

When Is Enough, Enough? Implementing the Requirements of the American With Disabilities Act

Part 1 of A two-part learning experience

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Standard 3

A school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

Knowledge Indicator

The administrator has knowledge and understanding of human resources management and development.

Dispositions Indicator

The administrator believes in, values, and is committed to making management decisions to enhance learning and teaching.

Performance Indicator

The administrator facilitates processes and engages in activities ensuring that: Human resource functions support the attainment of school goals

The Case: Part 1

Middle school principal James Kellen was hurrying back to his office from an October eighth-grade assembly. From a distance, he saw a book flying through an open classroom door and smash against the corridor wall. As he approached the classroom, the noise of loud student voices careened down the hallway. Rushing into the classroom, he saw chaos: papers on the floor, books strewn about the classroom, students chasing one another around the room. Where was George Batch, the seventh-grade social studies teacher? Students grew silent and sat down quickly as they became aware of his presence. Upon inquiring, the students told him that Mr. Batch had left the room while they were working on an assignment and had not returned. He had not said anything to the students about when he would return. Stepping into the corridor, he used his walky-talky to contact his secretary, requesting that she locate a teacher on planning time to cover the classroom. He also asked if she knew the whereabouts of Mr. Batch. She told him that she did not know but would check around to locate him. Jim assisted the students in refocusing their attention on the assignment.

As he walked to the office after the covering teacher had arrived, he could not fathom what had occurred to George Batch. George had been a teacher in the District for twenty-six years and had been one of the most successful teachers in making the transition from junior high program to the middle school concept. He had provided leadership and guidance to other teachers as they grappled with the issues that had accompanied the change six years ago. An outstanding teacher during the ten years Jim had been principal, George had been very active in various extra-curricular activities and popular with students as an adult who took a personal interest in their problems. He had become a bit quieter and slightly withdrawn since the death of his son in an automobile accident two years ago. Through it all, Jim had

marveled at the spiritual depth and emotional stability that George and his wife, Tammy, had displayed in handling the wrenching grief and in comforting their other children.

Jim's secretary was out of her chair and moving toward Jim's office as he entered the school office. She closed the door and told him that George was seen leaving the parking lot in his car. She had called Tammy at home but George had not arrived there. George lived ten minutes from the school and Jim was disturbed. Jim called Tammy to ask her to let him know if George came home. She said that she wasn't completely surprised by what had happened. George had been showing some signs of stress lately, tearing up easily in the middle of conversations, almost as if he thought of something that caused some sort of anguish. He had not wanted to talk about his feelings, saying that he would handle things okay. Tammy said that George had sometimes left the house to drive around alone for a few hours, returning with no explanation. Jim's secretary requested a substitute teacher for the remainder of the day.

Later that afternoon, George called Jim to tell him that he was home and not feeling very well. He apologized for leaving school so abruptly and hoped that the kids had made it through okay without him. George kept the conversation away from what was troubling him. Jim told him to take it easy, make an appointment with his doctor, and come back to school when he was ready.

George returned to school the next day and seemed to be in good spirits. He went out of his way to talk with Jim and the conversations were light and somewhat humorous. Two days later, the school nurse called Jim to her office because "Mr. Batch is here crying hysterically." Jim sat with George until he reached a calmer state. In discussing the situation with him, Jim could determine no reason for his loss of control. He had not seen a doctor and said that he could work things out on his own. Jim suggested that George go home and stay there until he felt better about coming to school, pleading with him to talk with his doctor. After a day's absence, George returned to school and appeared to be normal. The following week, he was absent for three days and then was absent the entire next week. During the month of November, periods of absence of up to three days began to occur after which he would return to school and perform responsibilities normally. In early December, George called Jim's secretary to say he was going to see a doctor and did not know when he would return to school.

The District's sick leave policy requires an explanation of absence from a doctor after six consecutive days of absence. The District's personnel administrator, Margaret Barnes, sent a letter to George Batch requesting a written explanation from his doctor. The following reply was received from a Dr. Symington, psychiatrist, in mid-December.

I am writing regarding George Batch who is a patient under my care and is being treated for clinical depression. In my medical judgment it is in Mr. Batch's best interest to remain away from his duties for an undetermined period of time. Given such a leave, I feel that he will be able to recover sufficiently to return and perform his duties satisfactorily.

Margaret Barnes informed Jim that Mr. Batch would be on an indefinite medical leave. She also sent a letter to the doctor requesting that the District be kept

informed of Mr. Batch's progress and that the doctor inform her three weeks before Mr. Batch's anticipated return.

Questions:

- Have any requirements of the Americans With Disabilities Act been overlooked to this point?
- What procedures now should be followed to comply with the requirements of the Americans With Disabilities Act?

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Part 2 of When is Enough, Enough?

Arrangements were made for a long-term substitute teacher. Margaret Barnes, personnel administrator, hand-selected the substitute teacher based on her knowledge of who could step into this difficult situation and move forward with it. Margaret believed the mission of the personnel department was to serve and provide support for district staff members so that students could receive excellent instruction in a safe and orderly environment. She was very "hands-on" when it came to teachers and other instructional personnel.

Jim Kellen, middle school principal, sent a letter to the parents of George Batch's students explaining that Mr. Batch was suffering from an illness that was not contagious and that with proper treatment he would return to the classroom at some undetermined date in the future. Students and parents were upset that more details were not provided and were concerned that something had happened to a very excellent, popular teacher. Some parents told Jim that they had heard about one of the assistant principals, Pete Olson, telling Mr. Batch, "If your personal problems are driving you nuts, you ought to resign." Jim explained to parents that the situation was a personnel matter and that he could not discuss details of the situation with anyone.

In January, the administrator's office was swamped with discipline referrals by the substitute teacher. Students told Pete Olson, the assistant principal handling the referrals, that the substitute teacher had changed all the requirements for semester exams and they were concerned about failing the test. They explained that they had tried to discuss their concerns with the teacher, but, as one student put it, "He's like a rock! He won't listen." Pete Olson told Jim about the situation. Jim called Margaret Barnes and told her "We've got to get a different substitute teacher right away. This situation is deteriorating as we speak" Margaret told her she would find a number of subs Jim might interview for the position and reassign the present long-term sub to another position in the District. Jim selected a substitute teacher for George's classes that he thought could get things on track with the students and the parents.

In March, Jim Kellen began receiving reports from students, parents and teachers that Mr. Batch was seen in various public places (e.g., the mall, movie theaters, grocery store). He appeared to be normal to those who had spoken to him and he simply told them that he wasn't sure when his doctor would allow him to return but that he was beginning to feel better. Some parents and teachers were upset that Mr. Batch had not returned to the classroom. A school board member called Jim and wanted to know what he intended to do about this "slacker." Jim called Margaret Barnes with this information and asked her to find out what was going on with George.

Margaret told Jim that she would call the doctor. Dr. Symington, a psychiatrist, explained that Mr. Batch was responding well to the prescription medication and, at this point in the treatment, needed to begin venturing out as part of his recovery. He also suggested that Mr. Batch's principal, Dr. Kellen, explain to people who inquired that Mr. Batch was making progress and that, while he would seem apparently fine to most people, it would be best for him not to return to his duties for a undetermined period of time. Margaret passed this information on to Jim.

In April, Jim Kellen received information that Mr. Batch had encountered one of his students at the mall who had been suspended for 90 days by Mr. Olson due to an alcohol violation. The teacher with the information told Jim he had heard that Mr. Batch said, "Mr. Olson was unfair to the student and that the student should write a letter to Dr. Kellen complaining about the situation." Indeed, a letter had been received from the suspended student's mother in which she said that her son had run into someone the other day who said that what Mr. Olson did wasn't right and that her son should not receive a 90-day suspension and not be able to make up the work. The letter named another student who was found to have marijuana, was suspended, and Mr. Olson let the student make up all of his work. In addition, a parent called Dr. Kellen stating that she had talked with Mr. Batch about some difficulties her son was experiencing with Mr. Olson and she wanted a change in supervising assistant principal because Mr. Batch told her, "Mr. Olson really had it in for her son."

Jim called Margaret Barnes and told her, "George is really burning bridges at this school. It's getting to a point where he may not be welcome to return to this school. You do know that a board member is really on George's case with me about this situation, don't you?" Margaret Barnes told Jim she would call the doctor.

Two days later, Margaret called Jim Kellen about her discussion with the doctor. Dr. Symington had explained that Mr. Batch was still angry about some situations that had occurred to him at the and had anxiety about returning there. He stated that he was providing therapy for his aggressive feelings. Dr. Symington suggested that Mr. Batch be allowed to teach in a different school upon his return. It was suggested by the doctor that Mr. Batch work as a part-time teacher, beginning in May, in a team-teaching situation with a teacher who is Mr. Batch's friend at the other middle school in the District. Jim asked Margaret how soon she would post George's position as vacant. Margaret Barnes called the principal of the other middle school to discuss Mr. Batch's situation. The principal replied, "That nut-ball? He's slipped over the edge. I don't want him in my school and neither does my administrative staff. We don't want to put up with his hysterics and backstabbing over here."

Questions

- How might the roles of Jim Kellen and Margaret Barnes have been altered in this situation to attain the interests of both the school and the teacher?
- What procedures should have been followed in Part 2 of the case to comply with the requirements of the Americans With Disabilities Act?
- What would be the impact of the situation on the school community as the case unfolded?
- What ethical issues are involved in the behavior of individuals? How could those issues be resolved?
- Outline the main points that should be included in a policy for implementing ADA in a school district, including provisions for an employee assistance program.

- Outline an in-service training program for
 - a) school administrators and board members, and
 - b) all staff members.

Instructor's Notes and Scoring Guide
For
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Main Issues

The roles of building and district administrators in minimizing negative consequences for the school and the teacher.

Facilitating a process that complies with the requirements of the Americans With Disabilities Act in maintaining the interests of the school and the teacher and related ethical issues.

Discussion

The Americans With Disabilities Act, Title I (1992) prohibits discrimination due to employee disabilities in all personnel functions, including recruitment, selection, promotion, training, staff development, rewards and compensation, reduction in force, termination, placement, leave, and voluntary fringe benefits. The law requires reasonable accommodation for a disabled employee, i.e., any change or adjustment to the job or the work environment which will permit the person to perform the essential functions of a job and to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. The process involves an interest-based negotiation between the employee and the employer to arrive at a reasonable accommodation that does not represent an undue hardship on the school district. The school district's interest is that the accommodation is not unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature of operation of the school district or school.

In the case study, there exists role displacement, ADA procedural omissions, and ethical issues that negatively and seriously impact the teacher, the school, and the school district.

Extended Learning

There are facilitation skills involved in the process of negotiating a reasonable accommodation that balances individual and school interests, e.g., maintaining neutrality, active listening, paraphrasing, questioning, summarizing, synthesizing, establishing criteria, judging alternatives. Provide an understanding of and practice in facilitation skills, followed by students participating in a role play with Ken Barnes as a facilitator for meetings involving George Batch and Jim Kellen at various key occasions in the process. Successful resolution would require the practice of facilitation skills coupled with a knowledge of requirements of the ADA.

Scoring Guide

Student responses to the case study may be assessed on the following dimensions:

- Understanding of administrative roles at the building and district levels in resolving problems that reside at the building level.

- Comprehensive application of procedural requirements of the ADA.
- Sensitivity to the consequences of ethical abuses in personnel matters.