their colleague during the discussion. Student describes feedback but poorly demonstrates commitment to thoughtful reflection and awareness of ethical leadership practice.</p>	<p>Student fails to identify the colleague and fails to clearly explain the feedback and insight offered by their colleague during the discussion. Student describes feedback but fails to express commitment to thoughtful reflection and awareness of ethical leadership practice.</p>
<p>Organization and Mechanics Writing and flow of thought is clear and thorough, content is scholarly and instructive. Paper is grammatically correct. 10%</p>	<p>Paper is error-free, reflects extensive editing, proofreading, and graduate level work. Sentence structures and word choice are excellent.</p>	<p>Paper is generally error-free, reflects sufficient editing, proofreading, and graduate level work. Sentence structures and word choice are good.</p>	<p>Paper contains spelling and grammatical errors, reflects poor editing and proofreading, and is approaching graduate level work. Sentence structures and word choice are adequate.</p>	<p>Paper contains far too many spelling and grammatical errors, reflects poor editing and proofreading, and is approaching graduate level work. Sentence structures and word choice are poor.</p>

Legal Issue Analysis (30 Points [15 points per scenario])

Students are expected to respond thoroughly to the issues presented in sections A and B. Be sure to adhere to the expectations for written work, the specific directions provided for each issue, and to the general guidelines in the *Legal Issue Analysis Rubric* for each segment. For each scenario, carefully explain how you ~ assume the role of an assistant school principal ~ would proceed in this scenario given your astute legal knowledge.

A. Students' Rights (Focus on free speech, search & seizure): Focus on the key issues - **free speech and search & seizure**. Jane I. and Jack B. are two students who are suspected of being involved in a gang because other kids with whom they are friends are suspected gang members. As the assistant principal you have been keeping a fairly close watch over them because of your gang suspicion and because of their recent discipline incidents – both students were suspended for fighting in the past month. You then witnessed both students after school, still on school grounds, handing papers out to a few other students. How would you proceed in your investigation of their distribution of papers? What if you suspected that they were promoting gang activities with the papers they were handing out to other students? Is this enough information to target Jane or Jack's lockers to find out additional information to support your investigation into their activities? Explain why or why not. 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 key cases, state statutes, and constitutional provisions. Conclude your discussion with sound legal and practical advice regarding the 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 rights of students.

B. Non-constitutional issues (Focus on sexual harassment, child abuse, immunity, liability): 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 you observed a hug that appeared to be intimate and lasted far too long. You have encouraged coaches to limit the degree of familiarity between coach and player given increasing news reports of inappropriate relationships. 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, to report suspected child abuse or sexual harassment, and to limit the school system's liability for negligence. At the same time, you are aware that the coach has rights also and so you are hesitant to risk ruining the coach's reputation if you simply misinterpreted the incident. 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 the issues.

Legal Issue Analysis Rubric (A & B)

	Exceeds Expectations	Meets Expectations	Approaching Expectations	Falls Below Expectations
Introduction (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 (10%)	Student provides clear discussion of the leader's role in actively pursuing the community interests.	Student provides general discussion of the leader's role in actively pursuing the community interests.	Student provides limited discussion of the leader's role in actively pursuing the community interests.	Student 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 (20%)	Student includes extensive, high quality references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals a clear understanding.	Student includes numerous references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals general understanding.	Student includes few references to principles, laws, policies, cases & regulations. The discussion & application of such principles reveals limited understanding.	Student 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 (15%)	Student'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.	Student'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.	Student'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.	Student'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 (10%)	Student 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.	Student demonstrates respect and awareness of rights of others by using laws, policies, and/or literature to support the discussion of critical values that guide behavior in the school community.	Student demonstrates respect and awareness of rights of others, but does not use laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Student demonstrates a lack of respect and awareness of rights of others as well as the critical values that guide behavior in the school community.
Response reflects ethical awareness of Student's responsibility to school community ELCC 5.2 (10%)	Student clearly and thoroughly discusses the ethical & moral role of school leaders; bias language is absent; ethical commitment to the community is clearly demonstrated.	Student discusses the ethical & moral role of school leaders; bias language is absent; ethical commitment to the community is demonstrated.	Student provides limited discussion of ethical & moral role of school leaders; bias language is present; ethical commitment to the community is poorly demonstrated.	Student poorly discusses ethical & moral role of school leaders; bias language is present; ethical commitment the community is not demonstrated.
Discussion of diversity is informed by ethical and legal principles ELCC 5.3 (10%)	Student includes extensive discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Student includes discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Student includes limited discussion of the applicable legal and ethical principles; addresses diverse needs of students and of the community.	Student includes insufficient discussion of the applicable legal and ethical principles; poorly addresses diverse needs of students and of the community.

Legal Issue Analysis Rubric - continued

	Exceeds Expectations	Meets Expectations	Approaching Expectations	Falls Below Expectations
<p>Discussion of information and references is useful and instructive.</p> <p>(10%)</p>	<p>Student gathers numerous (8-10) high quality reference sources; provides clear & thorough discussion; and conducts critical evaluations of references.</p>	<p>Student gathers many (6-7) high quality reference sources; provides general discussion; and conducts evaluations of references.</p>	<p>Student gathers many (6-7) but not high quality reference sources; provides limited discussion; and conducts limited evaluations of references.</p>	<p>Student gathers insufficient and poor quality reference sources; provides insufficient discussion; and conducts insufficient evaluations of references.</p>
<p>Organization, mechanics and proofing of paper.</p> <p>(10%)</p>	<p>Paper is well-organized; error-free; non-discriminatory language is used, clear sentence structures are used; correct APA format is used.</p>	<p>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.</p>	<p>Paper is somewhat organized; several errors; language is discriminatory, sentence structures are unclear; word choices are confusing; incorrect APA format is used.</p>	<p>Paper is poorly organized; many errors; discriminatory language, sentence structures are poor; word choices are confusing; no APA format is used.</p>

Special Education Case Study Analysis (25 points)

Students 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. **Students must include specific references to key concepts, principles, laws, policies, and regulations affecting the rights of students with disabilities.** Students may also interview a special education teacher or administrator and reference this interview as a personal communication to help gather the necessary information. The analysis should reveal that the student 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 Edison Elementary in June 2012. 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 system. 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 attention deficits are significantly limiting her academic progress and ability to learn.

In third grade Janelle's teacher recommended that Janelle be evaluated to determine if her academic and behavioral issues in school were an indication of a disability and if she would qualify for an IEP. Janelle needed frequent breaks during the evaluation 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 evaluation. According to the results, 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 IDEIA. However, neither the school district nor Janelle's family can make that determination without a reevaluation.

Janelle appeared to meet criteria as a student with Attention Deficit Hyperactivity Disorder – Combined Type ("ADHD"). IDEIA requires a medical diagnosis of ADHD by a physician for purposes of eligibility under IDEIA. 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 which has presented another challenge for Janelle to manage.

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 needs 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 general overview of the process used in your school system (or specifically in your school building) to 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 2-3 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 conduct a full and individual evaluation of Janelle T. despite the lack of parental consent? Explain why a school may want to evaluate Janelle. How could the school proceed without parental consent?
4. Briefly explain the child find requirements under IDEIA. What does your school system do to meet the child find obligation?

Section III. Free Appropriate Public Education (FAPE) and Individualized Education Program (IEP) *Given that you do not have sufficient information about Janelle to make specific recommendations, provide general explanations in this section about FAPE and the IEP process.*

5. According to IDEIA and pertinent case law, what is FAPE? 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. Summarize the key components of an IEP. Use the forms provided by your school system as guidance. 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 brief and general explanation of the legal mandates 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 federal statutes, case decisions, regulations, and school system policies and procedures that would be applicable when determining placement and the least restrictive environment (LRE).

Section V. Practical Considerations and Summary

9. Provide a summary and conclusion of your case study analysis.

Special Education Case Study Analysis Rubric

	Exceeds Expectations (4)	Meets Expectations (3)	Approaching Expectations (2)	Falls Below Expectations (1)
Introduction 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 clear statement of purpose. The introduction provides a basic overview of the case study analysis for the reader.	Analysis begins with a brief statement of purpose. The introduction provides a limited overview of the case study analysis for the reader.	Analysis begins with a confusing or no statement of purpose. The introduction fails to provide an overview of the case study analysis for the reader.
Identifies community interests and exceptional needs of diverse learners ELCC 4.2 c,d 10%	Student provides extensive discussion of the leader's role in improving programs and services for exceptional learners.	Student provides general discussion of the leader's role in improving programs and services for exceptional learners.	Student provides limited discussion of the leader's role in improving programs and services for exceptional learners.	Student 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 and school communities ELCC 6.1d 20%	Student includes extensive references to principles, laws, policies, cases and regulations. The discussion and application of such principles reveals a clear understanding.	Student includes numerous references to principles, laws, policies, cases and regulations. The discussion and application of such principles reveals general understanding.	Student includes numerous references to principles, laws, policies, cases and regulations. The discussion and application of such principles reveals limited understanding.	Student includes numerous references to principles, laws, policies, cases and regulations. The discussion and application of such principles reveals a lack of understanding.
Understands how to engage others and foster positive change for all students ELCC 6.3 a,b,c 15%	Student's written analysis of political, social, economic, legal and cultural context is thorough. Analysis includes clear & specific reference to the leader's role as an advocate for all students.	Student's written analysis of political, social, economic, legal and cultural context is adequate. Analysis includes clear & specific reference to the leader's role as an advocate for all students.	Student's written analysis of political, social, economic, legal and cultural context is limited. Analysis references the leader's role as an advocate for all students.	Student's written analysis of political, social, economic, legal and cultural context is inadequate. Analysis includes an implied reference to the leader's role as an advocate for all students.

Special Education Case Study Analysis Rubric -- continued

	Exceeds Expectations (4)	Meets Expectations (3)	Approaching Expectations (2)	Falls Below Expectations (1)
Discussion reveals respect for the rights of others and awareness of the need for integrity ELCC 5.1 10%	Student demonstrates ardent 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	Student demonstrates 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.	Student demonstrates limited 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.	Student demonstrates a lack of 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 and sensitivity to student diversity ELCC 5.2 10%	Student presents a specific and thorough discussion of how laws, cases and articles confirm ethical and moral role of school leaders; bias language is absent; sensitivity to diverse student needs is clearly demonstrated.	Student presents a general discussion of how laws, cases and articles confirm ethical and moral role of school leaders; bias language is limited; sensitivity to diverse student needs is evident.	Student presents a limited discussion of how laws, cases and articles confirm ethical and moral role of school leaders; bias language is absent; sensitivity to diverse student needs is evident.	Student presents a minimal discussion of how laws, cases and articles confirm ethical and moral role of school leaders; bias language is absent; sensitivity to diverse student needs is not evident.
Discussion of diversity is informed by ethical and legal principles ELCC 5.3 10%	Student includes clear and extensive discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Student includes a general discussion of the applicable legal and ethical principles; clearly addresses diverse needs of students and of the community.	Student includes a limited discussion of the applicable legal and ethical principles; addresses diverse needs of students and of the community.	Student includes a vague 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 10%	Student gathers at least 8 high quality references; provides clear and thorough discussion of the concepts referenced; and explains applicability of references.	Student gathers at least 7 high quality references; provides clear and thorough discussion of the concepts referenced; and explains applicability of references.	Student gathers at least 6 references; provides some discussion about the concepts referenced; and explains applicability of references.	Student gathers fewer than 6 references; provides some discussion about the concepts referenced; and explains applicability of references.
Organization 5%	Paper is powerfully organized and fully developed in presentation of ideas and concepts.	Paper is logically organized aided by clear transitions.	The paper lacks effective transitions.	The paper lacks a logical progression of ideas and concepts.
Mechanics 5%	Error-free; Student uses non-discriminatory language; correct APA format.	Occasional grammatical errors and/or questionable word choice; correct APA format.	Grammatical and spelling errors, and/or questionable word choice; correct APA format.	Frequent grammatical and spelling errors, and/or questionable word choice; incorrect APA format.

Class Participation Rubric

	Exceeds Expectations (4)	Meets Expectations (3)	Approaching Expectations (2)	Falls Below Expectations (1)
Attendance	Exemplary attendance, no tardies	Near perfect attendance, 1 absence, no tardies	Occasional , 2 absences 1-2 tardies	Frequent (>3) absences or tardies
Quality of Questions, Interaction	Most queries are specific and on point. Deeply involved in class dialogue. Challenges ideas, seeks meaning.	Often has specific queries, stays involved in class dialogue, though sometimes tentative or off-base.	Asks questions about deadlines, procedures, directions or for help with little specificity. Little discussion of ideas.	Rarely asks questions of any quality.
Effort	Willingly participates when asked. Plays a leadership role in groups. Engages and brings out the best in others.	Willingly participates when asked. Takes on group tasks. Engages others.	Reluctantly participates when asked. Seeks easiest duties in groups. Tolerates others.	Actively avoids involvement when possible. Complains about others. Has large set of excuses.
Engagement	Enthusiastically initiates discussion. Personalizes and takes ownership of activities. Always knows where class or group is.	Sometimes initiates discussion and always works well with direction. Generally knows what's going on.	Seeks direction, but does not initiate discussion. May know where class or group is.	Waits for direction. Knows little of what is going on. Cannot describe where class or group is.