

**GEORGE MASON UNIVERSITY
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT
Education Leadership Program**

**EDLE 612, Section B01: Education Law
3 credits, Summer 2017**

**Meeting Days: Tuesdays and Thursdays; June 6 through July 27; 4:30-7:10 p.m.
West 1008**

Faculty

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Prerequisite(s): B- or higher in EDLE 620; EDLE 690 and EDLE 791.

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

Overview of Course Content: Legal problems with candidates, 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 in 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 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.

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

Teaching and Learning:

1. Discussion and collaboration are key aspects of this course. All candidates are expected to make multiple, thoughtful contributions to class discussions and assigned projects, based on assigned readings, research, and informed consideration of classmates' comments.

2. Writing is an important activity for many roles within schools. Therefore, the process of writing is incorporated so that candidates will achieve the following objectives:

- develop greater confidence in their ability to write effectively using expository, analytical, and persuasive methods;
- 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 candidates 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.

Learner 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 objectives are active, to a greater or lesser degree, in this course. This course is designed to enable candidates to do the following:

1. engage in reflective practice with regard to education law (internship-related assignments);
2. strengthen and improve their communication skills through class discussion, writing, and collaborative group work
3. demonstrate an understanding of 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; and
5. use the Internet to obtain legal information.

Learner Outcomes

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

1. evaluate school based dilemmas through the use of philosophical and theoretical ethical models;
2. identify precedent and emerging issues in education law;
3. apply constitutional, case, and statutory law to issues of student discipline;
4. apply federal and case law to issues of sexual harassment and child abuse; and
5. analyze key education 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 as they apply to special populations.

Relationship of Course Goals to Program Goals

This course will enable candidates 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.

Professional Standards

The course addresses VADOE Competencies, ISLLC Standards, and ELCC (NCATE) Standards dealing with the legal, ethical, and political context of education.

Upon completion of this course, candidates will have met the following professional ELCC Standards: 4.2, 5.1, 5.2, 5.3, 5.4, 5.5, 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 22.1-298.8). Such understanding will include:

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

Course Materials

Required Texts:

- McCarthy, M., Cambron-McCabe, N., & Eckes, S. (2014). Public School Law, Teacher and Students’ Rights (7th ed.). Pearson
- Shapiro, Joan P. & Stefkovich, Jacqueline A. (2016). Ethical Leadership and Decision Making in Education (4th ed.). Routledge

Texts are available in the GMU Bookstore in the Johnson Center. Additional materials and hand-outs will be posted on Blackboard and/or distributed in class.

Suggested Resources:

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.ihtml>

George Mason University Library/LexisNexis Academic: <http://library.gmu.edu/>

Classroom Materials:

In order to successfully complete required assignments, candidates 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 suggested resources) for supplemental materials.

Correspondence by e-mail will use your Mason e-mail account.

Outside-of-Class Resources:

Candidates are required to use Blackboard as part of this course. Vital information for the course will be posted on the Blackboard site. Candidates are required to submit their course assignments in hardcopy in class or by electronically using the Blackboard website, as directed by the instructor. **All candidates 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 Performance Evaluation

Candidates are expected to submit all assignments on time in the manner outlined by the instructor (e.g., Blackboard, TK20. Hard copy).

Written and Group Performance Assignments (85 points)

Since this is a graduate-level class, **high quality work** on all assignments is expected. Candidates should refer to the appendices and rubrics for specific guidance on the preparation of assignments. The Ethics Code and Case Study Analysis and the Special Populations assignments must be submitted via TK20. The Legal Issue Analyses assignments will be submitted via Blackboard.

- | | |
|---|------------------------------------|
| 1. Ethics Code and Case Study Analysis (25 points) | Directions & Due Date: Appendix A |
| 2. Special Education Case Study Analysis (30 points) | Directions & Due Dates: Appendix B |
| 3. Special Populations Case Briefs & Presentation (30 points) | Directions & Due Dates: Appendix C |

Expectations for Written Work

Use appropriate grammar.
Writing should be the caliber of a graduate candidate.
Use Times Roman or Arial 12-point font.
Include a cover page with name, date & assignment.
Follow **APA guidelines** (double space, references, etc.)

Spell correctly.
Type all work.
Write clearly.
Find a good proofreader!
Avoid plagiarism!!!!

Expectations for Group Work

Each team member has a clearly identifiable role of contribution.
Practice conflict resolution and consensus building.
Proof read multimedia in use.
Use clear transitions.

Manage time.
Conduct a practice run.

Participation and Attendance (15 points)

Candidates are expected to attend every class for its entirety. **Maximum class participation points will be earned by candidates who attend all classes, are on time, do not leave early, and provide meaningful input.** Part of your course grade is earned through ongoing assessment of your attendance, performance, communication and professional disposition in class and online discussions. Punctual attendance and regular class participation are vital to your success in this course. 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 and online discussions 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 that are relevant to the class discussion

Course Performance Evaluation Weighting:

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

Grading Policies

Papers are due as indicated on the reading schedule that follows.

All work must be submitted on time, meaning no later than by midnight of the due date. If you happen to be absent on the day a paper is due, the due date remains and the paper must be submitted electronically. **Assignments will not be accepted after the due date.**¹

Every candidate registered for any Education Leadership course with a required performance-based assessment (designated as such in the syllabus) is **required to submit these assessments to TK20 through Blackboard. In EDLE 612, the required performances are the Code of Ethics Development and the Special Populations Case Briefs & Presentation.**

¹ At the instructor's discretion, and only under unusual and compelling circumstances, e.g., a serious illness, due dates may be renegotiated.

These performances **must** be submitted to TK20 through Blackboard (regardless of whether a course is an elective, a onetime course or part of an undergraduate minor.) Evaluation of the performance-based assessments by the course instructor will also be completed in TK20 through Blackboard. Failure to submit the assessment to TK20 through Blackboard will result in the course instructor reporting the course grade as Incomplete (IN). Unless the IN grade is changed upon completion of the required TK20 Blackboard submission, the IN will convert to an F nine weeks into the following semester.

GMU POLICIES AND RESOURCES FOR STUDENTS

Policies

- Students must adhere to the guidelines of the Mason Honor Code (see <http://oai.gmu.edu/the-mason-honor-code/>).
- Students must follow the university policy for Responsible Use of Computing (see <http://universitypolicy.gmu.edu/policies/responsible-use-of-computing/>).
- Students are responsible for the content of university communications sent to their Mason email account and are required to activate their account and check it regularly. All communication from the university, college, school, and program will be sent to students **solely** through their Mason email account.
- Students with disabilities who seek accommodations must be registered with George Mason University Disability Services. Approved accommodations will begin at the time the written letter from Disability Services is received by the instructor (<http://ods.gmu.edu/>).
- Students must follow the university policy stating that all sound emitting devices shall be silenced during class unless otherwise authorized by the instructor.

Campus Resources

- Support for submission of assignments to Tk20 should be directed to tk20help@gmu.edu or <https://cehd.gmu.edu/aero/tk20>. Questions or concerns regarding use of Blackboard should be directed to <http://coursesupport.gmu.edu/>.
- The Writing Center 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/>).
- The Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical psychologists, social workers, and counselors who offer a wide range of services (individual/group counseling, workshops, outreach programs) to enhance students' personal experience and academic performance (see <http://caps.gmu.edu/>).
- The Student Support & Advocacy Center staff helps students develop and maintain healthy lifestyles through confidential one-on-one support as well as through interactive programs and resources. Some of the topics they address are healthy relationships, stress management, nutrition, sexual assault, drug and alcohol use, and sexual health (see <http://ssac.gmu.edu/>). Students in need of these services may contact the office by phone at 703-993-3686. Concerned students, faculty and staff may also make a referral to

express concern for the safety or well-being of a Mason student or the community by going to <http://ssac.gmu.edu/make-a-referral/>.

Professional Dispositions

Candidates are expected to exhibit professional behaviors and dispositions at all times. Consistent with our mission to educate exceptional leaders who act with integrity and respect for others, candidates are not permitted to record a class themselves by any means without prior expressed consent of the instructor -- except for class recordings made to accommodate requests presented by the George Mason University's Office of Disability Services.

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

Core Values Commitment

The College of Education & Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Candidates are expected to adhere to these principles: <http://cehd.gmu.edu/values/>.

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

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Class schedule:

To accommodate the learning needs of the class, the topic and reading schedule may be amended during the semester. Please check for announcements on the course website for any update to the schedule if you miss a class. You are expected, however, to keep pace with the calendar of assigned readings.

Class		Topic	Assigned Readings	Assignments
1	6/6	Syllabus Review Legal Framework of Public Education ✓ Role of School Board, State and Federal Governments ✓ Function and Structure of the Judicial System ✓ VA Freedom of Information Act ✓ Legal Research	Public School Law: Chapter 1 Stefkovich: Part 1 ✓ Ethical Leadership: A Case Study Framework (Blackboard)	
2	6/8	School Attendance and Instructional Issues ✓ McKinney-Vento Homeless Children Act ✓ Family Educational Rights and Privacy Act ✓ Pupil Privacy Rights Amendment	Public School Law: Chapter 3 Stefkovich: Case Study 10.3 Assigned Readings (Blackboard) ✓ 20 U.S.C. § 1232g ✓ 20 U.S.C. § 1232h ✓ Education for Homeless Children and Youth Non-Regulatory Guidance (excerpts) ✓ Dear Colleague: May 8, 2014	
3	6/13	Developing an Ethical Code ✓ Examine ethical dilemmas ✓ Deconstruct bias ✓ Reflect on values Decision-making Models	"Are You Prepared to Defend the Decisions You've Made?" Reflective Equilibrium, Situational Appreciation, and the Legal and Moral Decisions of School Leaders (Blackboard) Stefkovich: Chapter 3 and Chapter 5: Case Studies (3.1 – 3.5, 5.1, 5.5)	Bring samples of Codes of Ethics from three different organizations Draft: Ethics Assignment
4	6/15	Church & State Relations ✓ Religious Accommodations ✓ Equal Access Act	Public School Law: Chapter 2 Stefkovich: Chapter 7: Case Studies (7.2 & 7.3)	
5	6/20	Students Rights in Non-Instructional Matters ✓ Freedom of Speech and the	Public School Law: Chapter 4 SPLC Model Guidelines for High School Student Media (Blackboard)	

		Press		
6	6/22	<p>Student Classifications</p> <ul style="list-style-type: none"> ✓ Sexual Harassment ✓ Harassment of Students with Disabilities 	<p>Public School Law: Chapter 5</p> <p>Stefkovich: Case 11.3: New Bullying for the 21st Century: Cyber-bullying in the Middle</p> <p>Assigned Readings (Blackboard)</p> <ul style="list-style-type: none"> ✓ Dear Colleague: April 4, 2011 ✓ Dear Colleague: October 21, 2014 ✓ Dear Colleague: October 1, 2014 	
	6/27	Ethics Assignment Due		
7	6/27	<p>Students with DisAbilities</p> <ul style="list-style-type: none"> ✓ IDEA ✓ Section 504 ✓ Discipline ✓ Parental Rights 	<p>Public School Law: Chapter 6</p> <p>VDOE Parents' Guide to Special Education (Blackboard)</p>	Draft: Special Education Case Study Assignment
8	6/29	<p>Student Discipline</p> <ul style="list-style-type: none"> ✓ Due Process ✓ Suspension ✓ Expulsion 	<p>Public School Law: Chapter 7</p> <p>Stefkovich: Case studies</p> <ul style="list-style-type: none"> ✓ Case 6.1: A Home for Marlon ✓ Case 7.4: Moral Empathy, Vulnerability, and Discipline in the Digital Age ✓ Case 10.1: Keeping Children Safe: When is Enough Enough? 	<p>Special Populations Assignment:</p> <ul style="list-style-type: none"> ✓ Identify Topics and Groups
9	7/6	<p>Terms and Conditions of Employment</p> <ul style="list-style-type: none"> ✓ Intellectual Property ✓ Reporting Child Abuse 	<p>Public School Law: <i>Chapter 8</i></p> <p>A Guide for Mandated Reporters in Recognizing and Reporting Child Abuse (Blackboard)</p> <p>Stefkovich: Case Studies</p> <ul style="list-style-type: none"> ✓ Case 4.4 School Budget Blues and Copyright ✓ Case 6.3 Lost in Translation ✓ Case 8.2 Black and White and Shade of Gray 	
	7/11	Special Education Case Analysis Due		
10	7/11	<p>Teacher's Substantive Constitutional Rights</p> <ul style="list-style-type: none"> ✓ Freedom of Expression 	Public School Law: Chapter 9	
11	7/13	<p>Discrimination in Employment</p> <ul style="list-style-type: none"> ✓ Title VI 	Public School Law: Chapter 10	

		<ul style="list-style-type: none"> ✓Religious Accommodations ✓Americans With Disabilities Act 		
12	7/18	<ul style="list-style-type: none"> Termination of Employment ✓Grievance Procedure 	Public School Law: Chapter 11	
13	7/20	Tort Liability	Public School Law: Chapter 13	
14	7/25	<ul style="list-style-type: none"> Workshop Class Collaborative Planning 		
15	7/27	<ul style="list-style-type: none"> ✓Class Presentations ✓Course Evaluations 	Case briefs must be posted no later than midnight on 7/27/17	Special Populations Presentations of Analyses

APPENDIX A

Ethics Code, Case Study & Analysis

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

DUE DATE: June 27, 2017

ASSIGNMENT VALUE: 25 Points

I. Develop a Code of Ethics.

- A. Identify key ethical and legal principles, personal values, and reference to the source of authority (e.g., theoretical, philosophical, personal beliefs, morals, etc.) for these principles and values.
- B. Examine at least 3 existing codes of ethics to support the development of your code. You should also provide the name and link to these codes in a reference list for this assignment, or a copy of each code in an appendix to the paper. Clearly explain the influence of these codes on your personal development of a code of ethics.
- C. Develop your own personal code of ethics.

II. Identify and write a case study about an ethical dilemma in your school system, 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 discussion should clearly demonstrate your commitment to confidentiality, sensitivity to diverse interests, and respect for the rights, dignity, and integrity of others.

III. Seek feedback from a colleague in your school system about how you used your Code of Ethics 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 ethical code to the case study analysis.
- C. Formulate a detailed leadership response to the ethical dilemma that includes an analysis of the moral and legal consequences of decision making in the school.

Ethical Case Study Assessment Rubric

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
<p>ELCC 5.1 Candidates demonstrate understanding of need for integrity and fairness through the development of an ethical code based on ethical and legal principles. (15%)</p>	<p>The candidate develops a code of ethics that includes clearly identified ethical and legal principles from at least 3 different professional codes of ethics, and clearly explains how the developed code may be used to promote fairness, integrity, and equitable practices.</p>	<p>The candidate develops a code of ethics that includes ethical and legal principles from 3 different professional codes of ethics, and explains how the developed code may be used to promote fairness, integrity, and equitable practices.</p>	<p>The candidate develops a code of ethics that includes ethical and legal principles from only 2 codes of ethics, and/or discussion of how the developed code may be used to promote fairness, integrity, and equitable practices.</p>	<p>The candidate develops a code of ethics but fails to identify ethical and legal principles as the primary source and foundation of the code.</p>
<p>ELCC 5.3 Candidates understand and safeguard the values of democracy, equity, and diversity within the school. (20%)</p>	<p>The candidate thoroughly describes an ethical dilemma and carefully evaluates several school policies and procedures that would support resolution of the dilemma. The candidate demonstrates in-depth understanding of the need to promote democratic values, equity, and respect for diversity.</p>	<p>The candidate sufficiently describes an ethical dilemma and evaluates several school policies and procedures that would support resolution of the dilemma. The candidate demonstrates understanding of the need to promote democratic values, equity, and respect for diversity.</p>	<p>The candidate poorly describes an ethical dilemma and evaluates school policy and procedures that would support resolution of the dilemma. The candidate demonstrates limited understanding of the need to promote democratic values, equity, and respect for diversity.</p>	<p>The candidate fails to describe an ethical dilemma, and also fails to evaluate school policies and procedures that would support resolution of the dilemma. The candidate fails to demonstrate understanding of the need to promote democratic values, equity, and respect for diversity.</p>

Ethical Case Study Assessment Rubric -- continued

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
ELCC 5.2 Candidates understand and can model principles of self-awareness, reflective practice, transparency, and ethical behavior as related to their roles within the school. (20%)	The candidate thoroughly describes discussion with a colleague to formulate a detailed leadership response to an ethical dilemma; and analyzes the leadership decision demonstrating specific awareness of established ethical standards and practices.	The candidate sufficiently describes discussion with a colleague to formulate a leadership response to an ethical dilemma; and analyzes the leadership decision, explaining established ethical standards and practices.	The candidate poorly describes discussion with a colleague to formulate a leadership response to an ethical dilemma; and analyzes the leadership decision, explaining established ethical standards and practices.	The candidate fails to describe discussion with a colleague to formulate a leadership response to an ethical dilemma; and analyzes the leadership decision, explaining established ethical standards and practices.
ELCC 5.4 Candidates understand and can evaluate the potential moral and legal consequences of decision making in the school. (20%)	The candidate uses the code of ethics and four ethical lenses to analyze the case, and clearly demonstrates a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.	The candidate applies the code of ethics and three ethical lenses to analyze the case, and demonstrates a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.	The candidate makes limited application of the code of ethics and the ethical lenses to analyze the case, and fails to clearly demonstrate a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.	The candidate fails to apply either the code of ethics or the ethical lenses to analyze the case and fails to demonstrate a commitment to confidentiality, sensitivity to diverse interests, and respect for rights, dignity, and integrity of others.
ELCC 5.5 Candidates understand and can promote social justice within a school to ensure that individual candidate needs inform all aspects of schooling. (20%)	The candidate demonstrates an astute capacity to use their code to resolve an ethical dilemma through decision making that promotes social justice in the best interests of the candidate.	The candidate demonstrates a general capacity to use their code to resolve an ethical dilemma through decision making that promotes social justice in the best interests of the candidate.	The candidate demonstrates a limited capacity to use their code to resolve an ethical dilemma through decision making that promotes social justice in the best interests of the candidate.	The candidate does not demonstrate the capacity to use their code to resolve an ethical dilemma through decision making that promotes social justice in the best interests of the candidate.

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
Writing and flow of thought are clear and thorough, content is scholarly and instructive. Paper is grammatically correct. (5%)	The paper is generally error-free, reflects extensive editing, proofreading, and graduate level work. Sentence structures and word choice are excellent.	The paper is generally error-free, reflects sufficient editing, proofreading, and graduate level work. Sentence structures and word choice are good.	The paper contains spelling and grammatical errors, reflects poor editing and proofreading, and is approaching graduate level work. Sentence structures and word choice are adequate.	The paper contains numerous spelling and grammatical errors, reflects poor editing and proofreading, and is approaching graduate level work. Sentence structures and word choice are poor.

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APPENDIX B

Special Education Case Study Analysis

DUE DATE: July 11, 2017

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 extensive 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 attention 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 - Assessment Rubric

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations	Falls Below Expectations 1
Introduction (5%)	Analysis begins with a clear and concise statement of the purpose. The introduction provides a solid overview of the case study analysis for the reader.	Analysis begins with a brief statement of the purpose. The introduction provides a basic overview of the case analysis for the reader.	Analysis begins with an unclear or limited statement of the purpose. The introduction fails to provide a sufficient overview of the case study analysis.	Analysis begins with a confusing and unclear description of the facts and legal issue in question. The introduction fails to provide an overview of the case study analysis.
ELCC 4.2.c.d Identification of community interests and exceptional needs of diverse learners. (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.
ELCC 6.1.d Discussion of key principles, laws, cases, policies and regulations affecting students and school communities. (20%)	Candidate includes extensive references to principles, laws, cases, policies and regulations. The discussion and application of such principles reveals a clear understanding.	Candidate includes numerous references to principles, laws, cases, policies and regulations. The discussion and application of such principles reveals a general understanding.	Candidate includes extensive references to principles, laws, cases, policies and regulations. The discussion and application of such principles reveals a limited understanding.	Candidate includes insufficient references to principles, laws, cases, policies and regulations. The discussion and application of such principles reveals a lack of understanding.
ELCC 6.3a,b,c Candidates understand how to engage others and foster positive change for all candidates. (15%)	Candidate's written analysis of political, social, economic, legal and cultural context is exemplary. Analysis includes clear and specific reference to the leader's role as an advocate for all candidates.	Candidate's written analysis of political, social, economic, legal and cultural context is thorough. Analysis includes clear and specific reference to the leader's role as an advocate for all candidates.	Candidate's written analysis of political, social, economic, legal and cultural context is limited. Analysis includes some degree of reference to the leader's role as an advocate for all candidates.	Candidate's written analysis of political, social, economic, legal and cultural context is unacceptable. Analysis includes inadequate reference to the leader's role as an advocate for all candidates.

Program vision: The Education Leadership Program is dedicated to improving the quality of pre-K - 12 education through teaching, research, and service. Candidates and practicing administrators engage in course work devoted to experiential learning, professional growth opportunities, and doctoral research that informs practice. We educate exceptional leaders who act with integrity as they work to improve schools.

ELCC 5.1 Discussion reveals respect for the rights of others and awareness of need for integrity. (10%)	Candidate demonstrates genuine respect and awareness of the rights of others by using extensive references to 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 the rights of others by using numerous references to laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Candidate demonstrates respect and awareness of the rights of others by using limited references to laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.	Candidate demonstrates limited awareness of the rights of others by using insufficient references to laws, policies, and literature to support the discussion of critical values that guide behavior in the school community.
ELCC 5.2 Response reveals ethical awareness and sensitivity to student diversity. (10%)	Candidate clearly discusses 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.	Candidate discusses how laws, cases and articles confirm ethical and 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 and 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 and moral role of school leaders; bias language is absent; sensitivity to diverse student needs is not demonstrated.
ELCC 5.3 Discussion of diversity is informed by ethical and legal principles. (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 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. (10%)	Candidate gathers at least 8 high quality reference sources; provides clear and thorough discussion; and explains the applicability of references.	Candidate gathers 6-8 references, but not all are from high quality sources; provides solid discussion; and explains the applicability of references.	Candidate gathers at least 6 references, but few are from high quality sources; provides some discussion; and weakly explains the applicability of references.	Candidate gathers insufficient or poor quality reference sources; provides insufficient discussion; and poorly explains the applicability of references.
Organization, mechanics, and proofreading of the paper. (10%)	The paper is well-organized and error-free; non-discriminatory language is used; clear sentence structures are used. APA format is correct.	The paper is organized. Occasional grammatical or word errors are present. Non-discriminatory language and clear sentence structures are used. A few unclear word choices are present. APA format is used.	The paper is somewhat organized. Several errors are present. Language is discriminatory in nature. Sentence structures are unclear and word choices are confusing. APA format is incorrect.	The paper is poorly organized. Many errors and discriminatory language are present. Sentence structures are poor, word choices are confusing, and APA format is not used.

Commented [MC1]:

APPENDIX C

Special Populations Paper and Presentation — 30 points: Candidates are expected to identify an issue or topic related to the larger political, social, economic, legal, and cultural context of schools that impacts educational opportunities for candidates as well as the rights of families and caregivers. Candidates will first independently complete five one page case briefs in which they analyze significant statutes, regulations, and judicial holdings that are pertinent to the issue or topic of interest, specifically an issue related to candidates with disabilities, English language learners, candidate race, economic challenges, or other significant disadvantages impacting candidate learning and educational opportunities. Each case brief should identify and analyze recent case law; although, one or two historic or landmark cases may be included as appropriate. The issue or topic must be directly related to the provision and protection of educational opportunities for all candidates. Each case brief should be organized to include all elements of a court decision including: the case citation, the facts of the case, the legal issue in question, the court’s holding, an explanation and analysis of the court’s reasoning, as well as the implications and recommendations for school leaders. Candidates will then collaborate with peers who have selected issues in common to develop an in-class presentation that summarizes the collective findings, key ideas, and strategies to inform education leadership practice. Groups will have approximately 20 minutes to make their presentations. The presentation should include time for questions, discussion, and facilitate audience engagement.

DUE DATE: July 27, 2017

ASSIGNMENT VALUE: 30 Points

Special Populations – Case Briefs Assessment Rubric

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
Introduction 5%	The citation is addressed correctly. All significant details have been included.	The citation is addressed correctly, but minor details have been overlooked.	The citation is addressed, but several details have been overlooked.	The citation is either not included or is completely incorrect.
ELCC 5.5 Candidates understand and can promote social justice within a school to ensure that individual candidate needs inform all aspects of schooling. 20% FACTS & ISSUE	The candidate’s written assessment of the fact pattern is comprehensive and the legal issue is clearly defined to reveal a clear understanding of the policy and practice variables that impact equity and social justice for all candidates.	The candidate’s written assessment of the fact pattern and legal issue reveals a general understanding of the policy and practice variables that impact equity and social justice for all candidates.	The candidate’s written assessment of the fact pattern and/or legal issue reveals a limited understanding of the policy and practice variables that impact equity and social justice for all candidates.	The candidate’s written assessment of the fact pattern and/or legal issue is missing or reveals a lack of understanding of the policy and practice variables that impact equity and social justice for all candidates.

Special Populations – Case Briefs Assessment Rubric -- continued

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
<p>ELCC 6.2 Candidate understands local, district, state, and national decisions affecting candidate learning. 15% HOLDING</p>	The candidate provides extensive discussion of the case holdings and how the courts' judgments impact local, district, state and national laws and policies that affect candidate learning.	The candidate provides sufficient discussion of the case holdings and how the courts' judgments impact local, district, state and national laws and policies that affect candidate learning.	The candidate provides limited discussion of the case holdings and how the courts' judgments impact local, district, state and national laws and policies that affect candidate learning.	The candidate provides insufficient discussion of the case holdings and how the courts' judgments impact local, district, state and national laws and policies that affect candidate learning.
<p>ELCC 5.4 Candidates understand and can evaluate the potential moral and legal consequences of decision making in the school. 20% REASONING</p>	The candidate identifies 4 ethical (moral) and legal principles influencing the court's reasoning to support decision making about the identified issue.	The candidate identifies 3 ethical (moral) and legal principles influencing the court's reasoning to support decision making about the identified issue.	The candidate identifies 2 ethical (moral) and legal principles influencing the court's reasoning to support decision making about the identified issue.	The candidate identifies only 2 ethical (moral) and/or legal principles influencing the court's reasoning to support decision making about the identified issue.
<p>ELCC 6.1 Candidates demonstrate the ability to advocate for school candidates, families and caregivers through analysis of how law and policy is applied fairly and consistently. 25% IMPLICATIONS</p>	The candidate's briefs and presentation demonstrate a superior ability to understand and advocate for candidates, families and caregivers through analysis of how law and policy is applied consistently, fairly, and ethically.	The candidate's briefs and presentation demonstrate an ability to understand and advocate for candidates, families and caregivers through analysis of how law and policy is applied consistently, fairly, and ethically.	The candidate's briefs and presentation demonstrate some, but limited ability to understand and advocate for candidates, families and caregivers through analysis of how law and policy is applied consistently, fairly, and ethically.	The candidate's briefs and presentation fail to demonstrate an ability to understand and advocate for candidates, families and caregivers through analysis of how law and policy is applied consistently, fairly, and ethically.

---- RUBRIC CONTINUED ON NEXT PAGE ----

	Exceeds Expectations 4	Meets Expectations 3	Approaching Expectations 2	Falls Below Expectations 1
Organization, mechanics and proofing 5%	The briefs are evenly consistent with the prescribed format, organized and error-free; non-discriminatory language is used, clear sentence structures are used.	The briefs are informed by the prescribed format. Occasional grammatical or word errors are present. Non-discriminatory language and clear sentence structures are used. A few unclear word choices are present.	The briefs are somewhat organized. Several errors are present. Language is discriminatory in nature. Sentence structures are unclear and word choices are confusing.	The briefs are poorly organized. Numerous errors and discriminatory language are present. Sentence structures are poor, word choices are confusing.
Presentation 10%	Presentation of the topic reveals in-depth research of the legal issues, clear synthesis of key points to inform recommendations for future leadership practice, and incorporates design elements that stimulate discussion and questions.	Presentation of the topic reveals general research of the legal issues, synthesis of key points to inform recommendations for future leadership practice, and incorporates design elements that stimulate discussion and questions.	Presentation of the topic reveals limited research of the legal issues, synthesis of key points to inform recommendations for future leadership practice; design elements do not stimulate discussion and questions.	Presentation of the topic reveals a lack of research of the legal issues, no synthesizes of key points to inform recommendations for future leadership practice; design elements do not stimulate discussion and questions.

Commented [rb2]: The addition of this line represents a synthesis of the instructor's notes presented on page 7.

Special Populations Presentation

(Total: 10 Points)

Group Topic: _____

Group Membership: _____

Presentation

- Issue and legal context are clearly presented _____ (1 point)
- Cases are identified & key points explained _____ (2 points)
- Synthesis of impact on practice is clear _____ (1 point)
- Suggestions for future implementation strategies are clear _____ (1 point)
- Presentation is clear and accurate _____ (1 point)
- Summary of overall key points is provided (hand-out) _____ (2 points)

Discussion/Engagement

- Design elements incorporated to engage colleagues in discussion, questions, or input _____ (1 point)
- Overall communication skills _____ (1 point)

Total Points _____ (10 points)

INSTRUCTOR COMMENTS: