**EDGR 260:  Research Paper #2**

From your review of available literature, with specific emphasis on relevant statutory and case law, please discuss what a school psychologist should consider, and what a school psychologist should do, when:

1. Deciding what areas to assess a child for special education?

2.   Deciding whether or not a student’s misconduct is a manifestation of his/her disability?

3.   Deciding whether or not to recommend that the IEP team find a child for eligible for special education

**Hypo #1 Assessment**

Zoe is 8 years old and is enrolled in a general education 2nd grade classroom at Some Elementary School.  Zoe was retained in kindergarten because staff was concerned about her behavior, and low academic skills.  In kindergarten, Zoe had difficulty focusing and would often not comply with teacher directions, after multiple reminders.  Her parents requested a 1:1 aide in 1st grade, to address her continued behavior and academic struggles, which the district denied.  Zoe ended her first grade school year reading at a primer reading level, and had 6 referrals to the office.  In 2nd grade, parents stated concerns about reading and behavior.  Principal started SST process.  At the SST meeting, parents said they were taking Zoe to doctor to see if she has ADHD, and they asked for special education assessment.

**Hypo #2 Manifestation Determination**

Drake is an 8th grade student, eligible for special education under the category of OHI, for ADHD.  He is recommended for expulsion after being caught at school with a knife.  When questioned about the knife and why he brought it to school, Drake said, “it was an impulsive last minute decision” made right before leaving his house that morning for school.  His IEP provides for specialized academic instruction for two hours per week, and a behavior plan.  However, he has only been receiving specialized academic instruction for one hour per week, since the start of the school year.

**Hypo #3 Eligibility**

L.J. attends elementary school in Some Unified School District (SUSD). He has been diagnosed with bipolar disorder, oppositional defiant disorder, and ADHD. Because of the behavioral issues, PUSD has transferred him between three different schools during grades second through fifth. L.J.’s mother requested on a number of occasions that he be made eligible for special education services. Although the school district provided him with special services, which included counseling, one-on-one assistance and instructional accommodations, it consistently refused to provide him with an IEP, saying that his needs were being met.

During these same years, L.J.’s grades were A’s and B’s in all subjects.  L.J’s mom requested special education testing.  SUSD conducted academic testing and cognitive testing, to look at eligibility under SLD.  SUSD found that L.J. was not eligible for special education, since he did not meet the definition of SLD.

In July 2015, L.J.’s mother requested a due process hearing. She claimed SUSD denied L.J. a FAPE by failing to make him eligible for special education and related services, and that PUSD had failed to conduct assessments in areas of suspected disability, specifically other health impairment and emotional disturbance.

**Writing Tips**

·         Follow the F-I-R-A-C Format

·         Prepare an outline

o   Attention Grabber (Quote, Question, Startling Facts, Story)

o   FACTS:  Discuss the facts presented with the hypo

o   ISSUE:  State the issue (question presented)

o   RULE:  Summarize the main rules of law that will govern your analysis/answer to the issue/question presented

o   ANALYSIS

§  Discuss case #1 and how it applies to the hypothetical

§  Discuss case #2 and how it applies to the hypothetical

§  Discuss federal and state law and how they applies to the hypothetical

§  Discuss other cases and how they apply to hypothetical

§  Discuss both sides of the issue (separately, here, or within each of the above)

o   CONCLUSION

§  Reconnect with the attention grabber

§  Summarize main points and make a final determination/conclusion

·         Minimize use of quotes

·         Include discussion of at least two cases, and applicable IDEA and state law

·         USE APA and follow rules for case and statutory citation.

o   Educ. Code § 48900

o   Educ. Code §§ 48900, 48901, 48902

o   34 C.F.R. § 300.300(b)

o   20 U.S.C. § 1415(i)(3)

o   *Board of Education v. Rowley* (1982), 102 S. Ct. 3034, at 10.

§  If you are going to reference again, then first cite start with*: Board of Education v. Rowley* (1982), 102 S. Ct. 3034, at 10 (“*Rowley*”).

§  So that when you cite to it again, you can cite as:*Rowley, Id. (for the same page) or Rowley,* at 15(for page 15, instead of page 10).

§  Italicize case name, year in parenthesis, citation number, page number.