

# AM I MISSING SOMETHING?

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Feeling devastated, school social worker Susan Brantley hung up the phone and contemplated her options. Most members of the Individual Education Plan (IEP) team, along with Robby Pearson and his mother, were already standing around the school's administrative office, waiting for the meeting to start. Susan felt certain that the directive she had just received from the Director of Special Education was unethical and even illegal. By law, every member of an IEP team had an independent vote. Susan sensed that what she decided in the next few minutes would live with her from that point onward as a reflection of her integrity. It also had very serious implications for Robby. *Am I missing some bit of information or insight about Robby's risk to others, Susan wondered, or is this a clear case of discrimination?*

## **The Town of Florence**

Located in gently rolling James County, the town of Florence, Tennessee had a population of about 120,000. Located conveniently near an interstate highway, it had experienced significant economic and population growth in recent years. New businesses, housing developments, a new shopping mall, a new courthouse, and new churches were springing up around the area. Nevertheless, Florence struggled with overcoming racist practices of the past. The town was still mostly segregated in terms of housing, church attendance, and social organizations. The economic development had mostly aided the predominantly white, western part of town. The public education system struggled to keep up with the growth of the larger community and to overcome the problems that a history of segregation and unequal education had left behind.

## **The James County School System**

The James County School System (JCSS) served about 18,000 children, ages three to twenty-one. There were sixteen elementary schools, four intermediate schools, five middle schools, and four high schools. The school system had about 4,200 children certified as disabled and who received special education services. These disabilities included mental retardation, learning difficulties, emotional/behavioral disturbances, and physical disabilities, such as low vision, hearing loss, speech, mobility, occupational or physical therapy needs. It also included those children identified as gifted. About 280 students were classified as emotionally disturbed. Most of these students, about 240, were Black and had low socioeconomic status.

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A White superintendent and three assistants, one of whom was Black, led the system. All of the schools had a principal and an assistant principal. Guidance counselors served in each of the schools. One crisis counselor served the needs of the nine intermediate and middle schools. Two crisis counselors served the four high schools. The elementary schools did not have a crisis counselor to assist them. Two social workers, both White, served the entire system and worked only with students educationally certified as emotionally disturbed.

While the town's population was about 65% White and 35% Black, the school system was about 50% White and 50% Black. About 20% of the children in Florence attended private schools. Almost all of these students were White. This compared to about 8% as a national average for private school attendance. Perhaps this was one reason for the high percentage of children in special education in the public school system and also for the lack of community investment in high quality education. The school system had been placed under the supervision of the federal courts in 1974 as a result of a lawsuit filed and won by the NAACP. The system had made significant progress toward integrated and equal education for all according to the federal court guidelines, but the changes had sapped considerable energy from the overall education program and probably were the cause for so many White families to choose to send their children to private schools.

### **Susan Brantley and the School System**

Susan Brantley's Christian faith had given her a strong sense of commitment to advocate for at-risk children. She sought social work education as a way to make a difference in the lives of families and children that needed help and support. Her faith bolstered her sense of justice and reinforced social work and Christian values of advocating for those with little or no power. Integrity in professional practice and following one's convictions were Susan's deeply held beliefs.

Susan earned her MSW from the University of Alabama in 1991. After graduation she provided clinical services to children and youth at Behavioral Health Services (BHS), the local hospital's behavioral and mental health unit. In 1993, JCSS contracted with BHS to provide social work services for emotionally disturbed students in the school system. Susan was chosen for this important position and became the first social worker ever placed in the James County school system. She soon developed a caseload of about twenty students, providing case management services to students and their families, individual and group counseling to students, and consultation services for teachers and administrators. For five years, Susan worked full-time as an employee of BHS on a contract with the school system. She had advocated vigorously for the school system itself to hire a social worker and, in 1997, the school superintendent hired her to fill this position.

In 1998, the school superintendent, in consultation with Susan and the Director of Special Education, hired a second social worker. This social worker replaced Susan in providing direct counseling services so that Susan could be an administrator responsible for overseeing self-contained classrooms in nine different schools for emotionally disturbed (ED) students, supervising all ED teaching staff, providing in-service training to all special education teachers, and serving as a consultant to all schools who served ED students. She also developed and became the administrator of the day treatment program for the most severely mentally ill or at risk students.

Susan's supervisor was Pamela Hutchens, the Director of Special

Education for the school system. They had been friends in this community for many years and attended church together. Susan's social work values had conflicted on one occasion in the past with what Pamela wanted her to do. But they had been able to resolve this without too much difficulty. Susan understood the complexity of Pamela's responsibility to manage all the special education services. For her part, Pamela generally allowed Susan to do her job without infringing on Susan's professional judgment. Susan knew that Pamela respected her strong convictions to advocate for the children in her care.

Some staff perceived the children who Susan served as the most undesirable students in the schools, even dangerous and unfit for the public education setting. But Susan felt a special calling by God to serve these particular young people and their families. She had been blessed by their achievements and strengthened by the courage and perseverance that they and their families often demonstrated. She took seriously her advocacy role in an environment where some preferred to segregate, or put out of public view, the realities of their existence and the extent of support they needed to be successful.

### **Robby Pearson's Story**

Robby Pearson was born with cerebral palsy. The left side of his body was partially paralyzed and very weak. He was not confined to a wheelchair, but he walked with a noticeable limp. He was very small compared to all his classmates. He also had a pronounced speech impediment making him very hard to understand in conversation. Robby's previous schools had provided a variety of special services, including speech, physical, and occupational therapy.

In 1997, when Robby was seven years old and in the second grade, he and his family moved to Florence and the James County School System. Soon after school began, Robby's teachers asked for additional assessments because of his aggressive and impulsive behavior in class. He was diagnosed with Attention Deficit/Hyperactive Disorder and prescribed Ritalin. Later that year he was also diagnosed with Intermittent Explosive Disorder. He was placed for the first time in a self-contained ED class, one of the few White students in this class. Susan became his social worker and provided individual and group counseling to him. Over time she learned to know him and his family very well.

Through Susan's counseling with Robby, she came to see that Robby's home had multiple problems. He was the oldest of three children, all boys. His parents divorced when Robby was nine years old. His father had moved away and failed to maintain contact with him. The mother had a string of boyfriends in the following years, several of whom were abusive to Robby and his siblings. She worked nights as a topless waitress and was often unavailable during the days or evenings when the children needed supervision. Not surprisingly to Susan, Robby did not do well at school and made very little progress.

Susan watched Robby's world rapidly deteriorate during his fifth grade year. She had to report Robby's mother to the Department of Children's Services due to the abuse and neglect that she suspected. Everyone agreed that Robby could move in with his grandmother, and the Department of Children's Services recommended that Robby be placed in her custody rather than their own. Robby's mother visited sporadically and under the supervision of his grandmother. This gave him a much more stable home

environment.

His behavior at school became more appropriate. He was no longer aggressive and by the end of his fifth grade year, the IEP team decided that he no longer needed special education classes for the emotionally disturbed. In sixth through eighth grades, Robby worked well in regular classroom settings. He was excited as high school approached and the prospect of moving to a new school was a welcome challenge.

Just a few months before he was to begin high school, however, Robby experienced the death of his grandmother and returned to his mother's still unstable home. He got into a physical altercation with her at home and was again removed from her care. He was placed temporarily at Springside Youth Home (SYH), a residential treatment program for young people.

### **The IEP Meeting**

Robby's school sent his records to the new high school he would attend the following fall. This was the normal routine for all students promoted to high school. The lead special education teacher in the school would review the special education records and arrange the necessary IEP meetings. Susan was routinely invited to every IEP meeting for students with ED certification. Others invited to this meeting would include Mr. McCall, the new high school principal who was black, an attorney with the Department for Children's Services, an education consultant for the Department of Children's Services, a special education teacher, a regular education teacher at the high school, Robby, and his mother. Susan had been a part of many IEP meetings for Robby in their eight-year relationship. Because he had been doing so well in school, she assumed this one would be routine as they considered his beginning in high school and the appropriate placement for him.

The lead teacher called Susan a few days prior to the IEP meeting. She reported, "Mr. McCall wants Robby in the ED class. He read the records and doesn't want to take a chance."

"But he's had no problems," Susan responded with a bit of surprise, "it's been years since he had a problem!"

"I know. I agree with you," the teacher said. "He ought to have a chance."

"I am so disappointed. That's not right," Susan declared.

"I know, Robby's mother wants him in a regular class, too. So does Robby. She thinks it's not fair. I talked with her this morning. She thinks he will have a lot more trouble if he is not in a regular class. He'll be mad."

"I would be mad, too." Susan replied. "I'm gonna have to think about this. I'm gonna have to support Robby here. He's done so well. We've got to give him a chance. He's done okay—actually really good in school."

"I know. I know," the teacher said, "but I'm in a tough place. I've gotta support McCall. He is adamant. Sorry."

"Thanks for giving me the heads up on this. See you on Thursday," Susan said, ending the phone conversation.

Susan knew the special ed teacher understood that parents have considerable legal power in IEP meetings. Parents can state what they want for their child and if school personnel disagree, the school must go through a legal proceeding called due process in order to overrule the parent's wishes.

*I guess I need to call Pamela on this one,* Susan thought to herself. *Just to let her know what is happening.* She went ahead and dialed Pamela's number while it was on her mind. She explained to Pamela her reasoning concerning

Robby's placement, the principal's position and the family's wishes. Pamela told Susan, "You vote your conscience in the meeting. It's okay. That's your job. It seems to me, too, that this kid ought to have a chance."

Susan felt relieved. At least her supervisor would back her up. Susan and Pamela discussed briefly the legal and ethical ramifications of this case. Susan was all set for the meeting, even though she always regretted having to disagree with others on the team. She felt positive about her support for Robby and about his capabilities to perform well in a regular classroom.

Susan arrived at the school in time to talk with the principal in his office a few minutes before the meeting. She wanted to have a private conversation with him to voice her disagreement with his plan to place Robby in an ED class. She did not want to catch him off-guard with her recommendation.

Susan said to him, "Mr. McCall, I know you're concerned about Robby's behavior, but he has done so well—three years of doing okay. I understand your concerns, I don't mean any disrespect for you, but I have to vote for what I think is best for the student. I just wanted you to know before the meeting."

"I know, I know. You're supposed to be for the student," he replied, "but I just can't take a chance on this one. Let him start in the ED class and see how he does here first. Thanks for coming by. I'll be at the meeting in a minute."

After meeting with him, Susan reflected on her history with the school system. *I've not had many occasions to go against the principals or teachers, Susan thought. I have to put the student first, though. That's the social worker's responsibility. I've got to go on into that meeting, even if McCall doesn't like it.*

As Susan, Robby, his mother, and the legal advocate waited in the meeting room for the whole IEP team to gather, the school secretary came to get Susan, "You've got a phone call. It's Pamela. She says it's an emergency." Susan left the meeting room and went to the office to answer the phone. She had to take the phone in the office area where the principal's assistant and a few others were present. Robby and his mother had also followed her and were waiting outside the office. When Susan picked up the phone receiver, she could hardly believe Pamela's words.

"Don't go into that meeting, Susan," Pamela insisted.

"What? Why not?" Susan responded with surprise.

"The super just called. He told me that my staff COULD NOT vote against a principal and he was talking about Robby's case."

"Pamela, I'm willing to suffer the consequences. I know he'll be mad, but . . ."

"Susan, you can't go in," Pamela cut her off. "It's both our jobs. He told me to manage my staff and that school personnel should support one another. Else it's insubordination. That's the word he used."

Susan could not talk freely to Pamela in the office setting. She ended the conversation quickly. "Well, okay, bye, I'll talk to you later."

Susan could hardly believe that her supervisor and the superintendent were asking her to do something so blatantly unethical and even illegal. By law, every member of an IEP team has an independent vote. *Besides that, I'm a Christian. I can't just not go. How can Pamela ask me to do this?* Susan wondered. She had a huge dilemma now. They were not supporting her legal right, even encouraging her to violate a professional ethical mandate to advocate for her clients, and it violated her faith. What was she going to do? All these people were standing around the office. Susan paused a moment to think through her options before turning to face the others. *Should I just leave*

*the building? What do I say to Robby and his mother? What should I say to others if I just leave? Should I defy the school superintendent, go back in and vote my conscience? Are there other options? ❖*