

When a Student's Rights are Wronged Case Analysis and Rationale

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Part 1: Case Analysis

Case 38.

1. Brief summary of the case:

Miguel Hernandez was a student at Nottingham High School. During a football game he suffered an injury that left him paralyzed from the waist down. When he came back to school they changed his biology class to another science class that would meet graduation requirements but maybe not qualify as a college prep class. They did this because the biology room did not have wheelchair access to accommodate him. The parents were mad and met with the principal, including bringing in their lawyer (Hanson, 2008).

2. Identify the issues to be resolved:

One issue that needs to be resolved is the funding for getting that classroom wheelchair access. Another issue that needs to be addressed is the time it will take to get that approved and built. This causes an issue because they aren't following a law. Lastly, you have the issue of the lawyer and parents being very upset.

3. Stakeholders involved in the issues:

Stakeholders involved are Miguel Hernandez, Mr. and Mrs. Hernandez, myself, Ms. Guzman, Howard Kerri, and Dover Unified School District.

4. Background information on requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 as they relate to free and appropriate public education:

The Individuals with Disabilities Education Act ensures students an education that is deemed best for them. Students will be placed in their least restrictive environment, meaning they will be educated with the general education students as much as possible (Individuals with Disabilities Education Act, 2017). Section 504 of the Rehabilitation Act of 1973 discusses what a school will do for a student that has disabilities. A 504 plan will give accommodations for students that would not qualify for an IEP but have some sort of disability (*What is a 504 Plan*, n.d.). One thing a 504 plan does is guarantees students with an education that is the same as what is offered to their peers.

5. Additional information needed to make decisions:

The additional information that may be needed is if the school had access to an online curriculum that would satisfy the biology requirement. If it isn't possible for Miguel to take the course online, would it be possible to offer the class in another classroom within the building that is wheelchair accessible? Another piece of information needed is how non-wheelchair accessible is the classroom.

6. Community resources (5-8) that can be used by school personnel and families in meeting the needs of students with exceptionalities:

Community resources play a crucial role in meeting the needs of students with exceptionalities. There are several options available to school personnel and families to support these students, including

1. Local government agencies such as the Department of Education and the Department of Health and Human Services, which provide resources and support for students with disabilities.
2. Non-profit organizations such as United Way, Easter Seals, and Special Olympics, which offer programs and services for students with exceptionalities.
3. Parent support groups, which provide a network of support and information for families of children with exceptionalities.
4. Special education advocacy groups, which offer information and support for families in navigating the special education system.
5. Healthcare providers, including therapists, psychologists, and physicians, can provide medical and therapeutic support for students with exceptionalities.
6. Vocational rehabilitation agencies, which offer support and resources for students with disabilities as they transition into adulthood and the workforce.
7. Accessible technology and assistive device providers, which offer tools and resources for students with disabilities to access education and information.
8. Local colleges and universities may have programs and resources for students with exceptionalities, including support for transitioning into higher education and the workforce.

7. Possible solutions to the issues:

1. Compliance with the Rehabilitation Act of 1973: The school should comply with the provisions of Section 504 of the Rehabilitation Act of 1973 and ensure that Miguel has access to the biology class as well as any other required services.
2. Making necessary accommodations: The school should make necessary accommodations, such as providing a classroom with wheelchair access, to ensure that Miguel has the opportunity to take the biology class and achieve his academic goals.
3. Consultation with disability services: The school should consult with disability services or similar organizations to determine the best way to accommodate Miguel's needs in the classroom.

4. Collaboration with the parents and legal representation: The school should work closely with Miguel's parents and his legal representation to address their concerns and find a mutually agreed-upon solution.
5. Review of school policies: The school should review its policies and procedures to ensure that they comply with the Rehabilitation Act of 1973 and provide equal access to education for all students with disabilities.
- 6.

One solution recommended by the CLC for students with exceptionalities: The solution proposed by the CLC is to retain Miguel in the traditional classroom setting and implement necessary modifications to accommodate his needs in a timely manner. If the issue at hand involves a physical barrier such as a step upon entry into the classroom, temporary solutions such as foldable ramps or portable ramps could be considered. If the issue lies in the location of the classroom being on an upper level of the building, the school should evaluate the options of either relocating the class to a more accessible area or making the classroom wheelchair accessible through the installation of a stair lift, vertical platform lift, or elevator. The school and family may also engage in open communication to determine alternative arrangements to provide support to Miguel during the implementation process.

Rationale

Nottingham High school serves 3,200 students, and is in the town of Dover, being the only high school in the district. It had one of the top football teams and was also a school that is known for its high academics. They are also accredited for providing excellent student services with a well-liked Superintendent of the Dover school district. The school has an excellent staff and parent volunteers that have a strong sense of community support. The town comes together on Friday nights to watch the school's football games. At one of the games a top athlete, named Miguel Hernandez, was injured while playing. He was left with a spinal cord injury that paralyzed him from the waist down. Miguel recovered yet was left in a wheelchair. The school had not been up to code in some of its buildings and his biology class did not have a wheelchair ramp for him to stay in that class. The counselors subsequently moved him to a different science class with wheelchair access, this new class however would not be a college prep class, which he would need to further his education once graduating.

One issue to be resolved is that the school should provide him with the education he deserves under the Individuals with Disabilities Education Act, which ensures students an education that is deemed best for them. A 504 plan would allow Miguel to remain in that class with certain accommodations. The only solution by law would be for the school to find a way for him to stay in that chosen class. For example, the classroom could be moved to another location in the school so he would have wheelchair access. The school could also use a wheelchair-accessible lift for him to gain access to the

classroom itself. These accommodations should have been made to the school before Miguel returned to school.

The Rehabilitation Act of 1973 states that schools should comply with Section 504 to ensure Miguel has access to the biology class and any other additional resources to make this accommodation for the biology class. He deserves the same education as other students for him to achieve his academic goals. The district can consult with disability services and other local and state organizations to best acquire the needs for an equal and fair public education. Miguel's parents have every right to obtain legal counsel with due process if his needs are not met (*What is a 504 Plan*, n.d.). The district's best interest is to come up with a mutually agreed-upon solution for accessible access to this course. The school is required by law to comply with and provide him with equal access to education for all students with disabilities. Since the district can be liable for not following the law, accommodation must be made. This is not an issue that would ultimately require the school to put money into any new construction. As stated above, the class can be easily moved to another location, or an assisted wheelchair lift or ramp can be acquired for access to the current classroom.

In order to support the school's vision and mission for an equal education for all students, disabled or not, the school needs to form a supportive environment that supports Miguel, his parents, and the teachers (National Policy Board for Educational Administration, 2015). Collaboration from the district to the family needs to be one that follows the law so the school can continue with its high expectations of academic success for all. It is really in everyone's best interest to provide the necessary support for Miguel to attain his academic goals to continue his education upon graduation. Changing him to the other science class would not support him in going to college. As educators, the district's ultimate goal is for all students to succeed academically.

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