

ETHICAL & LEGAL ISSUES IN SPECIAL EDUCATION

Ethical & Legal Dilemma Scenario

Randy is completing his senior year at Razorback High School. He is identified as having an Other Health Impairment (OHI) within the meaning of the IDEA and receives special education and related services in accordance with an Individualized Education Program (IEP). He is diagnosed with ADD, generalized anxiety disorder, and mild cerebral palsy. He struggles academically and with impulsivity, disorganization, fine motor coordination and social problem-solving. In spite of these challenges, Randy is expected to complete his coursework for graduation this coming spring. His parents, however, are concerned about his immaturity and preparedness to graduate at this time. They have expressed their concern that the school has just “socially passed him” and is rushing to get him graduated. They believe he should remain in high school another year or so.

The high school’s special education designee has scheduled Randy’s Annual Review conference, including review and completion of his Summary of Performance (SOP), for April 22nd. A Notice of Conference has been sent to both Randy and his parents. The parents have confirmed their attendance.

Since this past Christmas, Randy has been staying at a friend’s home after a falling out with his parents. At present, he and his parents have not reconciled. In spite of the family turmoil, Randy has maintained fairly good school and class attendance with the support of his special education teacher, school counselor and friend’s family involvement. Randy turned 18 on April 2nd, and he’s indicated recently that he doesn’t want his parents directly involved any longer in his education, given the current situation. He doesn’t want his report card/grades to be sent to his parents either, or for the school to engage in any form of contact with his parents. He’s upset with them right now and wants nothing to do with them.

Given this recent development, school personnel are in a quandary as to how the situation should be handled. What do you think should be done?

ACTIVITY – SCENARIO ANALYSIS

Identify the possible issue(s) at hand.

Are there one or more legal issues to consider? If so, what laws, rules, policies (Federal, State, Local) may need to be considered?

What are applicable legal requirements?

What are applicable rules and policies?

Is there an ethical dilemma? If so, describe it.

Identify the stakeholders and their possible reactions to the situation.

What is at stake from the viewpoint of the various stakeholders?

What rights are involved and whose rights are they?

What are the potential risks and harm to any party involved?

What information needs to be collected and reviewed?

Identify potential course(s) of action and potential outcomes/consequences.

