**Principal Interviews on Potential Legal Issues at the Building Level**

**ELP 518: Law for School Administrators**

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**Abstract**

This artifact was written to encapsulate recent discussions with local school administrators regarding legal issues that they have personally encountered in their educational practice, and which issues they most often face during the course of any school day. It is increasingly clear to me that no matter what entity theorizes, designs, or legislates policy, the implementation of most anything related to education is enacted upon at the local education agency (LEA); the local school level. With this thought in mind, I have found the upcoming questions and answers of particular importance in understanding how school administrators respond once they are faced with incidents that can become potential legal issues, and why the knowledge of education law is imperative to the operation of a school. For the purposes of this assignment, I took the liberty of interviewing administrators of two schools, Hope Valley Elementary (HVE) and Lowe’s Grove Middle School (LGMS), in the belief that the answers I receive from more than one administrator will give me a defined look into leadership traits from one admin to another, and how legal issues may vary from one grade level to another. This interview technique proved to be quite insightful. I found that these administrator’s answers had a high degree of cohesion and, to my surprise, had direct relevance to the topic of my first case brief assignment for Ed Law class; Dispute Resolution.

**Introduction**

Although the school is situated in a moderately affluent section of southwest Durham, HVE is a Title I and Focus LEA that operates on a traditional calendar and educates a population of 651 students. The racial breakdown of the school is 23.8% Caucasian, 31.7% African-American, and 36.4% Hispanic; however, there has been a growing number of immigrant and refugee students from Dubai, parts of Africa and South America. 64.7% of HVE’s students are qualified and receive free or reduced lunch. Over the last several years, this school has reported

0 acts of violence on its grounds, and it has exceeded the growth standards as set forth by the State. The last EVAAS score that HVE received was C. HVE also houses one of Durham Public Schools prominent Autistic (AU), Exceptional Children (EC), and Deaf & Hard of Hearing departments for elementary students, which is a fact that will be pertinent to the answers I received for this assignment. HVE has two administrators.

Tucked away by the borders of highways 55 and 54 in southwest Durham, LGMS is a Title I, Priority, and soon to be a Restart Initiative LEA that operates on a traditional calendar and educates a population of 708 students. The racial breakdown of the school is 65.8% African-American, 24.3% Hispanic and 6.2% Caucasian. 79.5% of HVE’s students are qualified and receive free or reduced lunch. EOG student performance data (2012/2013) showed an average proficiency of 19%. Over the last several years, this school has reported 0 acts of violence on its grounds, a moderate amount of short-term suspensions for the year. LGMS met its growth standards as set forth by the State. The last EVAAS score that HVE received was D. LGMS has four administrators.

**Administrator Interviews**

Of the many issues that I thought would be on the forefront of a school administrator’s mind: Discipline & Suspension, Teacher Observations, Sick Leave and other topics, the one that was by far the number one contender was Special Education Law with its various subtopics. Whether it was how to be compliant with a 504 Plan, EC Testing accommodations, or if a proposed disciplinary measure was allowed depending upon a child’s disability, some aspect of

Special Education Law was the recurring theme in all of my (a total of 5) interviews. In my questioning, I recorded either anecdotal notes or used a digital recorder to document my findings.

I first posed my questions to the two HVE administrators:

1. **What are the three leading legal issues / concerns at this school?**

* EC (Exceptional Children)
* AU (Autistic) Student’s & Rights
* DHH (Deaf & Hard of Hearing) Students

1. **Share with me a story based on your most challenging school-based legal experience since becoming an administrator…**

* Substitute covering an EC class (parent wanted information on how instruction would appear coming from a non-certified person)
* Teacher was on extended leave
* Sub was in a self-contained classroom (which required more preparation than other classrooms
* Concerns over how the students would be served / more potential for legal issues

1. **What primary advice would you give me (as a novice principal) involving the handling of a potentially challenging and controversial issue impacting a school?**

* “When in doubt about how to proceed in an incident (and even when you’re confident of your actions) consult your district office for the handling of an issue. ALWAYS”

After I recorded the answers from these administrators, I decided to interview the three administrators at LGMS. Their answers were, for the most part, identical in topic to the answers from the first school:

These interviews were an enlightening experience for me, and proved to be a warning to pay particular attention to the many laws and policies related to IDEA, IDEIA, MTSS, IEP, Least Restrictive Environments, and other Exceptional Children’s legal topics which have the potential for me as a future administrator to be lawfully harmful to my practice.

1. **What are the three leading legal issues / concerns at this school?**

* 504 Plans for individual students
* Multi-Tiered Systems of Support (MTSS)
* Special Accommodations for testing EC students

1. **Share with me a story based on your most challenging school-based legal experience since becoming an administrator…**

* Atty. for the parent of an AU student wanted records

Atty. had a parental release of records

* Wanted teacher testimony or signed affidavits attesting the child’s mental functions in a regular classroom as the family sought financial SSA restitution
* Admin became the gatekeeper on how the school staff responded when questioned

1. **What primary advice would you give me (as a novice principal) involving the handling of a potentially challenging and controversial issue impacting a school?**

* “Focus your attention on teacher & employee dismissal and all topics related to EC. These are subjects that you will not be able to avoid.”