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EDUC 6740  
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Module 10 – Law Case Analysis #7

**You are assuming the role of a legal advisor for the Adams County School District #14. Using the following anecdotal case, respond to it in terms of the “district's position”. Justify your remarks using data and information we discussed in class or that was found in this course. Try to respond fully, yet keep your responses succinct and to the point.**

### **Inclusion**

*Many educators feel that all children, disabled and non-disabled, benefit from a classroom environment that supports inclusion. While many educators support inclusion as a way of placing children with disabilities in the most ideal educational environment, there are some who feel that inclusion places these children in an environment that may be non-supportive or ill-equipped to handle their unique needs. With increasing frequency, regular classroom teachers are called on to meet not only the academic needs of students but sometimes perform related medical services such as catheterization, suctioning, seizure monitoring, etc. for students with disabilities in their classroom.*

*At the Horace Mann Elementary School Ms. Janine Hartman was in her first year of teaching 2nd grade. Her class consisted of 31 students. Four students were enrolled who were classified as needing “special services and interventions” for which Ms. Hartman had no training or expertise.*

*What liabilities may be present in terms of the inclusion environment and set up at this school? What recommendations would you make for students enrolled in this class? What recommendations would you make for Ms. Hartman, the school, and the district?*

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**My Response:** This situation seems like a lawsuit waiting to happen. While providing FAPE (Free Appropriate Public Education) and a LRE (Least Restrictive Environment) are considered a right for all students (Gatewood-Hall, 2013), especially those with special needs, requiring a teacher in her first year, with no previous experience in such matters, to be responsible for so many students, seems like a terrible idea. I would recommend that the principle at Horace Mann Elementary determine if there isn't another 2<sup>nd</sup> Grade teacher, already trained, who can take on these students, or at least most of them, so that Ms. Hartman is not overwhelmed with not just a large number of students, but so many requiring special training to assist as well.

If such a teacher exists, this would be ideal. Preferably, this other teacher would trade some of their students for Ms. Hartman's, and then throughout the year, Ms. Hartman could join the other teacher who could act as her mentor, and thus receive hands-on training regarding the care of these special needs students, so that in the future, Ms. Hartman herself is competent to handle such students and situations in her own classroom.

This ideal situation may however be a pipe dream, and if Ms. Hartman is the first choice to teach these students, then I would guess that no such teacher exists at Horace Mann Elementary. Assuming this is indeed the case, then I recommend that we immediately hire a **paraprofessional / paraeducator** that has been in fact trained to deal with the unique needs of these students. Another great alternative would be

for the district to also hire a **districtwide paraprofessional** that can help train other paraeducators / educators in some of the more intensive and exclusive training that such special needs students may need or require in their classrooms. Within a few weeks, the district should be outfitted with a good number of trained, competent paraprofessionals that can either serve as assistants and / or trainers for all the schools and teachers at the district who may have just a few students needing occasional help, or a small group needing constant assistance. Similar situations are a frequent occurrence across the country, and many agree that it is both helpful and at times necessary to have such paraprofessionals constantly in our schools (Department of Education, 2013).

In the case of Ms. Hartman, a full-time paraprofessional seems the best option, and ongoing training between her and this individual as well as the special needs teachers / director at the school would seem appropriate. After several weeks of working with such trainers, educators and students, and according to her comfort level, Ms. Hartman might then take on a bit more responsibility regarding these students herself, but all things considered, someone who is otherwise fully trained on these matters should be in the classroom full-time with Ms. Hartman to ensure that she is getting the additional support that she will require, and of course that her students are getting FAPE as mandated by law (Gatewood-Hall, 2013).

In regards to the fellow students, evidence shows that it would be helpful if the teacher, paraprofessional and special education director / teacher would sit down and have an age appropriate conversation with the fellow students in the class, and perhaps at the school level, to help their regular-education students be aware of some of the challenges faced by their fellow students, and to encourage them all to help, assist, and befriend their fellow special needs' students. This can be very helpful in building a lasting, protective school culture where **all students** feel included, appreciated, and safe (Riester-Wood, 2015).

As mentioned before, Ms. Hartman at this time is not ready for the additional responsibility and liability that these students entail. However, a fellow teacher or more likely paraeducator who has been trained accordingly could step in and ensure that the standard of care for these students is maintained, and that no neglect, injury, negligence or harm would come to any of these students, especially those special needs ones that may require more assistance than Ms. Hartman is currently trained and able to provide. With time and the proper training, she could no doubt be trusted to care more solely for these or other such students, but given the fact that she has a full regular education student load and it is her first year, prudence dictates that we immediately guarantee that another trained educator is assisting her in caring for and helping teach the four special needs students as mentioned.

Sources:

Gatewood-Hall, B. (2013). MANAGING PARAPROFESSIONAL ROLES AND RESPONSIBILITIES (pp. 1-18). Chicago, IL: BGH Educational Association. Retrieved February 28, 2019, from <http://ilccbd.pbworks.com/w/file/fetch/68325711/8-9-2013>

Riester-Wood, T. (2015, September 09). Peers Supporting an Inclusive School Climate. Retrieved February 28, 2019, from <https://inclusiveschools.org/peers-supporting-an-inclusive-school-climate/>

United States, U.S. Department of Education, U.S. Office of Special Education Programs. (2013). Retrieved February 27, 2019, from <https://education.ufl.edu/spense/files/2013/05/parasFinal.pdf>